
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 31 MARCH 2021

Present: Councillors G Galton, McEwing and Renyard

45. **ELECTION OF CHAIR**

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

46. **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.

47. **APPLICATION FOR REVIEW OF PREMISES LICENCE - CATTLE STEAKHOUSE, 14-15 HANOVER BUILDINGS, SOUTHAMPTON SO14 1AE**

The Sub Committee considered the application in accordance with the Licensing Act 2003 (Hearings) and Regulations 2005 (as amended). The Sub Committee also took into consideration the Crime and Disorder Act 1998 and the Human Rights Act 1998.

The Sub Committee gave due regard to the Equality Act 2010. The Council's statement of Licensing Policy and statutory guidance was taken into account. In reaching its decision the Sub Committee was mindful of Procedure Rules as set out in Part 4 of the Constitution, so far as it was applicable.

The Sub-Committee considered very carefully the application for review of the premises licence at Cattle Steakhouse, 14-15 Hanover Buildings, Southampton, SO14 1EA. The application to review related to two licensing objectives: The prevention of crime and disorder and public safety.

The Sub Committee took into account the written report presented by the Service Director, Communities, Culture and Homes, as well as video and written evidence submitted to the Sub Committee by Hampshire Constabulary in advance of the hearing. The panel also received written representations from the Licensing Authority, Public Health, and the Premises License Holder.

The Sub-Committee considered the representations, both written and given orally at the hearing, by all parties. The Sub-Committee heard from the applicant PC Mark Hawley and the Licensing Officer Karen Head and Phil Gilbert, Public Health. Mr Nazim Ahmed was also in attendance and addressed the Sub-Committee.

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

In light of all of the above the Sub-Committee:

RESOLVED that the premises licence be revoked.

Reasons

The Sub-Committee considered very carefully the application of PC Mark Hawley. It gave 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 by all parties. The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998, Section 17 were considered whilst making the decision.

The Sub-Committee considered all the options set out in Section 52(4) Licensing Act 2003 (namely):

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the DPS
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence

The Sub-Committee was concerned that this was a very serious incident, which breached the Coronavirus regulations, which in turn impinged on the licensing objectives of the prevention of crime and disorder and public safety.

At the time of the event the country was in national lockdown with regulations in place for public safety. Hospitality premises were permitted only to provide food to be taken away and eaten off site. Coronavirus regulations were breached when customers were allowed to eat and drink on the premises. Mr Nazim Ahmed failed to acknowledge the regulations in place or his responsibility for ensuring staff and public safety on the premises.

Additionally, he failed to recognise the seriousness of the threat to public health that Covid 19 represents and the importance of behaving in accordance with both the legislative provisions and government guidance in order to control its spread, thus disregarding the potential harm placed on the general public.

On the date in question at the arrival of the police, a number of customers were warned to exit through a staff door, not the public exit. None of the staff or customers were adhering to regulatory safety measures. No face masks were worn, and no social distancing was in place and there was evidence that smoking was taking place in doors.

Whilst the Sub-Committee considered the reasons given for people to be on the premises at the time, there was no acceptable reason for eating, drinking and smoking to be taking place on site. Evidence of illegal activity taking place suggested that this was not a single event. The absence of CCTV footage (which breached a condition of the license) as requested by Hampshire Constabulary, meant that there was no proof to the contrary.

The Sub-Committee felt that Mr Ahmed's lack of knowledge for his responsibilities as DPS and Premises License Holder, in view of the current pandemic and the period of national lockdown, was a serious concern.

The issues highlighted could not be resolved by modification of conditions or excluding a licensable activity from the scope of the license. This was because the offences related to non-licensable activities. Removal of the DPS would still have left Mr Ahmed in control as the premises license holder. The gravity of the incident meant that suspension was not appropriate.

As DPS, Mr Ahmed had failed in his duties and responsibilities and there was concern that he was putting profit before public safety. The Sub-Committee deliberated long and hard and came to the conclusion that revoking the license was the only proportionate response to promote the licensing objectives of the prevention of crime and disorder and public safety.

There is a statutory right of appeal against this decision to the Magistrates' Court within 21 days of formal notification, which will set out that right in full.