
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2020

Present: Councillors Bunday, G Galton and Renyard

15. **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 Reynard be elected as Chair for the purposes of this meeting.

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

RESOLVED that the minutes of the meeting held on 12 August 2020 be approved and signed as a correct record.

17. **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.

18. **APPLICATION FOR A SUMMARY REVIEW OF A PREMISES LICENCE-IROKO LOUNGE, 11 ONSLOW ROAD, SOUTHAMPTON SO14 0JD**

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

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

The Sub-Committee has considered very carefully the certificate of Superintendent Whiting, the application for summary review and the interim steps imposed at the previous Hearing. In addition, the representations by all the parties present at the hearing as well as written representations were also fully taken into consideration.

It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the representations, both written and given orally today, by all parties. The Human Rights Act 1998, The Equality Act 2010 and The

Crime and Disorder Act 1998 Section 17 have been considered whilst making the decision.

The Sub-Committee has considered all the options set out in section 53B of the Licensing Act 2003 (namely):

- modification of the current conditions of the premises licence
- exclusion of the sale of alcohol from the current permissions of the premises licence
- removal of the designated premises supervisor from the licence
- suspension of the licence.

The application for summary review brought by the Police was supported by Trading Standards, Environmental Health, the Licensing Authority and Mr Chester a local resident. The Sub-Committee heard from Mr Day for the Licence Holder, PC Swallow, Mr Bates for the Licensing Authority and Mr Chester. Latterly the sub-committee was also able to hear from Mr Rahman the Licence Holder.

Due regard has been given to the provisions of the Licensing Act 2003, including the statutory licensing objectives, the statutory guidance and the City Council's adopted statement of licensing policy. Human rights legislation has been borne in mind.

The Sub-Committee has also considered the interim steps taken on 1 September 2020 and whether they should continue.

The sub-Committee also took into account that a dialogue between the Licence Holder and the police had produced conditions that were agreeable to both. In light of all of the above the Sub-Committee has determined to suspend the premises licence up to and including 18th November 2020. The interim step of suspension will remain in place until this decision takes effect.

At the end of the suspension the licence will be subject to the following revisions to its conditions:

That the hours be varied as follows:

The sale of alcohol from 10:00 until 23:30 hours daily (for consumption on the premises only)

Hours the premises are open to the public to be from 10:00 until 00:00 hours each day.

The provision of late night refreshment from 23:00 until 00:00 hours each day.

The removal of all conditions (embedded restrictions) in Annex 2 on the current licence but with the replacement of condition 3 with the following:

“The premises shall operate as a restaurant and to that end:

Substantial meals appropriate for the time of day shall be available at all times that the premises are open to the public;

The premises shall at all times be laid out with tables and chairs for dining;

There shall be a full waiter/waitress service;

The sale of alcohol shall only be permitted to customers who are either:

Intending to dine at the premises;

Are in the process of eating a meal; or
Who have on that occasion dined at the premises.
All customers who are consuming alcohol shall be seated at tables and chairs.”

The following conditions to be added:

CCTV

A colour recording CCTV system that captures images from the main public areas shall 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 that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated 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 responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with GDPR.

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.

STAFF TRAINING

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication.

Records of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test

will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request.

Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

CHALLENGE 25

There shall 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.

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 shall 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 shall be retained for 12 months.

The following conditions to be considered by the sub-committee (not expressly requested by the police):

Mr Malcom Forbes, who organised the event on 28th August 2020 at the premises and is the current leaseholder, shall not be permitted to be involved in the provision of any licensable activity in the premises, either directly or indirectly.

No customer who has booked the premises for any private function shall be permitted to bring into the premises any noise amplification equipment.

Reasons:

The Sub-Committee considered very carefully all of the options available to it in accordance with Sections 53a, 53b and 53C of the Act.

The Sub-Committee was concerned that this was a very serious incident which breached licensing conditions and under the current pandemic placed many people at risk. Whilst it was Mr Forbes who organised the event, Mr Rahman remained the DPS

and had duties and responsibilities in this regard in which he had failed. He appeared to have no knowledge of the event and took no responsibility. The Sub-Committee deliberated long and hard and came very close to revoking the licence.

However, it was noted that there had been a great deal of collaboration between the licence holder and the police to agree conditions. Hampshire Constabulary confirmed that on the basis that these conditions were fully complied with, their concerns regarding the crime and disorder licensing objective would be satisfactorily addressed. With this in mind there would be no objection to the premises reopening.

The Sub-Committee was reminded that paragraph 9.12 of the statutory guidance states that the police provide the main source of advice on the crime and disorder objective. As such the Sub-Committee agreed to follow the police advice and allow the premises to reopen with the agreed conditions in place as amended by the Sub-Committee.

The Sub-Committee had listened to the concerns of the local resident regarding issues of noise and with this in mind to address the licensing objective of prevention of public nuisance decided to limit the hours for sale of alcohol and for provision of late night refreshment.

The Sub-Committee reviewed the steps imposed at the interim steps hearing and has determined that the suspension should remain until this decision takes effect.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.