

# Licensing (Licensing and Gambling) Sub-Committee

Thursday, 28th February, 2013  
at 11.30 am

## PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public  
**Members**

Councillor Cunio  
Councillor Parnell  
Councillor Spicer

### Contacts

Democratic Support Officer  
Sharon Pearson  
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## **PUBLIC INFORMATION**

### **Terms of Reference**

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act, 2003 and Gambling Act 2005, including:-

- Personal licences for the sale of liquor Licensing Act 2003;
- Premises licences, various permits, variations and reviews (Licensing Act 2003 and Gambling Act 2005);
- Club certificates, variations and reviews Licensing Act 2003;
- Registration and deregistration of designated premises supervisors Licensing Act 2003;
- Determination of police objections to temporary event notices Licensing Act 2003

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest.

**When dealing with Licensing Act matters the Sub-Committee can only take into account the following statutory Licensing Objectives:-**

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

**Likewise, when dealing with Gambling Act matters the Sub Committee can only take into account the statutory Licensing Objectives below:-**

- Preventing gambling being a source of crime
- That gambling is conducted in a fair and open way
- To protect children and other vulnerable children from harm

### **Southampton City Council's Seven Priorities**

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support to the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

### **Smoking policy**

The Council operates a no-smoking policy in all civic buildings.

### **Mobile Telephones –**

Please turn off your mobile telephone whilst in the meeting.

### **Fire Procedure –**

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

### **Access –**

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Potential Meetings: Municipal Year 2012/13**

<b>2012</b>	<b>15<sup>TH</sup> NOVEMBER</b>
<b>10<sup>TH</sup> MAY</b>	<b>29<sup>TH</sup> NOVEMBER</b>
<b>31<sup>ST</sup> MAY</b>	<b>13<sup>TH</sup> DECEMBER</b>
<b>14<sup>TH</sup> JUNE</b>	<b>2013</b>
<b>28<sup>TH</sup> JUNE</b>	<b>3<sup>RD</sup> JANUARY</b>
<b>12<sup>TH</sup> JULY</b>	<b>17<sup>TH</sup> JANUARY</b>
<b>26<sup>TH</sup> JULY</b>	<b>31<sup>ST</sup> JANUARY</b>
<b>9<sup>TH</sup> AUGUST</b>	<b>14<sup>TH</sup> FEBRUARY</b>
<b>23<sup>RD</sup> AUGUST</b>	<b>28<sup>TH</sup> FEBRUARY</b>
<b>6<sup>TH</sup> SEPTEMBER</b>	<b>14<sup>TH</sup> MARCH</b>
<b>20<sup>TH</sup> SEPTEMBER</b>	<b>28<sup>TH</sup> MARCH</b>
<b>4<sup>TH</sup> OCTOBER</b>	<b>11<sup>TH</sup> APRIL</b>
<b>18<sup>TH</sup> OCTOBER</b>	<b>25<sup>TH</sup> APRIL</b>
<b>1<sup>ST</sup> NOVEMBER</b>	

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference are contained in the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Quorum 3**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PERSONAL INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:  
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
  - a) the total nominal value fo the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
  - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

Agendas and papers are available via the Council's website.

### **1 ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### **2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

### **3 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

### **4 STATEMENT FROM THE CHAIR**

### **5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meeting held on 14<sup>th</sup> February 2013 and to deal with any matters arising, attached.

### **6 EXCLUSION OF THE PRESS AND PUBLIC**

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### **7 APPLICATION TO VARY A PREMISES LICENCE - CAFE PARFAIT, 194 ABOVE BAR STREET, BARGATE, SO14 7JN**

Report of the Head of Legal, HR and Democratic Services detailing an application for variation of a premises licence in respect of Café Parfait, 194 Above Bar Street, Bargate, SO14 7JN, attached.

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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 14 February 2013

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Present: Councillors Cunio, Lewzey and Lloyd

81. **ELECTION OF CHAIR**

**RESOLVED** that Councillor Cunio be elected Chair for the purposes of this meeting.

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

**RESOLVED** that the Minutes of the Meeting held on 13<sup>th</sup> December 2012, 20<sup>th</sup> December 2012 and 3<sup>rd</sup> January 2013 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

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

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reached its decisions.

