

# SECTION 24

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## Southampton restaurant Ceno loses licence after Covid breach

By *Maria Zaccaro @MariaDailyEcho Local Democracy Reporter*

A SOUTHAMPTON restaurant has been stripped of its licence after "a clear and blatant breach of coronavirus rules".

Ceno Bar and Restaurant in Highfield Lane has had its licence revoked after a police report revealed that about 15 people were found "drinking" at the venue on November 27 last year - when the country was under the second national lockdown.

The decision was taken by licensing bosses at Southampton City Council after a three-hour long meeting held yesterday.

At the hearing Malcolm Gibney - who represented the licence holder and the designated premises supervisor (DPS) Mr James Darby - said Mr Darby and his business had an "unblemished record".

But giving evidence PC Lee Scott, from Hampshire Constabulary, said he believes that what happened at the site "was a social gathering and nothing more and nothing less".

As previously reported, in an official document published ahead of the meeting PC Scott said he entered the venue on November 27 and found a group of people "surrounded by drinks".

Mr Darby refused to turn the lights on, "nobody was wearing any face masks" and there was no "consideration to being socially distant", the report revealed.

At yesterday's hearing Mr Gibney told the committee that what took place at the venue on November 27 was "a deep cleaning of the restaurant and the kitchen".

He also told members that some of the people at the site were investors.

The committee heard that the police visited the venue a number of times between November and December last year following anonymous complaints.

But with the exception of November 27, the force found "nothing untoward".

Members were also told that CCTV footage was not provided.

But Mr Gibney said "there's no camera within the premises that would have shown the bar area".

He told the committee that one of the reasons why other people were at the venue was "the hope and the expectation" that the 15 people who work at the restaurant "would continue to have employment".

He added: "This is a business that is on the edge. This is a business that had unblemished record as indeed has Mr Darby.

"It is not a coincidence as far as he is concerned that the so called anonymous complaints that were generated in the weeks running up to the various police visits were prompted by episodes fairly unrelated to licensing."

Mr Gibney said the police's line of enquiry "was perfectly justified".

But he told members that it was followed by "an unfortunate escalation".

He said the £1,000 fine handed to Mr Darby, an explanation which "was not accepted" and the challenge by the police left Mr Darby "in a dire position whereby he reacted in a way which he otherwise would have not done".

The initial recommendation was for the committee to suspend the licence for four weeks and remove Mr Darby from his post.

But during the hearing PC Scott suggested that the committee would consider whether to revoke the licence.

He said: "The lack of CCTV being presented speaks volume to this matter. The CCTV would have shown the working activities taking place, the business meetings. That hasn't been produced and therefore leads me to believe that this was a social gathering and nothing more and nothing less."

The committee also asked to speak to Mr Darby.

But Mr Gibney said Mr Darby was "upset" and did not feel able to give any further evidence.

In a statement the committee said: "The Sub-Committee was concerned that this was a very serious incident, which breached the Coronavirus regulations. Covid 19 is a deadly virus which presents a very significant threat to the health and lives of many.

"It is evident that Mr Darby failed to recognise the seriousness of the threat and the importance of behaving in accordance with both the legislative provisions and government guidance in order to control its spread.

"Whilst the Sub-Committee considered the reasons given for people to be on the premises at the time, there was no acceptable reason for drinking to be taking place. "

It also added: "The Sub-Committee was also concerned at an apparent lack of concern shown by Mr Darby for his responsibilities as DPS and Premises License Holder in view of the current pandemic and a period of lockdown. Examples of this were his lack of cooperation with the police, his unwillingness to share CCTV evidence.

"It was also noted that he failed to follow advice to conduct meetings off site. As DPS, Mr Darby had failed in his duties and responsibilities. The Sub-Committee deliberated long and hard and came to the conclusion that revoking the licence was the only proportionate response. This is particularly the case, as Mr Darby is both the DPS and the Premises Licence Holder. Therefore, removing him as DPS would not resolve the issues."

The decision can be appealed to the Magistrates' Court within 21 days of formal notification.