

# Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 16th December,  
2020  
at 10.00 am

**PLEASE NOTE TIME OF MEETING**

Virtual meeting

This meeting is open to the public

## **Members**

Three Members drawn from the Licensing Committee

## **Contacts**

Democratic Support Officer  
Maria McKay  
Email: [maria.mckay@southampton.gov.uk](mailto:maria.mckay@southampton.gov.uk)

Executive Director Communities, Culture & Homes  
Mary D'Arcy  
Tel: 023 8083 4611  
Email: [mary.d'arcy@southampton.gov.uk](mailto:mary.d'arcy@southampton.gov.uk)

## **PUBLIC INFORMATION**

The Members of the Licensing Committee are Councillors Bunday, G Galton, B Harris, Kataria, Laurent, McEwing, Noon, Renyard, Spicer, and Streets.

### **Terms of Reference**

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act 2003 and Gambling Act 2005, including:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
  - Variation of designated premises supervisors
  - Transfer of premises licences
  - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

**When dealing with Licensing Act matters the Sub-Committee must only take into account the following statutory Licensing Objectives:-**

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

**Likewise, when dealing with Gambling Act matters the Sub Committee must only take into account the statutory Licensing Objectives below:-**

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

**Fire Procedure:-** In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

**Access:-** Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

**Smoking policy:-** The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council's Guidance on the recording of meetings is available on the Council's website.

### **Dates of Potential Meetings Municipal Year 2020/21**

Meetings are scheduled on a weekly basis usually at 4pm on a Wednesday evening.

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference are contained in the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

### **Quorum 3**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

### 1 **ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### 2 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

### 3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### 4 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Sub-Committee may 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, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### 5 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 4<sup>th</sup> November 2020, and to deal with any matters arising, attached.

### 6 **STATEMENT FROM THE CHAIR**

### 7 **APPLICATION FOR REVIEW OF PREMISES LICENCE-GATEHOUSE GRILL AT KUTI'S ROYAL PIER,ROYAL PIER,TOWN QUAY,SOUTHAMPTON SO14 3AQ** (Pages 5 - 40)

Application for review of premises licence-Gatehouse Grill at Kuti's Royal Pier,Royal Pier,Town Quay,Southampton So14 3AQ

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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 4 NOVEMBER 2020

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Present: Councillors McEwing, Noon and Renyard

19. **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.

20. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

Cllr McEwing stated that she had attended the bar in 2019 but did not know the applicant.

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

**RESOLVED** that the minutes of the meeting held on 23 September 2020 be approved and signed as a correct record.

22. **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.

23. **APPLICATION FOR VARIATION OF PREMISES LICENCE - BARSO16, 228A BURGESS ROAD, SOUTHAMPTON SO16 3AY**

The Sub-Committee considered the report of the Service Director – Communities, Culture and Homes for an application for variation of a premises licence in respect of Bar SO16, 228A Burgess Road, Southampton SO16 3AY.

Baljit Mandair, Designated Premises Supervisor, Matt Reeve, Manager of premises, Jas Mandair, freeholder of building, Lidia Harrington and Mike Bull, Local Residents 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 granted subject to an additional condition regarding closure hours within the back garden.

Following that private session, it was noted that written confirmation of the decision of the Sub-Committee would be distributed to all parties to the hearing.

After private deliberation the Sub-Committee had determined the matter and all parties to the hearing were notified of the following decision:

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

This hearing was held as a virtual meeting using Microsoft Teams and was streamed live online for the press and public to view via the Live Events platform.

The Sub-Committee has considered very carefully the application for variation of the premises licence at Bar SO16 228A Burgess Road Southampton SO16 3AY, both in the written report presented to it, and by those attending the hearing having made a representation.

It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. The Human Rights Act 1998, the Crime and Disorder Act 1998 and the Equality Act 2010 were borne in mind whilst making the decision.

The Sub-Committee noted that representations objecting to the application had been made by three local residents and that there were 20 representations in support of the application. No responsible authority, including the police, had made representations.

In light of all the above, the Sub-Committee has determined to grant the application, but has decided, having explored this at the hearing with the applicant who has confirmed their agreement to it, to impose a condition as follows:

The back garden area of the premises are to be closed and patrons are to move indoors from that area at 2300 hours Monday to Saturday inclusive. This is to prevent noise nuisance to neighbouring residents,

### Reasons

The Sub-Committee heard from the applicant, the premises' manager and the Designated Premises Supervisor.

It also heard from two persons who had made representations.

The Sub-Committee also carefully considered the written objections, and the representations in support of the application.

Generally, the objectors are concerned that any additional extension to licensable activities will lead to an increase in public nuisance. Accordingly, the Sub-Committee had to determine to what extent, if at all, the proposed variation would lead to additional issues at the premises.

The Sub-Committee noted that the police had not made any representation on this application, and considered that there was not any evidence of significant weight



concerning anti-social behaviour. Further it noted that whilst the objectors were concerned as to noise nuisance, other residents including at the hearing had no such concerns.

Nonetheless, the Sub-Committee explored the issue of noise in the back garden area with the applicant who confirmed his agreement to the imposition of a condition whereby that area would be closed at 2300 hours Monday to Saturday inclusive, with patrons in that area moving indoors at that time, to prevent noise nuisance to neighbouring residents.

There is a general right to review a premises licence which can be brought by residents or responsible authorities. In the event that the premises causes issues of concern the licence, in its entirety, can be considered at that stage where the evidence supports it.

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

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# Agenda Item 7

**DECISION-MAKER** LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

**SUBJECT** HEARING TO CONSIDER AN APPLICATION FOR REVIEW OF A PREMISES LICENCE – **Gatehouse Grill at Kuti's Royal Pier**  
Royal Pier Town Quay Southampton

