
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 16 DECEMBER 2020

Present: Councillors McEwing, Bunday and Noon

24. **ELECTION OF CHAIR**

In accordance with S.14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the hearing was held using video conferencing and the public were able to view a live stream of the proceedings using a web link published on the council website. This was in the interest of public safety given the isolation restrictions imposed by the Prime Minister as a result of the public health risks due to the Coronavirus or Covid-19. As a result, the Council offices were closed to the public and this licensing sub-committee was held remotely with parties to the hearing participating by way of conference call.

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

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

RESOLVED that the Sub-Committee move into private session in order to receive legal advice when determining issues. Following that private session, at which time the matter would be determined, written confirmation of the decision of the Sub-Committee would be distributed to all parties to the hearing.

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

RESOLVED that the minutes of the meeting held on 4 November 2020 be approved and signed as a correct record.

27. **APPLICATION FOR REVIEW OF PREMISES LICENCE-GATEHOUSE GRILL AT KUTI'S ROYAL PIER,ROYAL PIER,TOWN QUAY,SOUTHAMPTON SO14 3AQ**

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 Gatehouse Grill at Kuti's Royal Pier, Royal Pier, Town Quay Southampton SO14 3DJ.

The Sub-Committee considered very carefully the application of Hampshire Constabulary for the review of the premises licence under the Licensing Act 2003, as supported by the Director of Public Health.

In addition, the representations by all the parties present at the hearing, and written representations also, were fully taken into consideration. As was video and photographic evidence provided by Hampshire Constabulary.

The review relates to a breach of the Health Protection (Coronavirus Restrictions) Regulations 2020.

The review has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the representations, both written and given orally today, by all parties, in conjunction with the Crime and Disorder Act 1998 Section 17, The Human Rights Act 1998, The Equality Act 2010 and have been considered whilst making the decision.

The Sub-Committee considered the four licensing objectives when making its decision. The Licensing Objectives are:-

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children

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

- modification of the current conditions of the premises licence
- exclusion of the sale of alcohol from the current permissions of the premises licence
- removal of the designated premises supervisor from the licence
- suspension of the licence.
- Revocation

The application for review brought by the Police was supported by the Director of Public Health. The Sub-Committee heard from Mr Justin Gau for the Licence Holder, PC Swallow, and Ms Head for the Licensing Authority.

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.

The Sub-Committee also noted that during the hearing wording for any CCTV condition that might be imposed was agreed.

RESOLVED In light of all of the above the Sub-Committee has determined to:

- Impose a CCTV condition in the terms agreed in the hearing
- Remove Mr Kuti Miah as DPS
- Suspend the Premises Licence for a period of two months

Reasons:

The Sub-Committee was concerned that this was a very serious breach of Coronavirus legislation and placed many people at risk.

The Sub-Committee thought long and hard about its decision and very seriously considered revoking the licence.

Allowing the event to take place on 26th October 2020, was a criminal offence and the Sub-Committee was unimpressed by Mr Miah's lies to the police and lack of cooperation. This event included a wide age range of attendees some of whom were likely to have been in a higher risk group of Covid transmission.

From the evidence in the bookings ledger there appeared to be other bookings which would have breached the regulations. There was evidence from the video footage that other events in breach of the regulations had taken place.

The Sub-Committee was of the view that this demonstrated a failure to promote the Crime and Disorder licensing objective. The actions also placed members of the public at risk of Covid transmission, which impacts the public safety objective.

In view of this the Sub-Committee felt that a two-month suspension together with the removal of Mr Miah as DPS and a CCTV condition was a reasonable and proportionate response.

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.