

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR REVIEW OF A PREMISES LICENCE – **Cattle Steakhouse 14 - 15 Hanover Buildings Southampton SO14 1AE**

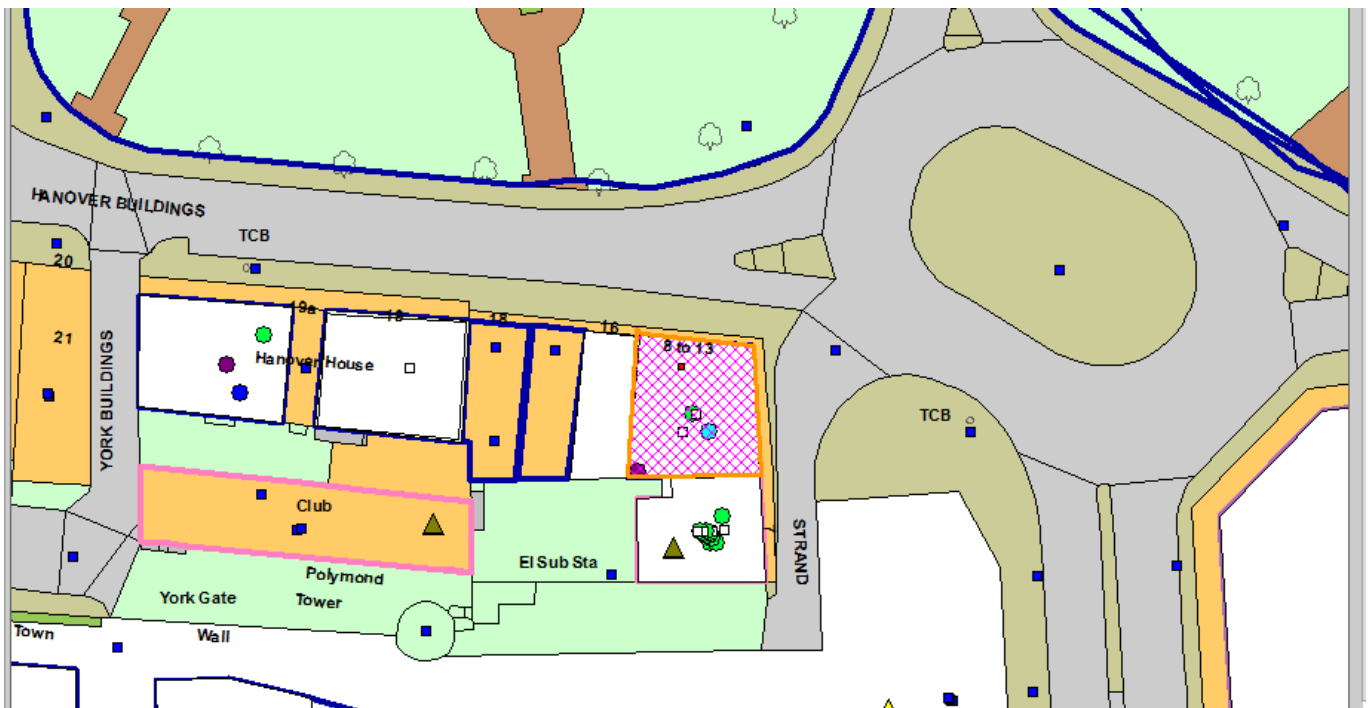
DATE OF HEARING **Wednesday 31st March 2021 at 10.00hrs (Online)**

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

E-mail licensing@southampton.gov.uk

Application Date : 9th February 2021 Application Received 9th February 2021

Application Valid : 9th February 2021 Reference : **2021/00399/01SRAP**



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Representations from Responsible Authorities

Responsible Authority	Satisfactory?
Safeguarding Children	No Response
Fire Service	No Response
Environmental Health - Licensing	No Response

Home Office	Yes	
Public Health Manager	Supporting Police Review	
Planning & Sustainability - Development Control - Licensing	No Response	
Police - Licensing	Applicant	
Trading Standards	Yes	
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	Nazim Ahmed
Designated Premises Supervisor	Nazim Ahmed

The premises is a restaurant which has held a licence since 1st March 2018. Mr Nazim Ahmed became the licence holder on 29th March 2018 and on 29th May 2019 he became the Designated Premises supervisor.

Licensable Activities.