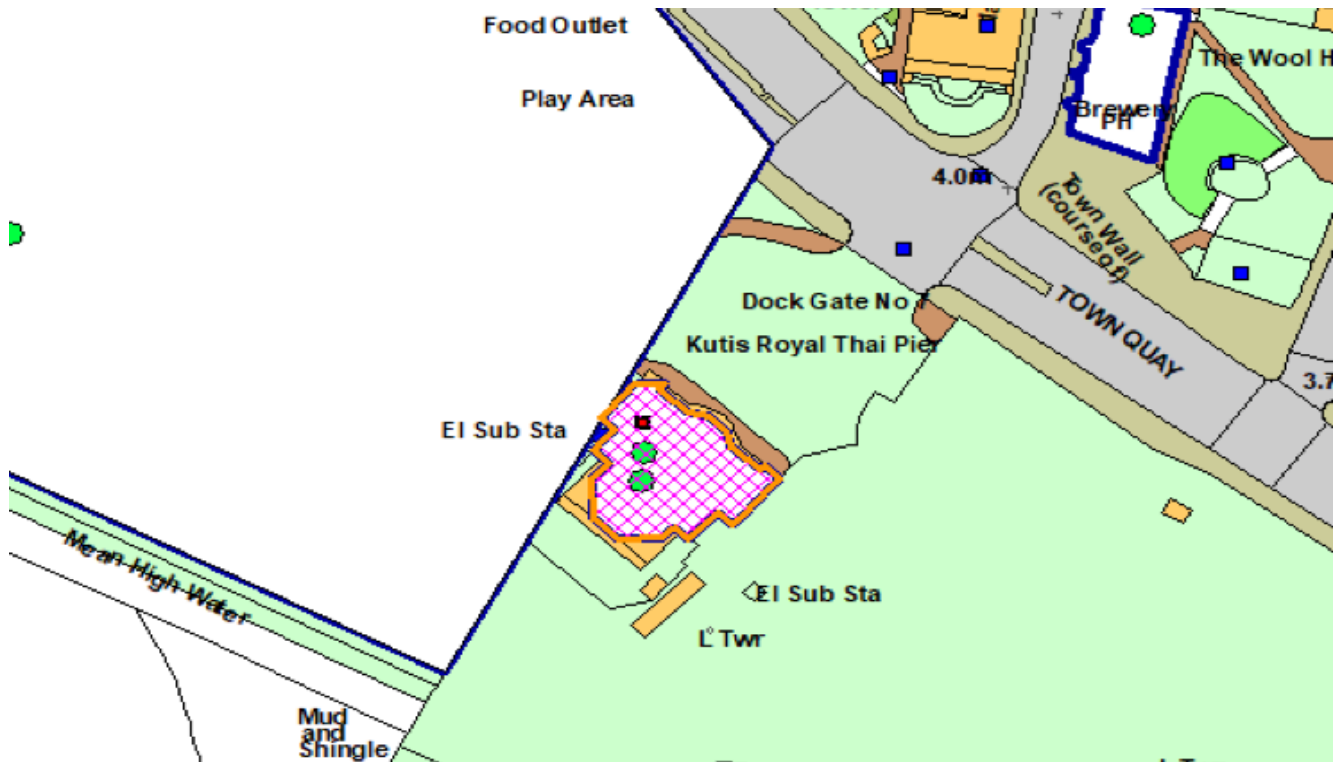
**DATE OF HEARING** Wednesday 16<sup>th</sup> December 2020 at 10.00hrs (Online)

**REPORT OF** SERVICE DIRECTOR – COMMUNITIES,CULTURE AND HOMES

**E-mail** licensing@southampton.gov.uk

Application Date : 29th October 2020      Application Received 29th October 2020

Application Valid : 29th October 2020      Reference :                      **2020/03624/01SRAP**



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## ***Representations from Responsible Authorities***

Responsible Authority	Satisfactory?
Safeguarding Children	No Response
Fire Service	No Response
Environmental Health - Licensing	Yes
Home Office	Yes
Public Health Manager	Supporting Review

Planning & Sustainability - Development Control - Licensing	No Response	
Police - Licensing	Applicant	
Trading Standards	No Response	
<b>Other Representations</b>		
<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>

### ***Legal Implications***

1. Part 3 of the Licensing Act 2003 provides that a responsible authority or any other person may apply for review of a premises licence.
2. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the licensing authority and each of the responsible authorities.
3. On receipt of an application for review, officers will consider its validity under delegated powers. Reasons for rejection, in whole or in part, include:
  - that the grounds for review are not relevant to one of more of the licensing objectives and;
  - that the application is frivolous, vexatious or repetitious, unless it is made by a responsible authority.
4. The licensing authority must display a prescribed notice of the review application on the outside or adjacent the premises, on the authority's website and at the Civic Centre; the notice must remain on display for 28 days and any interested party or the responsible authorities may make representations in that period.
5. The licensing authority is then required to hold a hearing to consider the review.
6. In doing so the sub-committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives; the representations (including supporting information) presented by all the parties;
  - its own statement of licensing policy
  - the Statutory Guidance
7. In determining an application for review, the legislation provides that the sub-committee may take any (or none) of the following steps, as it considers necessary:
  - modify the conditions of the licence;
  - exclude a licensable activity from the scope of the licence
  - remove the designated premises supervisor;
  - suspend the licence for a period not exceeding three months

- revoke the licence.
8. The Licensing Act 2003 provides for appeal to the Magistrates' Court against the sub-committee's decision in relation to an application for review by the premises licence holder and any other party who made a representation to the application.
  9. In considering this application the sub-committee is obliged to consider the application in accordance, in particular, with both the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
  10. The sub-committee must also have regard to:
    - **The Crime and Disorder Act 1998**  
Section 17 of the Crime and Disorder Act 1998 places the sub-committee under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
    - **The Human Rights Act 1998**  
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the sub-committee to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the sub-committee that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the sub-committee which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.
  11. Copies of the application for review and the representations to it are annexed to this report.

## **12. Equality Act 2010**

*Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.*

## SUMMARY

<b>Premises Licence Holder</b>	Mr. Kuti Miah
<b>Designated Premises Supervisor</b>	Mr.Kuti Miah

The premises is a restaurant and Mr Kuti Miah has held the premises licence and been the DPS since the licence was granted on 17<sup>th</sup> July 2008.

### **Licensable Activities.**

Live music		Recorded music	
Monday	15:00 - 00:30	Monday	11:00 - 00:30
Tuesday	15:00 - 00:30	Tuesday	11:00 - 00:30
Wednesday	15:00 - 00:30	Wednesday	11:00 - 00:30
Thursday	15:00 - 00:30	Thursday	11:00 - 00:30
Friday	15:00 - 00:30	Friday	11:00 - 00:30
Saturday	15:00 - 00:30	Saturday	11:00 - 00:30
Sunday	15:00 - 00:30	Sunday	11:00 - 00:30
Performances of dance			
Monday	15:00 - 00:30		
Tuesday	15:00 - 00:30		
Wednesday	15:00 - 00:30		
Thursday	15:00 - 00:30		
Friday	15:00 - 00:30		
Saturday	15:00 - 00:30		
Sunday	15:00 - 00:30		
Anything similar to live music, recorded music or performances of dance			
Monday	14:00 - 00:30		
Tuesday	14:00 - 00:30		
Wednesday	14:00 - 00:30		
Thursday	14:00 - 00:30		
Friday	14:00 - 00:30		
Saturday	14:00 - 00:30		
Sunday	14:00 - 00:30		
Provision of late night refreshment			
Monday	23:00 - 00:30		
Tuesday	23:00 - 00:30		
Wednesday	23:00 - 00:30		
Thursday	23:00 - 00:30		
Friday	23:00 - 00:30		
Saturday	23:00 - 00:30		
Sunday	23:00 - 00:30		
Supply by retail of alcohol			
Monday	11:00 - 00:00		
Tuesday	11:00 - 00:00		
Wednesday	11:00 - 00:00		
Thursday	11:00 - 00:00		
Friday	11:00 - 00:00		
Saturday	11:00 - 00:00		
Sunday	11:00 - 00:00		