84. **APPLICATION FOR PREMISES LICENCE - SAINSBURY'S SUPERMARKETS, 47-65 BEVOIS VALLEY ROAD, SOUTHAMPTON, SO14 OJS**

The Sub-Committee considered the application for a premises licence in respect of Sainsbury's Supermarkets, 47-65 Bevois Valley Road, Southampton, SO14 OJS. (Copy of report circulated with the agenda and appended to the signed minutes).

Ms Surguy, National Manager, Sainsbury's and Ms Roots, Area Manager, Sainsbury's (Applicants), Mr Botkai, Solicitor for the applicant and Ms S Smith, Objector, were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

**RESOLVED** that the application for a premises licence be granted in the terms sought, subject to the agreed and amended conditions.

**REASONS**

The Sub-Committee considered the application for a premises licence at Sainsbury's Supermarkets and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and the evidence both written and given orally, submitted by the applicant and the resident relating to the licensing objectives.

The Sub-Committee noted that the premises licence holder had co-operated with the police. The details in the operating schedule as contained in the original application set out on Page 16 and 17 and as amended by way of additional conditions had been agreed with the police and it was noted that the police had withdrawn their representation.

The Sub-Committee accepted legal advice relating to the Cumulative Impact Policy that it did not apply to off-licence premises.

The Sub-Committee were satisfied that the steps proposed by the applicant, which had been agreed by the police, would be sufficient to address the four licensing objectives. On balance it was determined that the premises might in fact have a positive effect upon the issues outlined in the residential objection.

The Sub-Committee considered very carefully the potential for problems caused by the premises in this location, but were cognisant that the police were now satisfied with the application and had withdrawn their representation.

Residents could be reassured by the fact that the Licensing Act 2003 did allow for significant steps to be taken in the event that a premises caused issues and undermined the licensing objectives in the future. It must be stressed that any decision must have an evidential basis and in the light of the lack of objection from any responsible authorities, including in particular, the police, it was not considered appropriate or proportionate to restrict the proposed activities at this point in time.

## **RECOMMENDATION**

It was recommended that the applicant engage in ongoing dialogue with Ms Smith and/or any formal residents' association that exists or may exist in the future.

### 85. **APPLICATION FOR PREMISES LICENCE - PREMIER, 6 ATHELSTAN ROAD, SOUTHAMPTON, SO19 4DD**

The Sub-Committee considered the application for a premises licence in respect of 6 Athelstan Road, Southampton, SO19 4DD. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Sithamparanathar, Applicant, Mr Shavawessau, Solicitor for the Applicant, PC Conway and PC Norris, Hampshire Constabulary and Mr Marshall, Trading Standards were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

**RESOLVED** that the application be granted, subject to :-

- i. the conditions outlined within the applicant's operating schedule (to be interpreted and implemented so as to make them enforceable, by the licensing authority);
- ii. the conditions put forward by the police and trading standards; and
- iii. the following additional conditions:-



- no sales of alcohol to take place at the premises until all the conditions are fully implemented and in place at the premises to the satisfaction of the police and trading standards; and
- refresher training is to be approved in writing in advance by the police. (Training materials are to be prepared and produced by the premises licence holder with no responsibility resting with the police for producing the same).

For the avoidance of doubt, if the police conditions conflict with those within the operating schedule in any way, the police conditions shall prevail.

## **REASONS**

The Sub-Committee considered very carefully the application for a premises licence at Premier and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and representations, both written and given orally today by all parties

The Sub-Committee had very real concerns with regards to the following issues:-

- the premises in question had a history of non-compliance under previous management and were clearly subject to issues relating to under-age sales and the sale of illegal alcohol;
- the applicant had issues regarding non-compliance with conditions and under-age sales at other premises within the city; and
- evidence showed a lack of record keeping with regards the refusal of tobacco sales.

In light of these issues the Sub-Committee warned the applicant that any future non-compliance with conditions, under-age sales or other regulatory issues at the premises would be taken extremely seriously in the event of any review brought before the Sub-Committee.

Despite these very real concerns the Sub-Committee felt that very strong conditions might address the issues of concern and accordingly that it was appropriate and proportionate to impose the above conditions at this point in time rather than refuse the application.