Recorded music	
Monday	12:00 - 01:00
Tuesday	12:00 - 01:00
Wednesday	12:00 - 01:00
Thursday	12:00 - 01:00
Friday	12:00 - 01:00
Saturday	12:00 - 01:00
Sunday	12:00 - 01:00
Provision of late night refreshment	
Monday	23:00 - 23:59
Tuesday	23:00 - 23:59
Wednesday	23:00 - 23:59
Thursday	23:00 - 23:59
Friday	23:00 - 23:59
Saturday	23:00 - 23:59
Sunday	23:00 - 23:59
Supply by retail of alcohol	
Monday	12:00 - 23:59
Tuesday	12:00 - 23:59
Wednesday	12:00 - 23:59
Thursday	12:00 - 23:59
Friday	12:00 - 23:59
Saturday	12:00 - 23:59
Sunday	12:00 - 23:59

Conditions attached to current licence – excluding mandatory conditions.

Annex 2 – Conditions consistent with the operating Schedule

1) CCTV

A colour recording CCTV system that captures images from the main public areas (excluding the toilets) must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made for someone to have access to the secure area and also be able to operate the equipment at all times.

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

2 STAFF TRAINING

Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products. This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age. All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area. This training should be reviewed and updated at reasonable intervals but at least annually.

3 CHALLENGE 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

4 REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

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

1 None

The application for review relates to the licensing objectives of Crime and Disorder and Public Safety. On 24th January 2021 the premises were in breach of the Health Protection (Coronavirus, Restrictions) Regulations 2020. At this time the whole country was in a national lock down, with hospitably premises only being permitted to provide food off the premises. There was no household mixing and face masks had to be worn by staff serving and customers picking up their orders.

Hampshire Constabulary have provided video evidence of the event.

Application Form – Pages 7 -10

Additional Police Evidence

- 1. Statement SC Charlotte Bannon Pages 11-14*
- 2. Statement SC David Smith Pages 15-16*
- 3. Statement PC Mark Hawley Page 17*
- 4. Police and PLH E-Mail correspondence Pages 18-20*

Premises Licence Holders Statement - Pages 21-22

Public Health Supporting Review- Pages 23-24

Existing Premises Licence – Pages 25-31

Hearing Procedure Notes – Pages 32-35

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

I PC 25491 Mark HAWLEY, 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:	Cattle Steakhouse 14 - 15 Hanover Buildings Southampton
Postcode (if known):	SO14 1AE

Name of premises licence holder or club holding club premises certificate (if known) Nazim Ahmed

Number of premises licence or club premises certificate (if known) 2020/01631/01SPRV

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	
Surname: HAWLEY	First Names: Mark
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	101
E-mail address: (optional)	

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

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

*Select one or more
boxes*

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

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

This review is being sought for the failure to promote the licensing objectives of Crime & Disorder and Public Safety.

Police have attended the above mentioned premises on Sunday 24th January 2020 at 22:15hrs. The attendance was self initiated after 2 Special Constables have noticed loud voices coming from behind shutters of The Cattle Steak House, Hannover Buildings, Southampton.

At the time of the attendance The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 were in force.

Regulations at the time stated:

- No person who lives in the Tier 4 area may leave or be outside of the place where they are living without reasonable excuse.
- Restaurants can operate for takeaway or delivery only.
- No consumption on the premises of food, drink or alcohol.

Police have become aware when passing of loud vocal noise eminating from behind closed shutters of Cattle Steak House. As they approach the premises they try and look through the shutters to see what going on.

They are there in full uniform, wearing clearly marked Hi-Viz Police jackets and headwear that makes them instantly recognisable as Police Officers, there is no doubt whatsoever that these are 2 Police Officers.

After being spotted by the someone within, this person informs those within to leave quickly through the back door. 1 Police Officer then enters the premises and is met by an rather embarrassed looking PLH & DPS Mr Nazim AHMED, clearly he realises at this point he has been caught out.

The officer shouts to the departing persons (number unknown) to remain where they are and eventually 2 are stopped in the rear yard with the rest making a speedy getaway, evidentially fully aware that gatherings in businesses are not allowed hence their speedy

retreat.

As the investigation progresses, a female who was trying to leave explains that she was a staff member called in for a team meeting but this is denied by Mr AHMED who states that she was with another male and they are regular customers who were asked to try the new menu being prepared and photographed rather than ordering their own food.

SC BANNON asks if CCTV is available which would prove this train of excuse, a question to which Mr AHMED seems flustered by, leaving the General Manager to state that there was a problem with the wifi.

SC BANNON takes a walk through the area in which the persons within were first seen and it is clear this is part of the business and in an attempt to keep hidden there are clear and obvious attempts to block out the shutters with pieces of cloth. In the corner are a number of seats around a table with drinks and cigarettts on. There is also a TV playing music videos, all around this area are a number of heaters. Clearly this area is used often and for prolonged periods.