**Conditions attached to current licence – excluding mandatory conditions.**

**Annex 2 – Conditions consistent with the operating Schedule**

1. None

**Annex 3 – Conditions attached after a hearing by the licensing authority**

1 None

The application for review relates to a breach of the Health Protection (Coronavirus, Restrictions) Regulations 2020. The premises held a wedding reception on 26<sup>th</sup> October 2020 with over 79 persons in attendance. The offences were being committed and facilitated by Kuti Miah who was present at the venue. The Director of Public Health is Supporting the review.

Hampshire Constabulary on 25/11/2020 have provided video evidence of the event.

*Application Form – Pages 6-11*

*Additional Evidence*

1. Booking Register – Pages 12-13
2. Track & Trace Details – Pages 14-15
3. Table Plan – Pages 16
4. Statement PC Hazlett-Beard – Pages 17-19
5. Statement PC Swallow – Pages 20-21
6. Statement Mr K Miah – Pages 22-23

*Existing Premises Licence – Pages 24-29*

*Public Health Supporting Review- Pages 30-32*

*Hearing Procedure Notes – Pages 33-36*



# Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 2903 Brian Swallow, on behalf of the Chief Officer of Hampshire Constabulary,  
(Insert name of applicant)

- Apply for the review of a premises licence.
  - Apply for the review of a club premises certificate.
- (Select as applicable)
- Make a representation about a premises licence/club premises certificate

### Premises or Club Premises details

Postal address of premises:	Gatehouse Grill at Kutis Royal Pier Royal pier Town Quay Southampton
Postcode (if known):	SO14 3AQ

Name of premises licence holder or club holding club premises certificate (if known)	Kuti MIAH
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Number of premises licence or club premises certificate (if known)	2015/02053/01SPRM
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### Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: PC	
Surname: Swallow	First Names: Brian
Current postal address:	C/O Neighbourhood Police Office Southampton City Council Civic Centre Southampton
Postcode:	SO14 7LY
Daytime telephone number:	[REDACTED]
E-mail address: (optional)	[REDACTED]





**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

Page 2 of 6

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



**Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003**

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) Public safety                        | <input type="checkbox"/>            |
| 3) The prevention of public nuisance    | <input type="checkbox"/>            |
| 4) The protection of children from harm | <input type="checkbox"/>            |

Select one or more boxes

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

At 14:03 on the 26<sup>th</sup> October 2020, the police received an anonymous telephone call stating that a wedding was taking place at Kutis Restaurant, Town Quay, Southampton and that between 30-60 persons were in attendance.

PC [redacted] attended the venue a short time later after this call. What he witnessed and recorded upon his body worn video was a blatant breach of the Health Protection (Coronavirus , Restrictions) Regulations 2020

The offences were being committed and facilitated by Kuti MIAH who is both the premises licence holder (PLH) and designated premises supervisor (DPS) who was present at the venue.

Mr Miah was initially approached by PC [redacted] and described that a "religious business" meeting was being held in his venue. He continually denied that a wedding was being held at the venue. PC Hazlett-Beard was taken upstairs in the venue by MIAH and shown a room where approximately 12 men were sitting at placed tables. He was then taken to a second dining area which was full of families (husbands, wives, and children) all in smartly dressed clothing. A lot of the adult females were in traditional sarees. PC [redacted] did a brief head count and stopped when he passed 30 (the legal limit for gatherings).

PC [redacted] challenged MIAH regarding the event even pointing to a sign in the area stating "Welcome to the wedding of... ( name of bride & groom) and the date – 26<sup>th</sup> October along with a guest list"

MIAH continued, along with a female member of staff, [redacted] that the large group were just having a meal as part of the restaurant and were not a wedding group .Even suggesting that the group had brought the wedding sign, indicating it was nothing to do with them.

[redacted] began explain that the group had a wedding some days previously at an unknown location. This was challenged by PC [redacted] when he pointed out the date on the wedding sign was that days date!!

PC [redacted] carried out a full head count from the two rooms and counted 80 persons.



[REDACTED]

**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

He then went outside and stated to MIAH that even more persons were seen to be arriving but were turning around and leaving.

PC [REDACTED] then obtained personal details from MIAH and [REDACTED] and requested to see the track and trace and booking details for the venue. This was provided and what was recorded was astounding.

The track and trace details list 79 persons split into tables. The first two tables are listed as "head table" and "head table 2".

The details recorded are insufficient for the legal requirement for track and trace. If persons are unable to utilise the NHS QR poster scanning method, then the time of arrival, full name and then either a mobile phone number, email address or postal address must be obtained. Finally the exit time, if available should be captured.

The guest book for the 25<sup>th</sup> October lists names of 16 people for downstairs and 8 for upstairs. On the opposite page it states 12:00 – [REDACTED] (250 crossed out) then 150 PAX (which is short for persons). Full restaurant hire. Speak for food w / chef. Book Sunday 8th 7star service. The entry on the 26<sup>th</sup> for 18:00 states – [REDACTED] and then the number 100 written in the number of guest's column, followed by three more entries of 5, 2 and 4.

There was a professional photographer present at the event and his role and brief for his attendance was asked of him. He was evasive with his response so the memory cards from his cameras have been seized. At the time of writing these have not been viewed.

On 27<sup>th</sup> October MIAH was interviewed under caution at Southampton Central Police Station. He offered a prepared statement accepting complete responsibility for the booking at the restaurant and any breaches of the Coronavirus legislation adding that his staff and patrons were not to blame!!

Following this statement he answered no comment to any further questions and challenges put to him. These included but not limited to:

- Asked to explain what the event being held at the venue was
- What COVID prevention measures were in place
- Did the venue have a COVID risk assessment
- Who else managed the bookings as clearly this could not have been facilitated solely by himself?
- Asked to explain previous bookings listed in the bookings book

Following his interview MIAH was reported for an offence under the Health Protection (Coronavirus, Restrictions) Regulations 2020.

