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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 24 JANUARY 2024

Present: Councillors Mrs Blatchford, M Bunday and Powell-Vaughan

32. **ELECTION OF CHAIR**

RESOLVED that Councillor M Bunday, as Chair of the Licensing Committee, would be Chair for the purposes of this meeting.

33. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

Councillor Blatchford declared that she was a Councillor for the Ward in which the premises sits and did not have any other connection with the premises concerned.

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

RESOLVED: that the minutes for the Sub-Committee meetings on 23 October 2023, 25 October 2023 and 16 November 2023 be approved and signed as a correct record.

35. **EXCLUSION OF THE PRESS AND PUBLIC**

The Chair moved that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of item 7 based on Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to individual personal details and information held under data protection legislation.

The Chair moved that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the hearing should proceed with the press and public excluded. The papers contain allegations relating to criminal offences and personal details and the public interest in doing so outweighed the public interest in the hearing in accordance with Regulation 14.

RESOLVED that having applied the public interest test the hearing should proceed with the press and public excluded.

36. **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, the parties to the hearing press and the public unless otherwise excluded by the Licensing Act 2003 (Hearings Regulations 2005), would be

invited to return immediately following that private session at which time the matter would be determined and decision of the Sub-Committee announced.

37. **HEARING TO CONSIDER SUITABILITY OF A PERSONAL LICENCE HOLDER FOLLOWING CONVICTION OF A RELEVANT OFFENCE**

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

This hearing was held as a remote hearing with all parties participating virtually using Microsoft Teams.

The Sub-Committee determined that the hearing should proceed with the press and public excluded. This decision was made in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. The papers contain details of convictions and personal details, and it was determined that the public interest in doing so outweighed the public interest in the hearing in accordance with Regulation 14.

The Sub-Committee has considered very carefully the report of the Service Director of Place and all of the evidence presented today by the Licensing Enforcement Officer with input from the Police. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. The Human Rights Act 1998, the Crime and Disorder Act 1998 and the Equality Act 2010 were borne in mind whilst making the decision.

The Sub-Committee heard written and oral representations from the personal licence holder who is also the DPS of the premises in question.

The Sub-Committee made its decision on the basis of all of the evidence submitted, both in writing and given orally at the Hearing.

Considering all the above, the Sub-Committee has decided to revoke the licence with immediate effect for the reasons below.

Reasons

The Sub-Committee had concerns that the account the personal licence holder provided was not always consistent with information/details provided by the police officer who attended from Hampshire Constabulary. It also appeared that the licence holder did not necessarily appreciate the level of responsibility in being in such a position as personal licence holder and DPS of the premises in question.

It was noted that the offence the personal licence holder had been convicted of was a serious one, namely Grievous Bodily Harm under Section 18 and that the harm resulted in the loss of four teeth with excessive force having been used alongside a lack of control. The matter was heard in the Crown Court, rather than the Magistrates Court due to the severity and seriousness of the offence and the level of harm caused to the victim. It was also noted that the conviction was a first conviction and that a suspended prison sentence was imposed despite this due to the seriousness and gravity of the offence.

It was considered that in order for the licence to be suspended rather than revoked the sub-committee would need to have confidence in the personal licence holder that they will not act in a similar way again in future and this was not the case. It was noted that the police stated in writing that they would be in support of the licence being revoked. In addition, it was considered that the licence would need to be revoked rather than suspended in order

for public trust and confidence to be maintained in the local authority and their licensing functions.

The licence is therefore to be revoked with immediate effect and surrendered to Southampton City Council Licensing Officers within 7 days.

There is a statutory right of appeal against this decision.

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