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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 27 MARCH 2014

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Present: Councillors Cunio, Lewzey and Vassiliou

75. **ELECTION OF CHAIR**

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

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

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decisions.

77. **EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee determined to exclude the press and public from all of the hearing after consideration of the public interest.

78. **APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE - RHINO, WATERLOO TERRACE, SOUTHAMPTON SO15 9BA**

The Sub-Committee considered the application for a summary review of premises licence in respect of Rhino, Waterloo Terrace, Southampton SO15 9BA.

Sergeant Wood and PC Conway (Hampshire Constabulary), Hugh Flanagan (Counsel), Robin Felgate (Premises Licence Holder) and Tanya Hayter (Designated Premises Supervisor) 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 the following decision:-

All parties will receive written notification of the decision with reasons.

The Sub-Committee determined that the hearing should proceed with the press and public excluded, in the public interest, in view of the continuing Police investigation and the sensitivity of the information disclosed within parts of the report and to be discussed in the course of the hearing.

The Sub-Committee has considered very carefully the application for summary review of the premises licence for Rhino, Waterloo Terrace, Southampton SO15 9BA.

It has given due regard to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance, the Secretary of State's summary

review guidance and the City Council's adopted statement of licensing policy. Human rights legislation has been borne in mind.

The Sub-Committee notes that, following suspension of the premises licence, as an interim step, on 5 March 2014, the premises licence holder did not seek to make representations against that decision by the Sub-Committee.

The Sub-Committee has determined to revoke the premises licence for Rhino under section 53C of the Licensing Act 2003. The Sub-Committee has also determined that the premises licence for Rhino should remain suspended pending any appeal.

### Reasons

The Sub-Committee has considered very carefully the certificate of Superintendent Fulton, all the evidence submitted by the Police, the premises licence holder and his Solicitor, both written and given orally today.

The Sub-Committee has carefully considered all the options set out in section 53C(c) of the Licensing Act 2003:

- (a) the modification of the conditions of the premises licence,
- (b) the exclusion of a licensable activity from the scope of the licence,
- (c) the removal of the designated premises supervisor from the licence,
- (d) the suspension of the licence for a period not exceeding three months,
- (e) the revocation of the licence.

The Sub-Committee considers that the alleged serious criminal offences and the likelihood of serious disorder at the premises involving persons concerned with the business conducted at those premises, including the premises licence holder, make it appropriate and proportionate for the promotion of the licensing objectives for the premises licence to be revoked and for the interim step of suspension of the licence to remain in force pending any appeal.

The Sub-Committee has noted that the previous designated premises supervisor has removed himself from the licence under section 41 of the Licensing Act 2003. It is also noted that an application has been made for the variation of the licence to name a new designated premises supervisor with effect from 25 March 2014 and for the premises licence to be transferred, with effect from 28 March 2014, to a company of which the new DPS is the sole director.

However, the Sub-Committee was not satisfied that this amounted to an arms length transaction and that, as the premises licence holder would continue to have an interest in the premises, there would remain a strong possibility of continuing serious crime or serious disorder associated with the premises. The Sub-Committee sees its primary duty to be that of upholding the four licensing objectives and is satisfied that public safety and the prevention of crime and disorder would be at serious risk unless the premises licence is both revoked and suspended pending appeal.

The Sub-Committee has considered the financial implications of its decision in accordance with the statutory guidance, particularly paragraphs 11.20 to 11.23 and whilst it does take the impact seriously has had to put its role in promoting the licensing objectives to the forefront. In this respect all other available measures were deemed insufficient. In weighing up the risk attached to continued trading, particularly where the

premises retains a tangible link to the current premises licence holder and his family, the Sub-Committee feels it has no option other than to revoke the licence and maintain the suspension in order to protect the public and those that might be caught in the cross-fire as well as to address the risk of further incident at the premises.

There is a right of appeal to the West Hampshire Magistrates' Court against the Sub-Committee's decision. All parties will receive written notification of the decision with reasons and that notification will set out the right of appeal in full.

The Sub-Committee is satisfied that it is in the public interest that the report, appendix 2 (premises licence), appendix 3 (notice of summary review), appendix 4 (decision of the Sub-Committee on 5 March 2014) and the decision of the Sub-Committee today may now be published, but that appendix 1 (Police application for summary review, certificate and representations) together with the written submissions on behalf of the premises licence holder, should remain confidential.