It is not disputed that MIAH is a hard working successful business man and supports local initiatives from his business. One such event ironically occurred on the same day as the offences in question.

Kutis restaurant is supporting the free school meals initiative by supplying food to families during the school holidays. The ex-Southampton footballer [REDACTED] was at the venue on the morning of the 26<sup>th</sup> for a news story broadcast on South Today. Cameras



**Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003**

were in the kitchens showing large quantities of food being prepared on the pretence that these were for the charitable campaign. It is clearly not outside of the realms of probability that this food was actually being prepared for the large wedding reception meal pre-booked later that day.

MIAH is clearly a clever man, I would suggest that you have to be to be successful in business. I find it impossible to believe that he has made such a fundamental error of judgement in interpreting the legislation in relation to the Coronavirus and the hospitality industry.

I would strongly suggest that he has used his position as a charitable person in an attempt to hide that fact that he is knowingly breaking the law. This is evidenced on the body worn video of PC [REDACTED] when speaking to MIAH who on several occasions mentions his status in the industry.

His blatant lie at the beginning of the visit suggesting that the wedding party was in fact a "religious business meeting" is again evidence of his deceit. He was given several opportunities to offer an honest explanation but failed to do so.

The police request that a comprehensive condition in relation to CCTV is added to the premises licence to enable a request from responsible authorities to view and obtain the CCTV on a legal footing under the Licensing Act 2003.

MIAH is, as mentioned previously, currently the DPS and PLH. The police have no confidence in him being the DPS of the venue and request that he is removed.

Have you made an application for review relating to these premises before:  Yes |  No

If yes please state the date of that application:

/ /  
Day Month Year



**Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003**

If you have made representations before relating to this premises please state what they were

N/A

**Please tick**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I have sent a copy of this representation to the principal licensing officer of Southampton City Council

**It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application**

Signature of Officer Completing

Name	PC Brian Swallow	Collar Number:	2903
Signature:		Date:	29/10/20

Signature of Authorising Officer (Inspector or above)

Name	Sgt Robert Cohen	Collar Number:	2849
Signature:		Date:	29/10/20







# Track + Trace

26.10.20

Head table

Samad

Shahi

Newel

Helmy

Hussain

Head table 2

Fahmida

Rumi

Urmi

Shumi

Jasmin

Jasmin

Ala

Ziad

Omar

Saif

Arif

Nahid

Saahil

Anisha

Naz

Ayesha

Manha

Moshahid

Nurun

Farjana

Jamila

Farjana

Agnes

Wallis

Asrafut

Nick

Saleha

Rubina

Jahanara

Nana

Fuad

Najah

Syed

11/10/20 - Guest list

Page 1



Kyruness [REDACTED]  
Syed [REDACTED]  
Nure [REDACTED]  
Nazminara [REDACTED]  
Abdul [REDACTED]

Syed [REDACTED]  
Tahminara [REDACTED]  
Musa [REDACTED]  
Ashraf [REDACTED]  
Hasna [REDACTED]

Nur [REDACTED]  
Sara  
Roohi  
Mizan  
Mikael  
Malaika

Jaker [REDACTED]  
Pabel [REDACTED]  
Shiji  
Happy  
Baby x2

Ultaf [REDACTED]  
Shipa  
Me [REDACTED]  
Ayana  
Maimuna  
Fajar khan

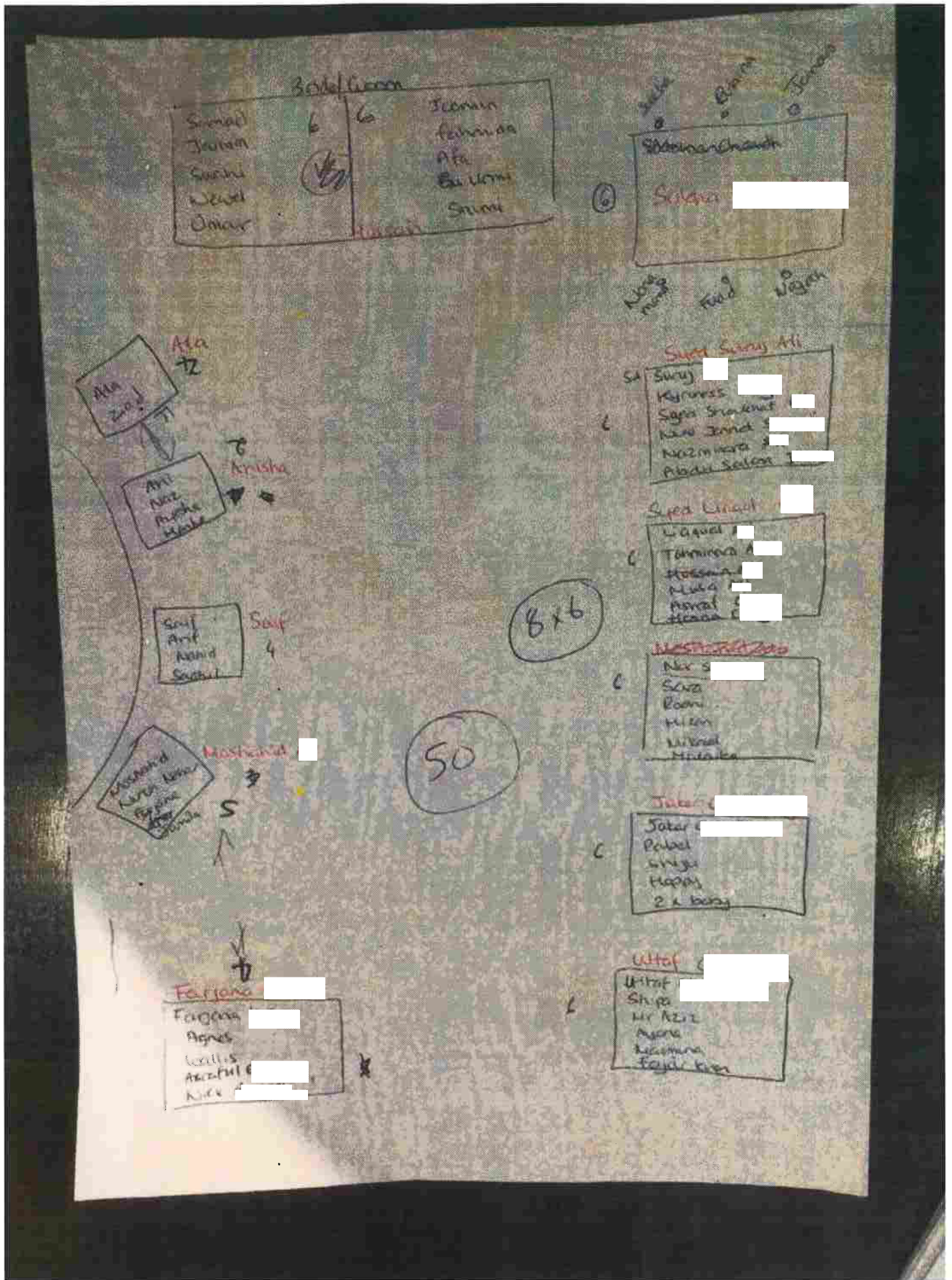
DOME  
Abdul [REDACTED]  
Sadiqul [REDACTED]  
Samsul [REDACTED]  
Baki [REDACTED]  
Imam

