

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

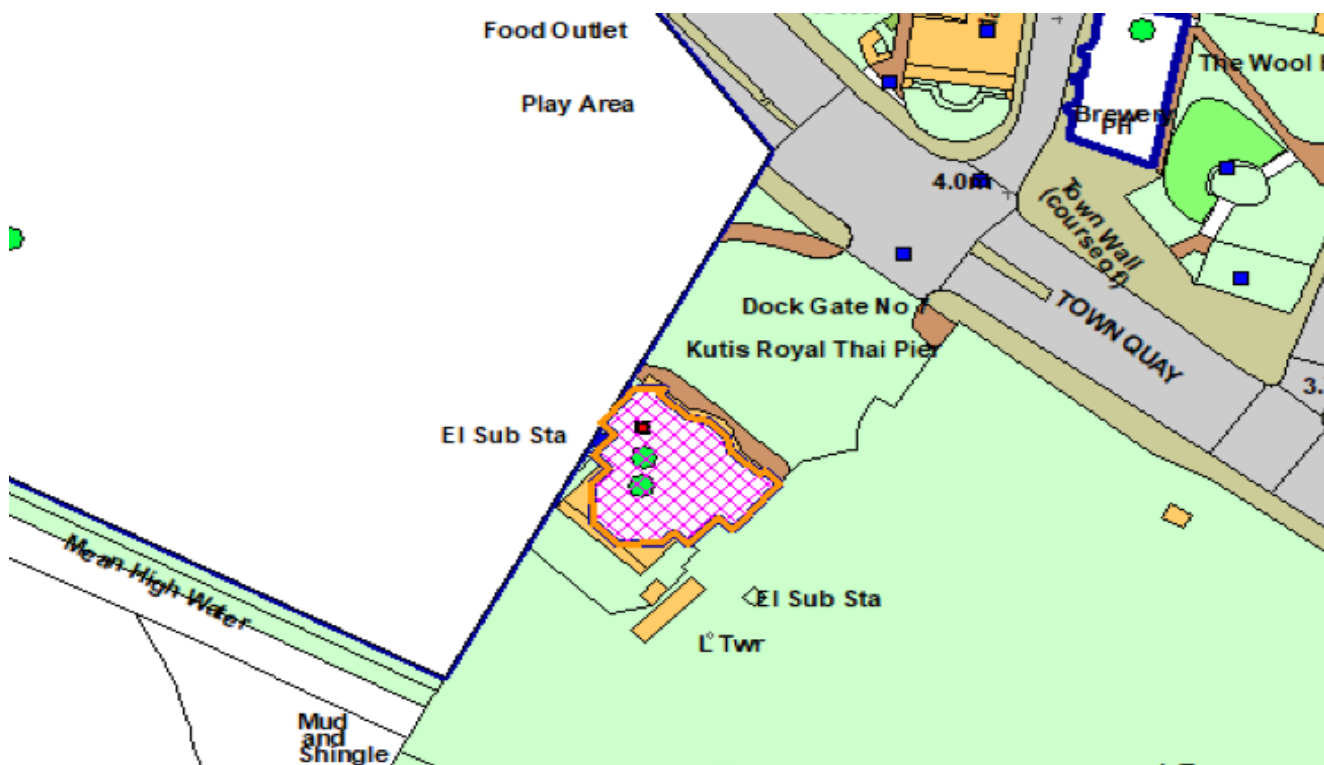
DATE OF HEARING Wednesday 16th December 2020 at 10.00hrs (Online)

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**



© Crown copyright and database rights 2014 Ordnance Survey 100019679

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	
Other Representations		
Name	Address	Contributor Type

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

Premises Licence Holder	Mr. Kuti Miah
Designated Premises Supervisor	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 17th 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 26th 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
--	-----------

Number of premises licence or club premises certificate (if known)	2015/02053/01SPRM
--	-------------------

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**

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 [X]
2) Public safety []
3) The prevention of public nuisance []
4) The protection of children from harm []

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 26th 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 – 26th 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 25th 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 26th 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 27th 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 26th 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 [REDACTED]

Shahi

Newel

Helmy

Hussain

Head table 2

Fahmida [REDACTED]

Rumi

Urmi

Shumi

Jasmin

Jasmin

Ala [REDACTED]

Ziad

Omar

Saif [REDACTED]

Arif

Nahid

Saahil

Anisha [REDACTED]

Naz

Ayesha

Manha

Moshahid [REDACTED]

Nurun [REDACTED]

Farjana

Jamila

Farjana [REDACTED]

Agnes

Wallis

Asrafut

Nick

Saleha [REDACTED]

Rubina

Jahanara

Nana

Fuad

Najah

Syed [REDACTED]