Despite being caught with customers in the venue, drinking, eating and generally socialising, not one of the 5 persons, customers or staff are seen wearing face masks, consumption is clearly taking part within and for some unknown reason they are smoking inside.

It is clear to me that this is a social event between the staff and persons within, it is more than just regular customers. I have never been to a venue where I have had to depart through a back door upon sight of the Police and my experience of this as a Police Officer is that wrong was being done.

CCTV will assist in preventing Crime & Disorder, it will protect staff members in vunerable situations and it would also prove nothing untoward was going on, having no CCTV is a clear attempt to hide the simple truth that with full knowledge of all involved this restaurant was operatin illegally this evening and most probably on many many other occassions prior to it. One does not simply have the set up seen for 1 night only!

Mr AHMED admitted that he hardly comes to Southampton, he is working elsewhere In London, as the named DPS is he really in day to day control of this premises.

I seek the removal of Mr AHMED as the DPS and the suspension of the premise licence for 3 months.

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

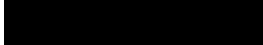
If you have made representations before relating to this premises please state what they were

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	Mark HAWLEY	Collar Number:	25491
Signature:		Date:	08/02/2021

Signature of Authorising Officer (Inspector or above)

Name	Robert Cohen	Collar Number:	2849
Signature:		Date:	08/02/2021

MG11 WITNESS STATEMENT

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

Occurrence Number:	44210028114	URN:	
Statement of:	BANNON, CHARLOTTE		
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 SC 90047 BANNON currently based at Portswood Police Station. The statement details an incident I attended at CATTLE STEAK HOUSE, HANOVER BUILDINGS, SOUTHAMPTON.

I will be mentioning several people throughout this statement. [REDACTED] of [REDACTED], who I refer to as [REDACTED]. The owner of CATTLE STEAK HOUSE, [REDACTED] dob [REDACTED] of [REDACTED] who I will refer to as [REDACTED] and the chef, [REDACTED] dob [REDACTED] of [REDACTED] who I will refer to as [REDACTED].

Also present was the GENERAL MANAGER who I will refer to as GENERAL MANAGER, a male who I will refer to as BASEBALL CAP because he was wearing a dark baseball cap and an unknown female who I will refer to as PONYTAIL because she wore her hair in a ponytail. I will also refer to my colleague by name and collar number.

CATTLE STEAK HOUSE is a restaurant situated in 14-15 HANOVER BUILDINGS, SOUTHAMPTON, SO14 1JX. The property sits in a prominent position on the corner of HANOVER BUILDINGS and STRAND overlooking the roundabout at the bottom of PALMERSTON ROAD and QUEENSWAY. The public entrance to CATTLE is on HANOVER BUILDINGS to the right of two large floor to ceiling windows which overlook HOUNDWELL PARK. To the left of these windows is a black security shutter approximately eight foot wide. The black security shutter continues along the side of the building covering two further large floor to ceiling windows. The security shutters cover a small internal terrace which runs along the side of the building, parallel to STRAND. This is separated from the main restaurant area by a wall and windows. Part of this area to the front of the building is a heated seating area approximately six foot by eight foot. It contains a red corner sofa type seat, television, play station and a coffee table. This heated area has a door to the main restaurant. At the opposite end of the terrace to the restaurant door there is an exit to the rear through a corridor and storage area. The rear of CATTLE is accessed approximately 50 m along STRAND, past the business next door, around the sharp right bend and through a small car park.

On Sunday 24th January 2021 at 22:15hrs I was on foot patrol, in full uniform with SC 90059 SMITH when we heard loud voices coming from CATTLE STEAK HOUSE as we crossed the road from HOUNDWELL PLACE to HOUNDWELL PARK, about 20 meters from CATTLE STEAK HOUSE. I activated my Body Worn Video and listened to the conversation for approximately 1 minute in order to try and ascertain the number of people involved. Both I and SC 90059 SMITH moved away from the restaurant to the opposite side of STRAND in order to contact CWUN to update them of the situation. After which I activated my BWV once again and returned to outside CATTLE, where I again observed for approximately 1 minute. There was music playing and a television was on. Several people were chatting and through the security shutters I could see that there was no regard for social distancing and that there were drinks on the table. I heard several different voices one female was heard to remark "Hmmm the food!" A male voice was heard to say "Let him take a picture". The female voice then replied "Take it randomly."