Syed [REDACTED]  
Hasna [REDACTED]  
Raju  
Tinku  
Shopon

Rofique [REDACTED]  
Payel  
Shipu

Page 2.

2013/12/13 - 2017 1157.



Ata/S/OC - TABLE PLAN

## MG11 WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

Occurrence Number:	44200416316	URN:	
Statement of:	HAZLETT-BEARD, ALEXANDER		
Age:		Occupation:	
This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.			

I am PC 27714 HAZLETT-BEARD currently based at SOUTHAMPTON CENTRAL POLICE STATION and I am making this statement in relation witnessing a breach of the covid-19 restrictions.

I will refer to the following involved persons, [REDACTED] and refer to them as [REDACTED] and refer to them as [REDACTED] Kuti MIAH and refer to them as MIAH and [REDACTED] who I shall refer to as [REDACTED]. I will mention [REDACTED] and refer to him as [REDACTED]. I will refer to my colleagues that came to assist me, PS 24033 WHEELER, PC 27618 ENTICKNAP, PC 28027 DREW referring to them by rank and name throughout this statement.

The incident took place at KUTI, TOWN QUAY, SOUTHAMPTON, SO14 2AQ.

On MONDAY the 26th of OCTOBER 2020 at approximately 14:30 hours I was on duty in Police uniform single crewed attached to call sign ZW68 tasked with attending a restaurant named 'KUTI's' on TOWN QUAY SOUTHAMPTON following an anonymous report that there was a wedding party taking place with more than 30 persons in attendance.

Upon arrival, I activated my body worn video, which I produce as identification reference number AHB/BWV/01 – Body worn video.

I noted that when I attended there were cars of people attending the venue that appeared to be from the Asian community dressed in smart clothes. The occupants of these cars appeared nervous when they noticed my presence and drove away from the venue or went to the adjacent park.

I exited my vehicle and could see that there were a lot of vehicles that were parked in front of the venue and also in the park. There were members of the Asian community smartly dressed walking away from the venue.

Due to this, I suspected that there must be a celebration or community gathering of some nature, which matched the initial deployment details. I made my way to the venue and was greeted by [REDACTED] and others so I asked for the restaurant owner.

---

They left informing me that they would get the owner in due course. I was then met by MIAH who came to meet me. He explained his role and stated that it was his venue and had his name on the venue.

explained that I had been sent as police had received reports of a wedding celebration taking place involving more than thirty persons.

MIAH strongly denied this saying words to the effect of 'no there is no wedding here only a business event and religious ceremony'. I then asked to look in the restaurant and made my way upstairs into the venue. This is when I saw a sign saying 'Welcome to [REDACTED] and [REDACTED] wedding 26/10/2020'.

When speaking to MIAH about this sign I was then met by [REDACTED] who told me that there was no wedding and that the sign must have been from the previous day. I confirmed that the sign stated today's date and displayed a greeting welcoming guests to a wedding.

I engaged, encouraged, and explained that covid-19 restrictions stated that gatherings larger than thirty persons were not allowed and that they should be truthful about the situation. They denied any wedding taking place or celebration so I walked into the event and noted that there were more than eighty persons sat in the venue together having meal. They all appeared uncomfortable with my presence.

They were all dressed well and had taken time to prepare to attend and appeared to know one another. It was clearly a communal gathering and MIAH and [REDACTED] became very uncomfortable. Again, I highlighted the wedding sign and challenged their account. A unknown person came along and took the sign away before I could seize it.

I believed that they were being untruthful and slowly they started to reveal that it was a post wedding meal and celebration. I updated the force control room of my findings and explained my rationale that I would be seeking enforcement as this was a clear breach and despite my engagement, encouragement and explanation they were still being untruthful.

I had told them that I was aware that it was a sensitive issue and that I did not want to upset anyone at the venue but public health came first and was far more important than a venue.

PS WHEELER attended with PC ENTICKNAP and PC DREW. The wedding party was asked to leave and they did partially in the time it took other officers to arrive.

I went to locate the bride and groom with PS WHEELER and then located [REDACTED]. I asked to speak to him privately and explained that I would need to take his details as I suspected him to be involved in the organisation of the wedding party. He denied this and stated that he knew nothing of this and that he booked a table for six people no one else.

[REDACTED] was not forthcoming and because of this PS WHEELER challenged him telling him that it was clear what was going on. I explained that I felt that this was a clear display of breaching the covid restrictions and that all those in attendance had put others at risk including the vulnerable.

[REDACTED] dismissed this and denied being part of any organising despite it being his wedding. I returned downstairs and spoke with MIAH and [REDACTED]. I requested the guest list and encouraged them to ensure that every person was added to the track and trace explaining the dangers of what had taken place. MIAH was keen to inform me that he knew retired football players and police officers and that he had been on BBC news that same morning for his charitable works.

I told MIAH that it did not matter and that he was in breach of covid restrictions now providing a separate account saying that all tables had been booked in groups of six.

PS WHEELER located a number of materials and provided them to me from the reception desk.

I then viewed and seized the following items at approximately 15:30 hours and produce them as identification reference numbers:

AHB/KB/01 – DIARY

AHB/KB/02 – TABLE PLAN

AHB/KB/03 - GUEST LIST

The diary showed a booking for 100 guests under ██████████ name. As well as a booking for 250 guests the day before showing a full venue booking. I also had a table plan for the wedding event and a guest list for track and trace. I explained this to MIAH and he then blamed ██████████ for the incident but eventually stated words to the effect of 'I know I have done wrong and I take full responsibility for the whole incident'.

