
SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 14 AUGUST 2024

Present: Councillors M Bunday, Laurent and Windle

Apologies: Councillors

12. **ELECTION OF CHAIR**

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

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

RESOLVED: that the minutes for the Sub- Committee meeting on 24 July 2024 be approved and signed as a correct record.

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

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 information contained therein relates to 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.

15. **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.

16. **APPLICATION FOR REVIEW OF PREMISES LICENCE -SP STAR, 107 VICTORIA ROAD, SOUTHAMPTON SO19 9DZ**

This hearing was held as a hybrid meeting using Microsoft Teams and at the Civic Centre, Southampton.

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

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 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 application by Hampshire & Isle of Wight Constabulary for a review of a premises licence for SP Star, 107 Victoria Road, Southampton, SO19 9DZ as submitted in the report of the Service Director - Place.

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

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 considered the application as submitted and heard representations from PC Paul Dimmer and Mr Wallsgrove on behalf of the premises licence holder.

The Sub-Committee considered the representations, both written and given orally today, by all parties. The Sub-Committee noted that agreement had been reached so that the police were content for the licence to continue with additional agreed conditions.

RESOLVED In light of all the above the Sub-Committee decided that the premises licence should continue with the addition of the following conditions:

1. Sudhir Bhujanga Patil be removed as the designated premises supervisor.
2. Sudhir Bhujanga Patil is not permitted to enter the premises whilst it is open to the public.
3. Sudhir Bhujanga Patil shall have no involvement in any aspect of the management of the premises.
4. Sudhir Bhujanga Patil will surrender his personal licence.

REASONS

The Sub-Committee was extremely concerned with regard to a serious offence being perpetrated on licensed premises by the premises licence holder. Considering the Statutory Guidance revocation would be the start point in a case such as this.

However, as was pointed out, the proposed conditions and those now put on the licence remove the person responsible for the issues leading to the review from all relevant involvement in the premises.

The Sub-Committee was concerned that implementation of its decision and therefore the additional conditions will be delayed by 21 days but accept that is the way the legislation is phrased. It is anticipated that enforcement officers will monitor the premises during this period.

The Sub-Committee expects that these additional conditions together with all existing conditions will be complied with going forward. To that end it noted that staff have now been trained on accessing the CCTV system and use of the refusals and incident log. Again it is anticipated that enforcement officers will ensure ongoing compliance.

Whilst this was a difficult decision and the Sub-Committee is not entirely comfortable with it, it is a pragmatic solution that deals with the problem and ensures control of the premises remains with the licensing authority.

To sum up, the decision is that the premises licence should continue with the addition of the following conditions:

1. Sudhir Bhujanga Patil be removed as the designated premises supervisor.
2. Sudhir Bhujanga Patil is not permitted to enter the premises whilst it is open to the public.
3. Sudhir Bhujanga Patil shall have no involvement in any aspect of the management of the premises.
4. Sudhir Bhujanga Patil will surrender his personal licence.

There is a right of appeal to the Magistrates' Court for all parties and formal written notification of the decision will set out that right in full.