At this point I saw 2 unknown males exit CATTLE from the public entrance on HANOVER BUILDINGS and get into a dark coloured BMW car parked outside. I believe one of these males went back into CATTLE to let them know myself and SC 90059 SMITH were outside, as soon afterwards I heard a male voice say "Go out the back the feds are outside". I could then see several people one of them PONYTAIL, making towards the rear exit. SC 90059

SMITH entered CATTLE via the public entrance on HANOVER BUILDINGS and I went along STRAND to the rear exit. I met SC 90059 SMITH in the car park at the rear of CATTLE along with ██████ and BASEBALL CAP. Neither ██████ nor BASEBALL CAP were wearing face coverings. SC90059 SMITH informed me that 3 other people had run off to the right towards YORK BUILDINGS. I did not see them but assumed one to be PONYTAIL as she was not in the car park.

I said to ██████ "Do you have any identification on you?" to which she answered "No, I don't actually". I then asked if she had a purse on her. ██████ opened her handbag and produced a purse with a provisional driving licence, ██████ informed me that she worked at CATTLE. I asked "Have you been drinking tonight?" to which she replied "No, I haven't". I stated that we had seen drinks on the table through the security shutters. ██████ then agreed that they had been drinking but that these were non-alcoholic drinks.

██████ appeared from the rear exit of CATTLE and I queried with ██████ who he was. ██████ confirmed that he was one of the workers, the chef. I asked BASEBALL CAP to confirm his address, which he gave. I then asked ██████ to confirm his address which he confirmed was HANOVER BUILDINGS. All three people were not from the same household.

I asked ██████ how many people were with her in the restaurant. ██████ was reluctant to answer but replied "They came in last minute. They weren't actually sitting with us". I asked her if this had happened before to which she replied "No". I asked ██████ how she heard about the gathering. ██████ explained that her boss, ██████, contacted her to ask her to come into work to discuss a work-related thing. ██████ confirmed that she had been working at CATTLE for about 4 months.

As it was cold and SC 90059 SMITH had already gone inside CATTLE, I suggested to ██████ that we also move inside. I followed ██████ through a rear storage area and corridor into the internal terrace and heated seating area. At this point I saw drinks being a can of red bull, a glass and a glass bottle which I believed to be sprite, and a full ashtray on the low coffee table. I also saw a shisha pipe on the red corner sofa. The television was on playing music videos. I did not see any alcohol being consumed, I asked if anyone had been drinking, to which I was told, they had been drinking, but it was only soft drinks.

I entered the main restaurant area through a glass door. ██████, GENERAL MANAGER, BASEBALL CAP and ██████ were all there. There was no regard for social distancing, and no one was wearing a face covering. I spoke to ██████ and asked if SC 90059 SMITH had already taken his details. He stated "I've explained why these guys are here. We are doing food trials". Whilst taking ██████ details I queried his London address. He explained that he had travelled down from London to try a new menu in order to boost take away business at the restaurant. He confirmed that it was his intention to travel back to London that night.

██████ explained that ██████ and BASEBALL CAP were regular customers and that BASEBALL CAP had come in to purchase food but ██████ had told him not to bother and to wait as they were making food. ██████ referred to some photographic equipment on the table, which he said he was using to take photos of the food for the new menu.

██████ said "We're going to get fined for working here." GENERAL MANAGER replied, "You're not working in here." I challenged ██████ with regard to her story of being an employee, ██████ then confirmed that she used to be an employee. I once again challenged her on the basis that she had said that she was attending a staff meeting to which she did not give a coherent response.

I asked ██████ how many people had been present. He advised that he did not know as he had been in the main restaurant area, taking pictures of the food with GENERAL MANAGER. I queried whether there was CCTV which covered the area. ██████ confirmed that there was. However, GENERAL MANGER stated that he did not think it was working as there was an issue with the Wi-Fi. ██████ again confirmed that BASEBALL CAP had come in to order food but that he had told him to wait as they were making some food and it was perfect timing to try it,

rather than let it go to waste. GENERAL MANAGER confirmed that they had not served anyone and that we could check the till system.

I then spoke to [REDACTED] who confirmed his details and that he was there cooking the food for the new menu. He produced a Nationwide bank card in his name to confirm his identity. [REDACTED] confirmed that he was due to finish his shift at 23:00hrs.

When I returned to [REDACTED] I noticed that both [REDACTED] and BASEBALL CAP had been given drinks and had begun to eat the prepared food. I advised them that they had to leave and that they were unable to eat on the premises. Both [REDACTED] and BASEBALL CAP went to wait outside CATTLE for their Taxi.