██████████ seemed shocked and scared that she had been accused of the organisation. ██████████ was also informed of the discovery and changed his attitude completely. He appeared to act as if he had been caught out and agreed to attend a voluntary interview and declined having a solicitor.

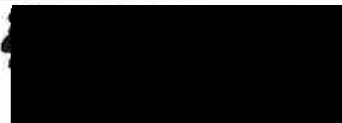
All parties were invited in for a voluntary attendance interview to allow a fair process despite there being enough to seek authority to action enforcement right there and then.

I noted that there was a photographer inside the venue carrying cameras. I approached ██████████ as I discovered that he was the photographer and he was not entirely forthcoming about his involvement but did state that he was shocked at the amount of people at the event.

He declined to provide a statement and I seized the following items from him under section 19 of PACE at approximately 15:45 hours placing them in sealed evidence bags. I produce these as identification reference numbers:

AHB/KB/04 – SD CARD 1

AHB/KB/05 – SD CARD 2

Signature of Witness		Signature Witnessed By	
Name:	HAZLETT-BEARD, ALEXANDER	Name:	
Signed Time:	26/10/2020 20:40	Signed Time:	
			



## MG11 WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

Occurrence Number:	44200422764	URN:	
Statement of:	SWALLOW, BRIAN		
Age:	██████████	Occupation:	Police service
This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.			

I am PC 2903 Swallow currently based in the alcohol harm reduction and licensing team with Hampshire Constabulary. This statement is in relation to a breach of the Health Protection face covering legislation 2020.

In this statement I will mention the male who breached the face covering legislation, ██████████ who I will refer to as ██████████ and my Police colleague who I was crewed with at the time, PC 25491 Hawley.

On Friday 30th OCTOBER 2020, I was on duty in plain clothes crewed with PC 25491 Hawley. At approximately 19:50 hours, we visited Kutis restaurant, Town Quay, Southampton

I walked into the restaurant and could see 2 barmen preparing drinks and not wearing face coverings over their nose or mouth. There were several members of restaurant management in the area not challenging them. I witnessed ██████████ walk from the bar into the restaurant area and return again with it on his chin only

I approached the bar staff and asked why they were not wearing a face covering. ██████████ did not respond

I informed ██████████ that the current legislation states that face coverings must be worn in when in enclosed spaces, and that the face covering regulations have now been in play for some time.

I requested ██████████ details, and subsequently reported him stating "I am reporting you for failing to wear a face covering". I then cautioned him, stating "You do not have to say anything, but it may harm your defence if you do not mention now something you later rely on in court. Anything you do say may be given in evidence." He made no reply to the caution.

I explained to ██████████ that he would be receiving a penalty notice through the post for breaching the Health Protection Covid Regulations.

I had no further dealings with ██████████ and have nothing further to add at this time

Signature of Witness		Signature Witnessed By	
Name:	#2903 SWALLOW, B.	Name:	
Signed Time:	31/10/2020 17:07	Signed Time:	

# MG11 WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

Occurrence Number:	44200422788	URN:	
Statement of:	SWALLOW, BRIAN		
Age:	██████	Occupation:	Police service
This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.			

I am PC 2903 Swallow currently based in the alcohol harm reduction and licensing team with Hampshire Constabulary. This statement is in relation to a breach of the Health Protection face covering legislation 2020.

In this statement I will mention the male who breached the face covering legislation, ██████████ who I will refer to as ██████ and my Police colleague who I was crewed with at the time, PC 25491 Hawley.

On Friday 30th OCTOBER 2020, I was on duty in plain clothes crewed with PC 25491 Hawley. At approximately 19:50 hours, we visited Kutis restaurant, Town Quay, Southampton

I walked into the restaurant and could see 2 barmen preparing drinks and not wearing face coverings over their nose or mouth. There were several members of restaurant management in the area not challenging them

I approached the bar staff and asked why they were not wearing a face covering. ██████ did not respond

I informed ██████ that the current legislation states that face coverings must be worn in when in enclosed spaces, and that the face covering regulations have now been in play for some time.

I requested ██████ details, and subsequently reported him stating "I am reporting you for failing to wear a face covering". I then cautioned him, stating "You do not have to say anything, but it may harm your defence if you do not mention now something you later rely on in court. Anything you do say may be given in evidence." He made no reply to the caution.

I explained to ██████ that he would be receiving a penalty notice through the post for breaching the Health Protection Covid Regulations.

I had no further dealings with ██████ and have nothing further to add at this time

Signature of Witness		Signature Witnessed By	
Name:	#2903 SWALLOW, B.	Name:	
Signed Time:	31/10/2020 17:22	Signed Time:	

27/10/2020.

I KATI MIAH WISH TO SAY AS FOLLOWS:

I ADMIT I AM THE MANAGER OF KATI'S  
DINER. IN SOUTHAMPTON. I TAKE FULL  
RESPONSIBILITY FOR THE RUNNING OF THE  
RESTAURANT. I ACCEPT THAT YESTERDAY THERE  
WAS A GATHERING AT MY RESTAURANT OF  
70-80 PEOPLE WHO WERE ASSOCIATED WITH  
EACH OTHER IN THAT THEY WISHED TO CELEBRATE  
A WEDDING WHICH HAD OCCURRED ONE DAY  
PREVIOUSLY AND EVENING.

I ACCEPT COMPLETE RESPONSIBILITY FOR THE  
ACCEPTANCE OF THE BOOKING BY THE RESTAURANT  
AND MY BREACH OF COVID-19 LEGISLATION  
WHICH MAY HAVE RESULTED. RESPONSIBILITY  
IS MINE ALONE AND NOT THE STAFF OR  
PATRONS OF THE RESTAURANT.

I, PERHAPS NAÏVEY, CONSIDERED THAT A  
GATHERING OF 70-80 PEOPLE IN A 25  
SEAT RESTAURANT - SEPARATED INTO TABLES  
OF 4, 5 OR 6 INDIVIDUALS WOULD NOT  
BREAK THE LAW. IF I WAS WRONG IN  
THIS CONSIDERATION, THEN THIS IS MY  
RESPONSIBILITY COMPLETELY.

I AM PROUD TO HAVE BEEN A SOUTHAMPTON  
RESIDENT AND BUSINESS MAN FOR OVER 40  
YEARS. I AM GRATEFUL TO STILL HAVE  
THE STRENGTH TO WORK 7 DAYS A WEEK.  
I AM EMBARRASSED AND AFFRAID TO



FIND MYSELF HERE TODAY. IT WAS NEVER MY INTENTION TO PUT ANYONE AT RISK. THIS IS MY MISTAKE AND ONE I WILL NOT REPEAT. I WILL ACCEPT THE PENALTY THE LAW PRESCRIBES.