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# Agenda Item 7



Reference: 2013/00072/01SPRV

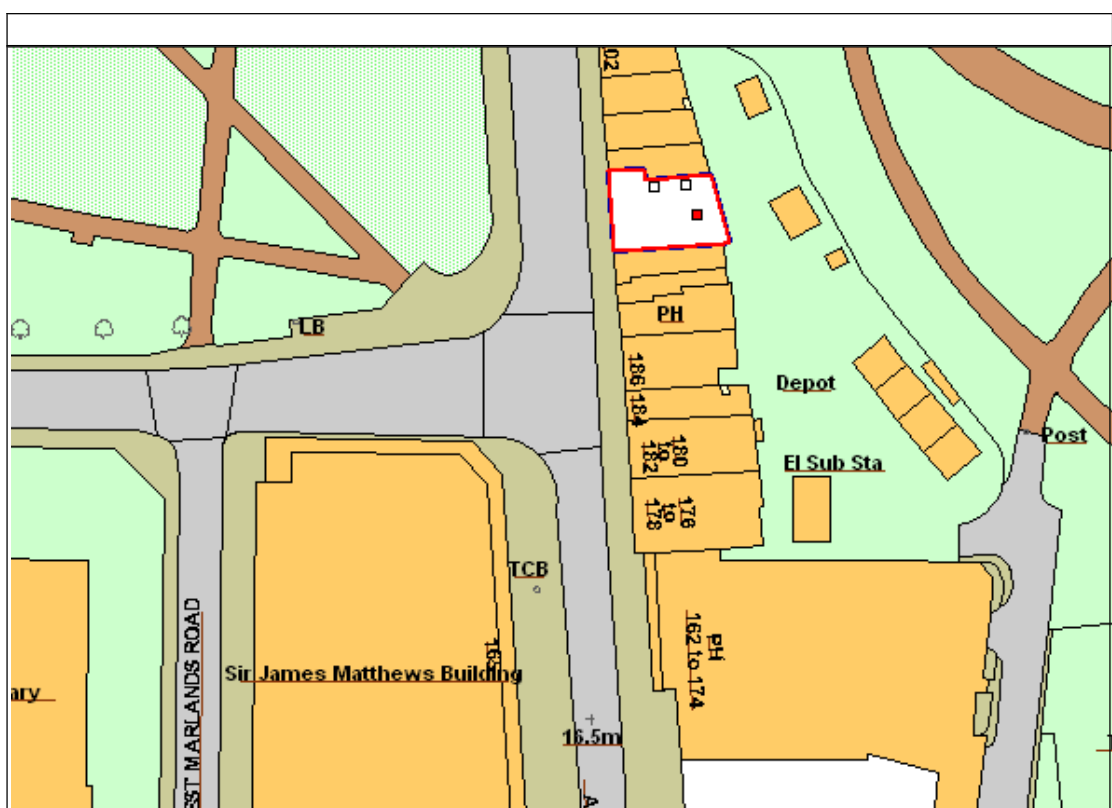
Hearing: 28th February 2013

## APPLICATION TO VARY A PREMISES LICENCE

Premises Name: Cafe Parfait  
 Premises Address: 194 Above Bar Street  
 Bargate  
 Southampton  
 SO14 7JN

Application Date: 14th January 2013  
 Application Received Date: 14th January 2013

Application Valid Date: 14th January 2013



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### Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	Yes	

Hampshire Fire And Rescue - Licensing	No Response Received	
Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	No Response Received	
Primary Care Trust - Public Health Manager	No Response Received	
Planning & Sustainability - Development Control - Licensing	No Response Received	
Police - Licensing	Yes – Conditions agreed	
Trading Standards - Licensing	Yes	

### ***Other Representations***

<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
Mr. Soterios Peyiazis	198 Above Bar Street Southampton SO14 7DW	Resident

### ***Legal Implications***

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a major variation of a Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by

3. An applicant for a variation, whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
4. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The committee must also have regard to:-

5. *Crime and Disorder Act 1998*  
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
6. *Human Rights Act 1998*  
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.