[REDACTED] expressed his confusion regarding the current lockdown rules. I explained to him that he can not have customers sitting in, to which he replied that it was a spare of the moment thing and that he had told them to wait and that they didn't have to pay. I explained that maybe they should have waited outside, rather than be sat inside drinking and smoking. [REDACTED] replied "That's our fault then as we didn't know". GENERAL MANAGER stated that because he knew them, he let them through.

Myself and SC 90059 SMITH were at CATTLE for approximately 45 minutes. None of the parties were known to me.

I would describe PONYTAIL as a white female in her early 20's, medium build, approximately five feet and five inches tall. Long dark hair worn in a high ponytail. She was wearing black, long sleeve top and light-coloured trousers. She was carrying a handbag on her right shoulder.

I would describe [REDACTED] as a white female in her late teens or early 20's, slim build, approximately five feet and two inches tall. Long dark hair worn loose past her shoulders. She was wearing a black crop type hoodie with long sleeves. There was a light-coloured strip down each arm. Black tracksuit bottoms with a similar, light-coloured strip down each leg. She was carrying a black medium sized handbag.

I would describe BASEBALL CAP as an Asian -Indian male in his early 20's, slim build, approximately 6 feet tall with short dark hair and dark beard. He was wearing a dark colour baseball cap, light grey hoodie, and dark coloured trousers.

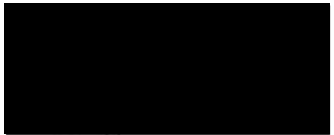
I would describe [REDACTED] as an Asian-Indian male in his 30's, large build, approximately five feet and ten inches tall with short dark hair and a dark moustache. He was wearing a dark green tracksuit.

I would describe GENERAL MANAGER as an Asian-Indian male in his 30's, medium build, short dark hair and beard. He was wearing a dark baseball cap, white t-shirt, dark blue Gillet and light blue Demin jeans.

I would describe [REDACTED] as an Asian-Indian male in his late 20's, slim build, short dark hair with a short dark beard. He was wearing a black, long sleeve top and dark blue Demin jeans. He was also wearing a gold or silver chain around his neck.

The incident was captured on my Body Worn Video which I can produce as CB/CSH/BWV/01 and CB/CSH/BWV/02.

Signature of Witness		Signature Witnessed By	
Name:	BANNON, CHARLOTTE	Name:	
Signed Time:	28/01/2021 21:53	Signed Time:	

	
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MG11 WITNESS STATEMENT

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

Occurrence Number:	44210028114	URN:	
Statement of:	SMITH, DAVID		
Age:	Over 18	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 SC 90059 SMITH of Hampshire Constabulary currently on attachment with Southampton Civic Neighbourhoods team.

This statement refers to a COVID-19 Breach at the CATTLE STEAKHOUSE, 14-15 HANOVER BUILDINGS, SOUTHAMPTON, SO14 1JX.

On SUNDAY 24 JANUARY 2021 I was on duty in uniform working on foot patrol in Southampton City with SC 90047 BANNON.

At approximately 2215 hours on this day, my attention was drawn to loud voices coming from inside the CATTLE STEAKHOUSE, HANOVER BUILDINGS. There were multiple voices coming from inside, behind shutters. I looked through the small holes in the shutters and saw several people sat round a table together, drinking and watching television. They were not socially distanced, and none of them were wearing masks.

We observed for a few minutes until I heard someone say "OUT THE BACK, OUT THE BACK" and suddenly everyone around the table immediately got up and quickly went towards the back door, in order to leave the premises. I walked into the shop through the front door, and was able to see several people leaving the building through the back door. I shouted "STAY THERE" but they continued to leave so I gave chase and caught up with an IC1 female, who identified herself as [REDACTED] and an IC3 male who identified himself as [REDACTED]

I saw 3 other people running away from the rear of the property.

I returned to the CATTLE STEAKHOUSE and spoke to the owner who identified himself as [REDACTED]. He confirmed that one of the other people in the group who ran off, was one of his staff members, being [REDACTED]. I asked him why people were there, and he initially said they were doing a photoshoot and food trials for a new menu. I asked him why he had ushered them out the back door and his reply was that he was scared when I knocked on the window. However, I knocked on the window after he had told them to go out the back.

During my dealings with the CATTLE STEAKHOUSE, I was wearing my body worn video camera. I can produce the footage as exhibit DS/BWV/CSH/01. I turned my body worn camera off whilst I took advice from the R&P Sergeant, but then forgot to re-activate it afterwards, which missed the varying excuses the owner gave for the incident.