I MAKE THIS STATEMENT VOLUNTARILY AFTER TAKING LEGAL ADVICE AND ACKNOWLEDGE THAT IT MAY BE ADMITTED IN EVIDENCE.

  
VICTIM/Ab.



**Schedule 12  
Part A  
Premises Licence**

Regulation 33,34

**Premises licence number** 2015/02053/01SPRM

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description,**

**Gatehouse Grill At Kuti's Royal Pier**  
Royal Pier  
Town Quay  
Southampton  
SO14 3AQ

**Telephone number** 023 8033 9211

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Live music  
Recorded music  
Performances of dance  
Anything similar to live music, recorded music or performances of dance  
Provision of late night refreshment  
Supply by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**

Live music

Monday	15:00 - 00:30
Tuesday	15:00 - 00:30
Wednesday	15:00 - 00:30
Thursday	15:00 - 00:30
Friday	15:00 - 00:30
Saturday	15:00 - 00:30
Sunday	15:00 - 00:30

Recorded music

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 00:30
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	11:00 - 00:30

Performances of dance

Monday	15:00 - 00:30
Tuesday	15:00 - 00:30
Wednesday	15:00 - 00:30
Thursday	15:00 - 00:30
Friday	15:00 - 00:30
Saturday	15:00 - 00:30
Sunday	15:00 - 00:30



Anything similar to live music, recorded music or performances of dance

Monday	14:00 - 00:30
Tuesday	14:00 - 00:30
Wednesday	14:00 - 00:30
Thursday	14:00 - 00:30
Friday	14:00 - 00:30
Saturday	14:00 - 00:30
Sunday	14:00 - 00:30



Provision of late night refreshment

Monday	23:00 - 00:30
Tuesday	23:00 - 00:30
Wednesday	23:00 - 00:30
Thursday	23:00 - 00:30
Friday	23:00 - 00:30
Saturday	23:00 - 00:30
Sunday	23:00 - 00:30



Supply by retail of alcohol

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	11:00 - 00:00



**The opening hours of the premises**

Monday	11:00 - 00:30
Tuesday	11:00 - 00:30
Wednesday	11:00 - 00:30
Thursday	11:00 - 00:30
Friday	11:00 - 00:30
Saturday	11:00 - 00:30
Sunday	11:00 - 00:30

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Kuti Miah  
14 Crofton Close  
Highfield  
Southampton  
SO17 1XB

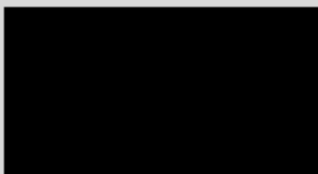


**Registered number of holder, for example company number, charity number (where applicable)**



**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Kuti Miah



**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence Number: 2005/00438/02SPEC  
Licensing Authority: Southampton City Council

This premises licence is issued by Southampton City Council as licensing authority under part 3 of the Licensing Act 2003 and regulations made thereunder

Dated this 16th day of July 2015



**Head of Legal & Democratic Services**

Licensing – Southampton City Council  
Southampton & Eastleigh Licensing Partnership  
PO Box 1767  
Southampton  
SO18 9LA

## Annex 1 – Mandatory Conditions

1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2 The responsible person must ensure that

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

3 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5 No supply of alcohol shall be made under the premises licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.

6 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or

- (b) an ultraviolet feature.

7 The responsible person must ensure that

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition set out in paragraph 1 —

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) 'permitted price' is the price found by applying the formula —

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence —

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

SOUTHAMPTON  
CITY COUNCIL  
LICENSING

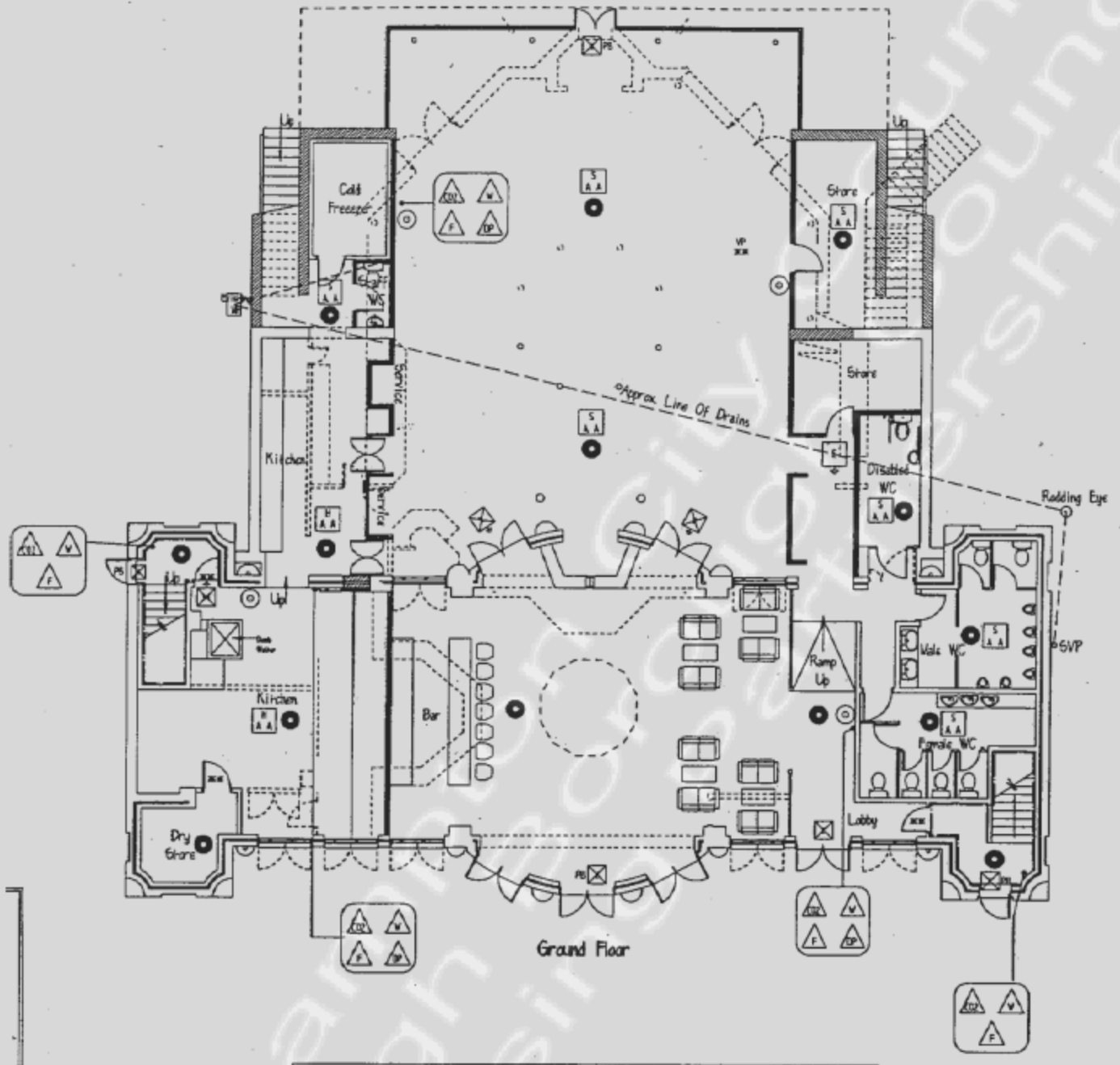
## Annex 2 – Conditions consistent with the operating Schedule