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

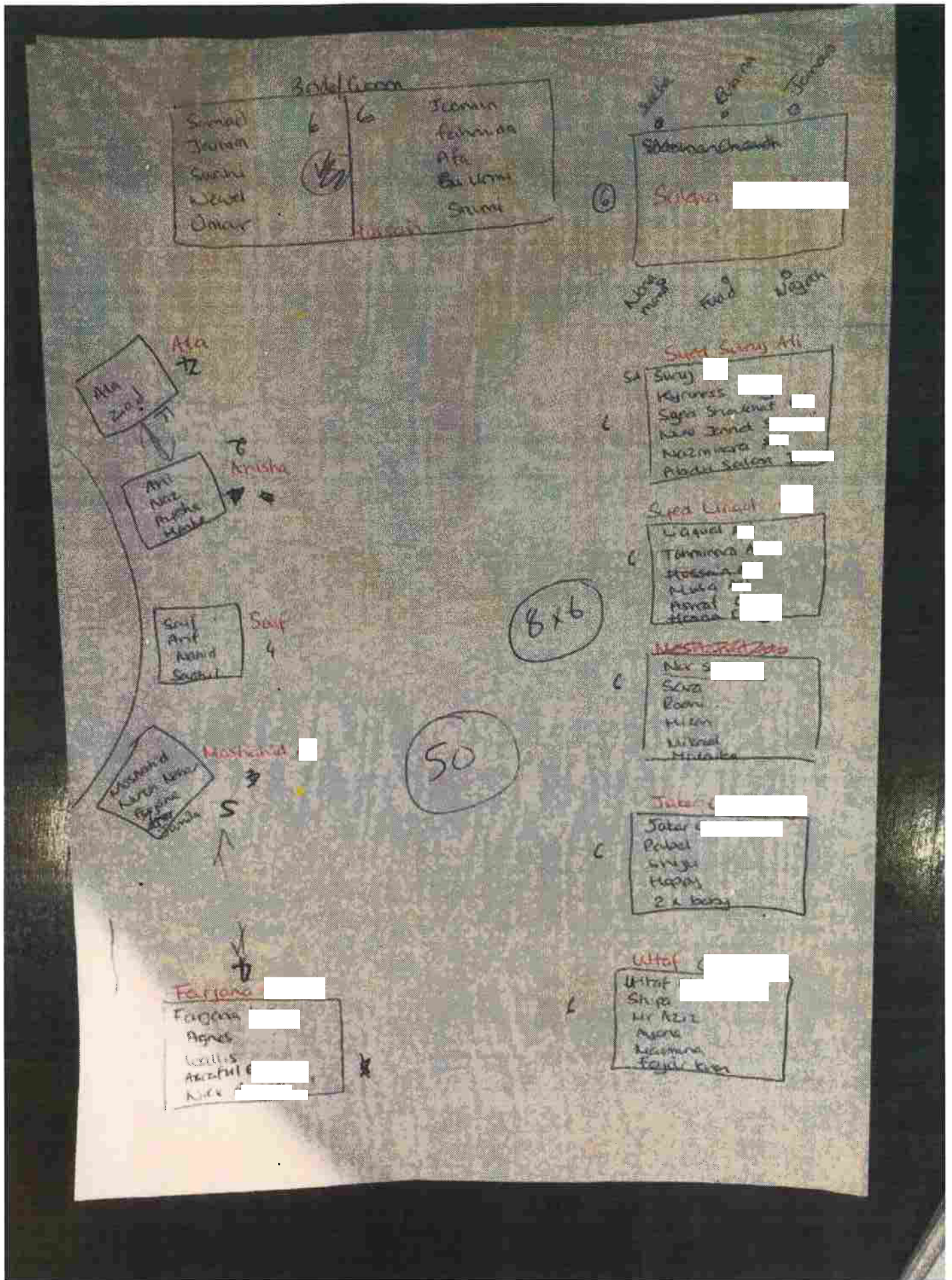
DOME
Abdul [REDACTED]
Sadiqul [REDACTED]
Samsul [REDACTED]
Baki [REDACTED]
Imam

Syed [REDACTED]
Hasna [REDACTED]
Raju
Tinku
Shopon

Rofique [REDACTED]
Payel
Shipu

Page 2.

2013/12/13 - 2017 1157.



AKB/KB/CC - 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 [REDACTED] 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 [REDACTED] 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'.

[REDACTED] seemed shocked and scared that she had been accused of the organisation. [REDACTED] 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.

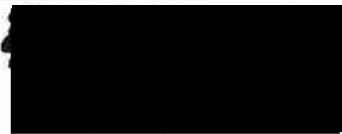
All parties were invited in for a voluntary attendance interview to allow a fair process despite there being enough to seek authority to action enforcement right there and then.