Signature of Witness		Signature Witnessed By	
Name:	#90059 SMITH, D.	Name:	
Signed Time:	28/01/2021 18:26	Signed Time:	

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5

MG11 WITNESS STATEMENT

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

Occurrence Number:	44210028114	URN:	
Statement of:	HAWLEY, MARK		
Age:		Occupation:	Emergency Services: Police service Empl. stat: Employed
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 25491 Mark HAWLEY of Hampshire Constabulary currently stationed at Southampton Central Police Station.

I am currently attached to the Licensing Team in Southampton.

On Friday 5th February 2021 I was on duty in full uniform using call sign LO511. I was crewed with PC 25597 SCOTT.

Just after 17:00hrs I attended The Cattle Steakhouse, Hannover Buildings, Southampton, SO14 1JX.

This was in relation to an incident where 2 Special Constables had witnessed at least 6 persons running away after seeing them with the premises for some time eating, drinking and sat smoking indoors. A member of staff raised the alert that Police were outside and this triggered the getaway. The Constables managed to stop 2 persons, a male and female at the rear of the premises before they managed to escape fully. PC BANNON & PC SMITH were informed by the Owner [REDACTED] that they were in fact regular customers, whom he invited in to test a new menu being prepared.

After reviewing the evidence provided by PC BANNON & PB SMITH both BWV & MG11, it was clear that [REDACTED] was acting against the current Health Protection Regulation, in that he allowed persons on his premises to consume food and drink on the premises.

Since the start of the Coronavirus pandemic I have attended a number of times to this establishment and explained the changes as time has moved on. Given that a warning was passed by Staff to the customers with demonstrates a knowledge of what was going on was wrong.

I have reported [REDACTED] for summons for breaching the regulations and he was cautioned and invited to make a reply which he did not. I have explained at length the process to him.

Signature of Witness Name: #25491 HAWLEY, M. Signed Time: 05/02/2021 21:17	Signature Witnessed By Name: <input style="width: 100%; height: 20px;" type="text"/> Signed Time: <input style="width: 100%; height: 20px;" type="text"/>
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Hawley, Mark,25491

From: Cattle Southampton [REDACTED]
Sent: 18 February 2021 15:26
To: Hawley, Mark,25491
Subject: Re: Contact

Hi Mark,

Please find attached proof regarding CCTV, thanks.

Also going forward what are the next stages?

A fine will be issued in a few weeks in the post, and a licensing hearing on 31st March?

As mentioned before once Boris Johnson mentions, I think this is next Monday on when Restaurants are able to reopen fully and for licensable activities then I will make sure a replacement CCTV system is in place to ensure we follow the licence rules.

Also with regards to DPS, I have taken on your comment and have requested the manager to go for the relevant training and replace me as DPS.

With regards to the Lounge area I have locked the door, so no one can sit in there at all and we have created a better system for collection services and not letting anyone beyond the collection point.

Also we have been mentioned on the Hampshire Police website which has led to a lot of negative press on Daily Echo, can this be removed?

My only concern is that we have a hearing coming up, should this not have been released after the hearing?

Is there any other suggestions you can make to help us? As mentioned before I want to work closely with the Police & Licensing to ensure we are following the guidelines correctly.



Endoflease

To: Nazim Ahmed >

16:15



RE: Shire Leasing agreement 0420520

Good Afternoon,

Now that the lease has ended, please speak to ADT regarding future use of the system as title is with ADT.

Thank you

Kind regards,

Louise

Louise Baldwin

Operations Team Leader



Kind Regards

Nazim Ahmed

Cattle. Southampton



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[Instagram.com/cattlesteaks](https://www.instagram.com/cattlesteaks)

From: <mark.hawley.25491@hampshire.pnn.police.uk>

Date: Thursday, 18 February 2021 at 10:48

To: "Cattle. Southampton" <[REDACTED]>

Subject: RE: Contact

Good Morning Nazim,

Having reviewed my most recent emails, I do not seem to have received the evidence of the CCTV cancellation.

Do you have a completion date for this?

Kind regards

Mark

From: Hawley, Mark,25491

Sent: 09 February 2021 09:02

To: [REDACTED]

Subject: Contact

Greetings Nazim,

Please send the evidence of the CCTV subscription cancellation to this email address at your earliest convenience.

Please keep the details below for future contact.

Many thanks

Mark

PC 25491 Mark HAWLEY

Licensing Officer
Licensing & Alcohol Harm Reduction Team
Southampton Central Neighbourhood Police Office
Southampton City Council
Civic Centre
Southampton
SO14 7LY

[REDACTED]

VICTIM ADVICE

Victim of Crime Leaflet - Understanding the support you can expect.

Victim Personal statement Leaflet - A guide explaining the purpose of a personal statement.