None

## Annex 3 – Conditions attached after a hearing by the licensing authority

1 None

Annex 4 – Plans



Plan not reproduced to scale.



Date: 23<sup>rd</sup> November 2020

Licensing Department  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LS

To Whom It May Concern,

**Re: Gatehouse Grill at Kuti's Royal Pier : Premises License Review**

This representation is made by the Interim Director for Public Health at Southampton City Council as a responsible authority under the Licensing Act 2003, in support of Hampshire Constabulary's application to review the above premises license on the following grounds:

1. The Prevention of Crime and Disorder

**Prevention of Crime and Disorder**

I am concerned about the report of the event that took place at the Gatehouse Grill on the 26<sup>th</sup> October 2020 in the context of the Licensing Objective of "the promotion of the prevention of crime and disorder."

I believe the use of the Gatehouse Grill for a large celebration event as described by the Police report was not in a manner that would meet the requirements of the Coronavirus Act 2020 and associated regulations, the Licensing Act 2003, or the UK government's guidance on protecting the public during the Coronavirus pandemic.

Firstly, the gathering was too large and not socially distanced. Schedule 22 of the Coronavirus Act 2020 permits the Secretary of State to make a declaration imposing prohibition, restrictions or requirements regarding the number of persons in the premises, the size of the premises, the purpose for which a person is in the premises, the facilities in the premises, and/or a period of time.

Restrictions on numbers at gatherings have been in place for a significant period. On the 14<sup>th</sup> September 2020 the UK government introduced the widely publicised 'Rule of 6' measures<sup>1</sup>. These are designed to simplify and strengthen the rules on social gatherings, making them easier to understand and easier for the police to enforce.

Under those regulations the number at celebration events such as weddings was originally limited to 30 people

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<sup>1</sup> The Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 4) Regulations 2020



On the 28<sup>th</sup> September 2020 the maximum number for wedding receptions<sup>2</sup> was reduced to 15 and this remained the position for Southampton as a Tier 1 area on the 14<sup>th</sup> October 2020 when the “Tiering “ restrictions came into force in England<sup>3</sup>. These were the relevant regulations when the event at Kuti’s on the 26<sup>th</sup> October 2020 took place.

The police report makes clear that the officers were satisfied that the event at Kuti’s was a wedding reception. However if the event did not have the benefit of this (or any other) exemption then the regulations required that operators must continue to take all reasonable measures to ensure that no bookings are accepted for a group of more than 6 persons, no persons are admitted to the premises in a group of more than 6, and no person joins another group or otherwise acts in a way which would contravene the relevant regulations.<sup>4</sup>

The Police report states that the event hosted at the Gatehouse Grill on the 26<sup>th</sup> October 2020 had 80 people in attendance, a fact that speaks for itself.

Secondly, under “the contact details regulations“<sup>5</sup> it is mandatory for businesses to collect Track and Trace information from all visitors to be used in the event of a coronavirus outbreak to spread of the disease. It is reported that the Gatehouse Grill did not record sufficient contact details of attendees. Guidance relating to test and trace is available on the gov.uk website detailing the requirements of restaurants, pubs, bars and takeaway services. Section 2.1 of this guidance provides examples of the information that must be collected.

As the Interim Director of Public Health I am concerned that the Licensing Objective of the Prevention of Crime and Disorder has not been promoted, in fact the direct opposite, by this conduct together with the potential impact it may have had in spreading coronavirus. Hosting large events increases the risk of an outbreak, and not collecting test and trace information undermines the ability to respond to one, should it occur.

I therefore support the Police in their call for a review under the Licensing Act 2003 on the grounds of the licensing objective of the Prevention of Crime and Disorder and support their call to remove Kuti Miah as the Designated Premises Supervisor to prevent events like the 26<sup>th</sup> October happening again.

Yours sincerely



Debbie Chase  
Interim Director of Public Health

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<sup>2</sup> The Health Protection ( Coronavirus, Restrictions) ( No.2) ( England) ( Amendment) ( No.5)

<sup>3</sup> The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020

<sup>4</sup> The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020

<sup>5</sup> Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements Regulations 2020

Sources:

Coronavirus Act 2020, Schedule 22

<https://www.legislation.gov.uk/ukpga/2020/7/schedule/22>

Government announcement restricting size of events

<https://www.gov.uk/government/news/coronavirus-covid-19-what-has-changed-22-september>

Guidance for Test and Trace

<https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery#takeaways-2-1>

### **Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005**

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

#### **Preliminary matters**

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
  - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
  - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
  - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
  - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
  - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
  - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.
13. The Chair will then explain the procedure that will follow.
- General information on the conduct of the hearing**
14. Each party is entitled to:
- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
  - (b) With the permission of the Chair, seek clarification on any point by any other party;
  - (c) Address the Sub-Committee.
15. Members of the Sub-Committee may also seek clarification of any party or witness.
16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

### **Hearing Procedure**

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

### **The applicant**

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

### **The representations**

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
  - (a) The person making a representation (or their representative) may present their case.
  - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
  - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

- (d) The Chair will invite the applicant to seek clarification on any points made by those making representations.
- (e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

### **Summing up**

- 29. The Chair will invite each person making a representation to make a final statement or sum up their case.
- 30. The Chair will invite the applicant to make a final statement or sum up their case.

### **Sub-Committee's decision**

- 31.
  - (a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.
  - (b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.
  - (c) The parties will be invited to wait to be informed of the outcome.
  - (d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.
  - (e) If a room is available, the Committee may retire to deliberate and make its decision
  - (f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.