**Southampton City Council**

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Richard Mark Gilbert

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> 2012/00515/01SPRM
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**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 194 Above Bar Street Bargate			
<b>Post town</b>	Southampton	<b>Post code</b>	SO14 7DW

<b>Telephone number at premises (if any)</b>	02380332314
<b>Non-domestic rateable value of premises</b>	£29750.00

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	
<b>E-mail address (optional)</b>	
<b>Current postal address if different from premises address</b>	
<b>Post Town</b>	<b>Postcode</b>

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

- To extend the Licensable activities at the venue to 0400 Sunday to Friday and 0500 on Saturdays.

The licensable activities include: E - Live Music, F - Recorded Music, G - Performances of dance, J - Provision of facilities for dancing, K - Provision of facilities for entertainment of a similar description to that falling within I or J, L - Late night refreshment, M - Supply of alcohol.

- To Extend the opening hours of the venue to 1000 to 0430 Monday to Friday, 1100 to 0430 Sundays and 1000 to 0530 on Saturdays.

- To change the Licensable activities on NYE to 0600 and the opening hour to 0630 (So we no longer need to submit a TEN's). This will bring our licence in line with other venues in the city.

- To introduce an exception to our current licensing condition regarding the use of polycarbonate glassware. This will specifically be to include the use of Corona and Desperados which are served traditionally in a bottle with a wedge of lime. There is no polycarbonate option available in the current marketplace. This will greatly help the business meet customer / market demand for the higher class clientele we wish to attract. The products/brands will be approved in writing by the Hampshire Police Licensing team.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

##### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

##### Provision of late night refreshment (if ticking yes, fill in box L)

##### Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P



**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**C**

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3) The venue uses Live Musicians on a weekly basis to play alongside our DJ's and by themselves. We will be using but not limited to a Sax, Drum's, Bongo's, Guitar, Base Guitar, Trumpet & Vocalist. Some of the Musicians are plugged into the sound system.		
Mon	11:00	04:00			
Tue	11:00	04:00			
Wed	11:00	04:00			
Thur	11:00	04:00			
Fri	11:00	04:00			
Sat	11:00	05:00			
Sun	11:30	04:00			
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4) New Years Eve we would like a 0600 termination of licensable activities		
			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	04:00	<b><u>Please give further details here</u></b> (please read guidance note 3) The venue has two floors providing Recorded Music with a Live DJ on a majority of occasions. The venue has the facilities to play Background music and much louder for a Nightclub Atmosphere. The roof terrace outdoors plays music at a background level.	Both	<input checked="" type="checkbox"/>
Tue	11:00	04:00			
Wed	11:00	04:00	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4) New Years Eve we would like a 0600 termination of licensable activities		
Thur	11:00	04:00			
Fri	11:00	04:00	<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	11:00	05:00			
Sun	11:30	04:00			

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	04:00	<b>Please give further details here</b> (please read guidance note 3) Professional dancers entertain customers in controlled areas.	Both	<input checked="" type="checkbox"/>
Tue	11:00	04:00			
Wed	11:00	04:00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4) New Years Eve we would like a 0600.		
Thur	11:00	04:00			
Fri	11:00	04:00	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	11:00	05:00			
Sun	11:30	04:00			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					



I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Wed			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Thur				
Fri				
Sat				
Sun				

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give a description of the facilities for dancing you will be providing</b> The venue is over 4 levels where Dancing may occur. Basement, Ground Floor, Roof Terrace and 2 <sup>nd</sup> Floor. All are covered by CCTV.	
Mon	11:00	04:00	<b>Please give further details here</b> (please read guidance note 3) Areas where amplified and unamplified music is played out	
Tue	11:00	04:00	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4) New Years Eve we would like a 0600 termination of licensable activities	
Wed	11:00	04:00		
Thur	11:00	04:00	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Fri	11:00	04:00		
Sat	11:00	05:00		
Sun	11:30	04:00		