Victim Support Link - This charity is a free and confidential provider of support to help victims move beyond the impact of crime.

Restorative Justice Link - This is an opportunity to speak face to face with the offender to ask questions or explain how it has affected you.

From: [REDACTED]
To: [Head, Karen](#)
Cc: [Licensing](#)
Subject: Cattle Steakhouse 240121
Date: 07 March 2021 21:27:40

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Licensing

In regards to the allegations of breaching the Covid rules, I agree that this was my fault when speaking with the police on the night.

I can confirm that I had asked my customers to leave after one of my customers walking out notified me he spotted the police acting suspicious around the lounge area from the outside.

I should not have done this but I felt like I was doing something wrong immediately for police to be peering into the building and them banging on the window and running through the restaurant.

We have not had any issues with police or licensing prior to this, so this is not a normal reaction for us as normally police on several occasions have walked in to the restaurant to check or update us on any new regulations.

The incident that took place was not a planned event, nor invited guests, these were regular customers who had walked into order food for takeaway. Again this was my fault which I made a spontaneous decision to invite regular walk-in customers to try out our food for free.

I let them sit in the Lounge area where we had the heating on so they can wait for the food to be made, photos taken and then offer out the food to the customers rather than it go to waste as well as get real feedback. I did not think this would have proved such an issue, especially as I knew our customers who regularly dined here previously. Again I take full responsibility for letting them into the lounge area, at the time I was carried away with the new menu items & photoshoot that I was not thinking like normal with covid rules.

There was no licensing activities taking place at the venue, there was no alcohol being served or being drunk, no food was being eaten in the lounge as they were waiting for food, at this time it was before 11pm which is not licensable activity before then. I just want to state this is not licensing activities that has been breached to the best of my knowledge.

During the whole lockdown we have worked with licensing officers to ensure we have put in best practices for a covid safe business, we purchased screens, auto hand sanitizers, track & trace book, stickers & posters around the venue to remind guests to stay seated, keep distanced and wear masks around the venue when not seated. We have taken every caution and guidelines suggested to us by the licensing teams throughout the lockdown.

Throughout the pandemic the hospitality trade has been hugely affected, which our revenues down by 80-90%, we are a restaurant mainly serving customers inhouse. With current restrictions we have had to stay open as a takeaway only, to ensure our name is still there and to keep my staff in jobs until we hear from the government about reopening. I have had to make many hard decisions which involve cost cutting, firing some staff and changing the menu to be

able to complete in the takeaway game and stay afloat. I have asked for help from Sandy Hopkins (SCC) & also Royston Smith (MP) leading upto this event to help me with my landlords who are demanding rent with no discounts, no deferral payment dates or face their legal team for eviction. On top of this we have had to make lots of cut backs to ensure we survive the lockdown until we can reopen.

I have sent further evidence and emails directly to licensing to show we are fully cooperating with the licensing team & police on any advice / suggestions they have made for us to operate more safely & in current guidelines. With the recent announcement that we are allowed to reopen from the 12th of April outdoors, we are keen & looking forward to reopening soon to ensure we can survive and keep my business alive which I have spent my life savings on. We hope you take this email in considerations ahead of the hearing, and that I would not have done this knowingly to blatantly breach the Covid rules but this was a human mistake on my behalf for the poor judgement that led to this incident.

Kind Regards
Cattle. Southampton

[REDACTED]
[REDACTED]
[REDACTED]

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[Instagram.com/cattlesteaks](https://www.instagram.com/cattlesteaks)

Direct dial:
Email: cc
Please ask for: Debbie Chase, Director of Public Health

Date: 3rd March 2021

Licensing Department
Southampton City Council
Civic Centre
Southampton
SO14 7LS

To Whom It May Concern,

Re: Cattle Steakhouse License Review

This representation is made by the 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 gathering that took place at the Cattle Steakhouse on the 24th January 2021 in the context of the Licensing Objective of "the promotion of the prevention of crime and disorder."

I believe the use of the business as described by the Police report was not in a manner that would meet the requirements of the 'lockdown' required by the Health Protection (coronavirus, restrictions) (all tiers (England) and associated regulations, the Licensing Act 2003, and the UK government's guidance on protecting the public during the Coronavirus pandemic.

