

# FAREHAM

BOROUGH COUNCIL

## Minutes of the Licensing Panel

**(to be confirmed at the next meeting)**

**Date:** Friday, 2 December 2016

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

Councillor Trevor Cartwright, MBE (Chairman)

**Councillors:** M J Ford, JP and Mrs C Heneghan



**1. LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE - OASIS CONVENIENCE STORE, 152A WEST STREET, FAREHAM PO16 0EH**

At the invitation of the Chairman, the Panel was joined by the following persons:-

The Applicant – Mr Mehulkumar Shukal

Mr Steve Lawford – representing Trading Standards.

The Panel had before it a report by the Licensing Officer regarding an application for new premises license in respect of Oasis Convenience Store, 152A West Street, Fareham PO16 0DH. In accordance with the Licensing Act 2003, a copy of the hearing procedure for the consideration of the application had been made available to all parties at the meeting.

The Panel considered the application in accordance with the agreed hearing procedure as follows:-

- (i) The Chairman of the Licensing Panel outlined the procedure to be observed and introduced the Panel Members, Officers and Interested Parties.
- (ii) The Chairman asked the Applicant whether any modifications were to be made to the application. The Applicant confirmed that no modifications were to be made.
- (iii) The Licensing Officer presented a summary of the application and the representations received.
- (iv) The Applicant was given the opportunity to seek points of clarification on the summary presented by the Licensing Officer.
- (v) The Panel was given the opportunity to seek points of clarification on the summary presented by the Licensing Officer.
- (vi) Mr Lawford presented the Trading Standards representation outlining their concerns in respect of the premises licence application.
- (vii) The Applicant was given the opportunity to seek points of clarification on the representation made by Trading Standards.
- (viii) The Panel was given the opportunity to seek points of clarification on the representation made by Trading Standards.
- (ix) All parties were given the opportunity to make a closing statement. Only the Applicant made a closing statement.

The Licensing Panel then withdrew from the room to deliberate in private on the application. Having considered the representation made, the Panel returned to the hearing and all parties were advised that the decision of the Panel was as follows:-

RESOLVED that the application for a new premises license be granted.

The Applicant and interested Parties were given, and declined, the opportunity to make representation with regard to the amendment to Licensing conditions 4 and 9 as outlined in the Decision Notice.

**DECISION OF THE LICENSING PANEL REGARDING APPLICATION FOR  
NEW PREMISES LICENSE AT OASIS CONVENIENCE STORE, 152A WEST  
STREET, DAREHAM PO16 0EH**

All parties shall receive written notification of the decision and reasons.

The Panel has considered very carefully the application for a premises license at Oasis.

The Panel has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights legislation has been borne in mind whilst making the decision.

It has paid due regard to all representations and evidence both written and given orally today and attached due weight accordingly in light of all the circumstances.

Conditions had been agreed by the applicant with the Police and Trading Standards relating to: CCTV, incident / refusal log, training for staff, sales of alcohol only to be made by personal licence holders, the purchase of goods for resale, the strength of alcohol sold, no single can sales and prohibition of the promotion of controlled drugs.

Having heard all the evidence the Panel has determined to grant the application.

The conditions set out in the report at Appendix E shall be added to the licence subject to the following amendments:

Condition 4 shall not be imposed (it is rendered unnecessary in light of the negotiated wording of condition 8).

Condition 9 shall be amended to correct spelling errors ("brought" shall be amended to "bought" and "an" shall be amended to "and").

**REASONS**

The Panel was presented with evidence from a single resident and a representation from Trading Standards ostensibly expressing concern in relation to the potential for previous issues to continue should the premises reopen. It is clear and not disputed by any of the parties that the premises have been troubled in the past by a history of issues of grave concern – leading to revocation of the licence. For these reasons concerns arise as to how the premises is now to be run and whether any potential for issues to continue exists. The applicant made it clear that there was no connection with

previous owners / persons running the business previously and that improvements had been made in relation to till systems, extensive CCTV and that this new venture genuinely represented a clear and clean break from previous staff.

Trading Standards confirmed that having spoken to the applicant prior to the hearing further reassurance on these issues had been gained and that support would be offered in ensuring the premises are well run in future.

It was noted that the police had agreed the conditions and had withdrawn their representation on this basis (i.e. that the agreed conditions would ensure the four licensing objectives could be upheld).

To this end the Applicant is warned that the premises are known to be difficult and for this reason it is important it is run in a robust manner going forward. Should issues arise in future residents or responsible authorities may initiate a review of the licence and steps may be taken at that time where appropriate and proportionate.

There is a right of appeal to the Magistrates' Court for all parties and formal written notification of the decision will set out that right in full.

(The meeting started at 1.00 pm  
and ended at 2.10 pm).