
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 19 MARCH 2020

Present: Councillors Kataria, Laurent and Noon

48. **ELECTION OF CHAIR**

RESOLVED that Councillor Kataria be elected as Chair for the purposes of this meeting.

49. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

It was noted that the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Laurent as substitute on the Licensing (Licensing and Gambling) Sub-Committee for the purposes of this meeting.

50. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 19 February 2020 be approved and signed as a correct record.

51. **EXCLUSION OF THE PRESS AND PUBLIC**

The Chair moved that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of item 8 based on Categories 2 and 7 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein was potentially exempt as it related to action taken or to be taken in connection with the prevention, investigation or prosecution of crime, it also related to individual personal details and information held under data protection legislation.

RESOLVED that having applied the public interest test the press and public would be excluded from the meeting in respect of item 8 as it was subject to an obligation of confidentiality and the individuals' legal expectation of privacy outweighed the public interest in the exempt information.

52. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

The chair moved that at a predetermined point during the consideration of item 8 the Sub-Committee would move in to private session in order to receive legal advice when determining issues.

RESOLVED that the Sub-Committee move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

53. **APPLICATION FOR REVIEW OF PREMISES LICENCE - MANZIL'S FOOD AND WINE, 36 ONSLOW ROAD, SOUTHAMPTON SO14 0JG**

The Sub-Committee considered the report of the Service Director – Communities, Culture and Homes for an application for review of a premises licence in respect of Manzil's Food and Wine, 36 Onslow Road, Southampton, SO14 0JG

Hampshire Constabulary, Trading Standards and the Licensing Authority were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act (Hearings) Regulations 2005.

RESOLVED that the premises licence be revoked.

After private deliberation the Sub-Committee reconvened and the Chair read out the following decision:-

All parties will receive formal written confirmation of the decision and reasons.

The Sub-Committee determined that the hearing should proceed with the press and public excluded. This decision was made in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. The papers contain allegations relating to criminal offences and personal details and it was determined that the public interest in doing so outweighed the public interest in the hearing in accordance with Regulation 14.

The Sub-Committee determined that the hearing should proceed in the absence of the Premises Licence Holder. Whilst a request to adjourn had been received, the Licensing Team had written on the 18 March 2020 notifying the Premises Licence Holder's representative that the hearing would proceed. The Premises Licence Holder's representative responded this morning stating that his client would not attend. The request to adjourn was left very late and in view of the serious matters set out in the application for review the Sub-Committee determined to proceed in the absence of one of the parties in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee has considered very carefully the application of Hampshire Constabulary for review of the Premises Licence. In addition, the representations by all the parties present at the hearing as well as written representations were also fully taken into consideration. The Premises Licence Holder produced a statement this morning, the Police objected to its inclusion as it had been served outside the time limits. No other evidence was provided by the Premises Licence Holder, despite having had proper notice of the hearing and the benefit of legal representation.

The application for summary review brought by the Police was supported by representations from Trading Standards, the Licensing Authority and Safeguarding Children.

Due regard has been given to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy. Human rights legislation has been borne in mind.

In light of all of the above the Sub-Committee has determined to revoke the Premises Licence.

Reasons:

The Sub-Committee heard evidence from Hampshire Constabulary, Trading Standards and the Licensing Authority that raised concern in relation to the unlawful sale of alcohol, immigration offences and the supply of illegal tobacco. The evidence demonstrated very serious failures and a total disregard for the licensing conditions and legislation. These directly impacted on the Licensing Objectives, of the prevention of crime and disorder and the protection of children from harm

The Sub-Committee paid very careful attention to all of these points and noted that following an earlier failure the Premises Licence Holder had been given an opportunity to improve. This simply had not happened. The Sub-Committee was not satisfied that any option other than revoking the premises licence would reduce the risk posed to the licensing objectives sufficiently.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.