Restrictions on numbers at gatherings have been in place for a significant period. On the 24th January 2021 Southampton was in a national Tier 4 lockdown, which required that restaurants may only be open for take-aways or deliveries, that food, drink or alcohol may not be consumed on the premises, and that people may not leave or be outside of the place they are living without reasonable excuse.¹

The Police report states that in addition to allowing customers to sit in the restaurant and be served drinks while waiting for their food on the 24th January 2021, those present were not wearing face coverings or masks, and that no test and trace details were taken, showing further non-compliance with guidance designed to keep people safe by reducing the spread of disease. The police report makes clear that the officer was satisfied that the event at Cattle Steakhouse was a gathering that was not permitted under the legislation at the time. Furthermore, the report describes that deliberate actions had been taken to conceal the gathering from scrutiny, including telling an unknown number of people to leave quickly when the police arrived, and that the set up of the venue suggests that it has been used frequently as

¹ The Health Protection (Coronavirus, Restrictions) (All Tiers) (England)

a social space by the business despite the lockdown and its restrictions. The body worn video filmed by the police on the night also captured confusion from the staff about the rules for bubbles, face coverings, and the operation of restaurants in the lockdown.

As the 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. Gatherings in close proximity increase the risk of an outbreak, as does non-compliance with guidance on face coverings, and test and trace.

I am further concerned about the reports that the premises' CCTV was not working on the 24th January 2021. It is a condition of the license that there is a working CCTV camera covering the front door of the premises during hours of operation². Additionally it was recorded on the body worn video that there was evidence that one or more people in the lounge area had been smoking indoors in a workplace, which is an offence under the Health Act 2006³. Finally the Designated Premises Supervisor admits he is not often in Southampton and was not aware of aspects of some day to day running of the business like the lack of CCTV.

With these points in mind, I agree with the recommendation from the police for a suspension of the license and the removal of Mr. Ahmed as DPS.

Yours sincerely

Debbie Chase
Director of Public Health

² Cattle Steakhouse License, Annex 2 Condition 1 (CCTV)

³ S.7 Health Act 2006

Schedule 12
Part A
Premises Licence

Regulation 33,34

Premises licence number 2020/01631/01SPRV

Part 1 – Premises details

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

Cattle Steakhouse
14 - 15 Hanover Buildings
Southampton
SO14 1AE

Telephone number 023 8184 9978

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Recorded music
Provision of late night refreshment
Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Recorded music

Monday	12:00 - 01:00
Tuesday	12:00 - 01:00
Wednesday	12:00 - 01:00
Thursday	12:00 - 01:00
Friday	12:00 - 01:00
Saturday	12:00 - 01:00
Sunday	12:00 - 01:00

Provision of late night refreshment

Monday	23:00 - 23:59
Tuesday	23:00 - 23:59
Wednesday	23:00 - 23:59
Thursday	23:00 - 23:59
Friday	23:00 - 23:59
Saturday	23:00 - 23:59
Sunday	23:00 - 23:59

Supply by retail of alcohol

Monday	12:00 - 23:59
Tuesday	12:00 - 23:59
Wednesday	12:00 - 23:59
Thursday	12:00 - 23:59
Friday	12:00 - 23:59
Saturday	12:00 - 23:59
Sunday	12:00 - 23:59

The opening hours of the premises

Monday	12:00 - 01:00
Tuesday	12:00 - 01:00
Wednesday	12:00 - 01:00
Thursday	12:00 - 01:00
Friday	12:00 - 01:00
Saturday	12:00 - 01:00
Sunday	12:00 - 01:00



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

Alcohol is supplied for consumption both on and off the premises

Part 2

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

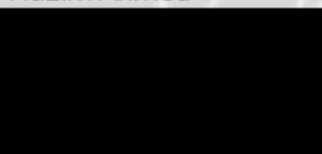
Nazim Ahmed
222 Hayes Lane
Bromley
BR2 7LA

Electronic Mail southampton@cattlesteakhouse.co.uk

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

Nazim Ahmed



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: 1900222LAPER

Licensing Authority: Bromley 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 19th day of June 2020;



Licensing Manager
Southampton & Eastleigh Licensing Partnership
LICENSING PO Box 1767
Southampton
SO18 9LA



Annex 1 – Mandatory Conditions

1 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.

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

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 (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.

6 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.

7 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.

Annex 2 – Conditions consistent with the operating Schedule

1 CCTV

A colour recording CCTV system that captures images from the main public areas (excluding the toilets) must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made for someone to have access to the secure area and also be able to operate the equipment at all times.

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

2 CHALLENGE 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

3 REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

4 STAFF TRAINING

Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products. This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age. All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area. This training should be reviewed and updated at reasonable intervals but at least annually.

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

1 None

Annex 4 – Plans



LAMP POST
GROUND FLOOR PLAN
HANOVER BUILDING

● Fire Extinguishers

Plan not reproduced to scale.

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.