I noted that there was a photographer inside the venue carrying cameras. I approached [REDACTED] 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 AFRAID 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

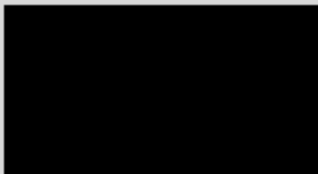


Registered number of holder, for example company number, charity number (where applicable)



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

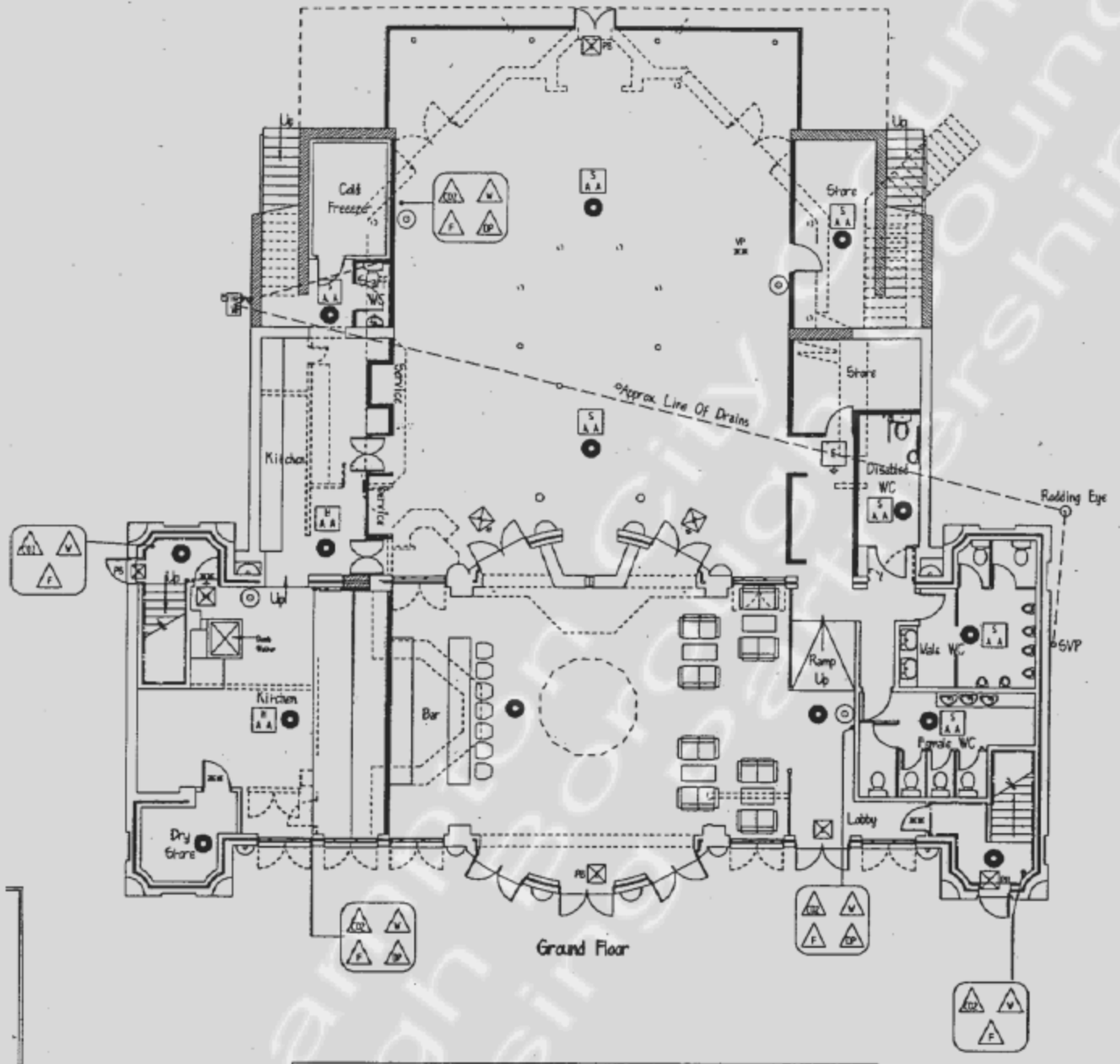
Annex 2 – Conditions consistent with the operating Schedule

None

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

1 None

Annex 4 – Plans



Plan not reproduced to scale.



Date: 23rd 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 26th 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 14th September 2020 the UK government introduced the widely publicised 'Rule of 6' measures¹. 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

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

On the 28th September 2020 the maximum number for wedding receptions² was reduced to 15 and this remained the position for Southampton as a Tier 1 area on the 14th October 2020 when the “Tiering “ restrictions came into force in England³. These were the relevant regulations when the event at Kuti’s on the 26th 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.⁴

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

Secondly, under “the contact details regulations“⁵ 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 26th October happening again.

Yours sincerely



Debbie Chase
Interim Director of Public Health

² The Health Protection (Coronavirus, Restrictions) (No.2) (England) (Amendment) (No.5)

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

⁴ The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020

⁵ 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.