
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 25 FEBRUARY 2021

Present: Councillors G Galton, Kataria and McEwing

41. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meeting held on 3 February 2021 be approved and signed as a correct record.

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

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

44. **APPLICATION FOR REVIEW OF PREMISES LICENCE - BITTERNE PARK HOTEL, 2-4 COBDEN AVENUE, SOUTHAMPTON SO18 1FX**

The Sub-Committee considered very carefully the application by Hampshire Constabulary for a review of a premises licence for Bitterne Park Hotel at 2 - 4 Cobden Avenue, Southampton, SO18 1FX, as submitted in the report of the Service Director - Communities, Culture and Homes.

It gave due regard to the Licensing Act 2003 and the Licensing Objectives (1) The prevention of crime and disorder (2) Public safety, statutory guidance and the City Council's adopted statement of Licensing Policy.

The Human Rights Act 1998, The Equality Act 2010 and The Crime and Disorder Act 1998 Section 17 were considered whilst making the decision.

The Sub-Committee considered the application as submitted and heard representations from Mr Gurvinder Singh, as the DPS and on behalf of the Premises Licence Holder,

PC Mark Hawley (Hearing review applicant), The Sub-Committee also heard Phil Gilbert, Public Health and Gavin Derrick, Environmental Health.

The Sub-Committee considered the representations, both written and given orally, by all parties.

In light of all the above the Sub-Committee:

RESOLVED that the premises licence be revoked.

Reasons

The Sub-Committee considered very carefully the application of PC Mark Hawley with regard for the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

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

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

The Sub-Committee was concerned that this was a very serious incident, which breached the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, which in turn impinged on the licensing objectives of the prevention of crime and disorder and public safety. Additionally, Mr Singh confirmed to Hampshire Constabulary and to the Sub-Committee that a similar incident, involving the same numbers, occurred on 19 December 2020, five nights prior.

Covid 19 presents a very significant threat to the health and lives of many, and its control is something the world is striving for, at great cost, in every sense of the word.

It was evident that Mr Singh had failed to recognise the seriousness of the threat to public health that Covid 19 represented and the importance of behaving in accordance with both the legislative provisions and government guidance in order to control its spread.

There was no acceptable reason for a gathering of 30-40 people, or for licenced activity (drinking) to be taking place.

The Sub-Committee was also concerned at an apparent lack of concern shown by Mr Singh for his responsibilities as DPS and de facto Premises License Holder in view of the pandemic and the regulations in force at the time.

Whilst the Sub-Committee acknowledge and was grateful for Mr Singh's candour and apology, as DPS, he had failed in his duties and responsibilities.

The Sub-Committee deliberated long and hard and concluded that revoking the licence was the only proportionate response.

This was particularly the case, as Mr Singh was both the DPS and in effect the Premises Licence Holder, as the only Officer of that company. Therefore, removing him as DPS would not resolve the issues.

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