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b> We use professional performers to carry out individual acts.		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	11:00	04:00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	11:00	04:00	<b><u>Please give further details here</u></b> (please read guidance note 3) Magician, Aerialist, Contortionist, Confetti Cannons, Stilt Walkers. Risk Assessments and procedures are in place when the Aerialist, Confetti Cannons and Stilt walkers are used.		
Wed	11:00	04:00			
Thur	11:00	04:00	<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4) New Years Eve we would like a 0600 termination of licensable activities		
Fri	11:00	04:00			
Sat	11:00	05:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun	11:00	04:00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	21:00	04:00	<b>Please give further details here</b> (please read guidance note 3) To be able to serve hot drinks and food from the venue.		
Tue	21:00	04:00			
Wed	21:00	04:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4) New Years Eve we would like a 0600 termination of licensable activities		
Thur	21:00	04:00			
Fri	21:00	04:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	21:00	05:00			
Sun	21:00	04:00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4) New Years Eve we would like a 0600 termination of licensable activities		
Mon	11:00	04:00			
Tue	11:00	04:00			
Wed	11:00	04:00			
Thur	11:00	04:00			
Fri	11:00	04:00			
Sat	11:00	05:00			
Sun	11:30	04:00			
			<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**  
N/A

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) New Years Eve/Day to be 06:30 Christmas Eve and Bank Holidays to be brought in line with the rest of the licence.
Day	Start	Finish	
Mon	10:00	04:30	
Tue	10:00	04:30	
Wed	10:00	04:30	
Thur	10:00	04:30	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Fri	10:00	04:30	
Sat	10:00	05:30	
Sun	11:00	04:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking  
 We are not looking to remove any of our current conditions.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
--

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

- Adopt the current best practice for training recommended by Hampshire Police Licensing Department.
- Support the new Police Scheme which accredits venues for its welfare & Safety policies. This will also include a Training session given by a member of the Licensing team on a 6 monthly basis.
- Introduce an identification Receipt system for seized ID's.
- Ensure a written dispersal policy is in place and approved by Hampshire Police.
- All in house staff shall undergo an online Licensing accreditation approved by Hampshire Police within 4 weeks of their start date.
- Toilet checks will be added to the Licensing conditions and will include checks every 30 minutes and recorded in the Incident book and kept for a minimum of 3 months.

**b) The prevention of crime and disorder**

- The venue has a dedicated SIA Trained security team along with CCTV with clearly visible signs.
- The venue operates a strict door entry policy which ensures the venue has an excellent level of clientele. This in turn ensures a very low level of crime and disorder.

**c) Public safety**

- The Venue already has a Medical room which is situated on the Basement Level and all Security and Management are first aid trained.
- On special events evenings and high traffic evenings the club has an on site paramedic.
- All staff including bar staff and security have been trained in fire safety by a certified company.

**d) The prevention of public nuisance**

- The venue shall provide a detailed Dispersal Policy to the satisfaction of the Hampshire Police and will be added onto the Venues Licensing conditions.
- The venue goes over and above what is expected during its dispersal by sending its security team into the parks to move people on who may be loitering.
- The venue is part of the licensing link and Red card scheme. This ensures that information about troublesome individuals is shared with the rest of the licensees.

**e) The protection of children from harm**



- The venue currently uses an ID scanner with the Challenge 25 policy.  
 - SIA trained & experienced Security are used on the Front door.


**Please tick yes**

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant please state**

Signature	
Date	14 <sup>th</sup> January 2013
Capacity	Current Premises License Holder

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b>			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Soterios Peyiazis  
198 Above Bar Street  
Southampton  
SO14 7DW

6 February 2013

Richard Ivory  
Solicitor  
Licensing Team  
Southampton City Council  
Civic Centre  
Southampton SO14 7LY

Dear Sirs

**Re: Café Parfait 194 Above Bar High Street Southampton SO14 7DW - Licensing Application**

I write in respect of the application for an extension to the Premises Licence for the premises at Café Parfait 194 Above Bar High Street Southampton ("Café Parfait") until 4.30am Monday to Thursday and 5.00 am Friday to Sunday.

I confirm that I object to the extension on the grounds of public nuisance.

I believe that having Café Parfait open to those times will be detrimental to the local area. I am concerned about patrons spilling out of Café Parfait at those hours of the night causing noise in the road.

Furthermore, I run my business at Blue Island 198 Above Bar High Street Southampton. On Thursday, Friday and Saturday nights, as my premises are open a little later, my wife and I frequently stay in the flat above my premises, as we have an early start on the following morning. Were Café Parfait allowed to remain open until the times applied for, not only would that disturb our sleep at my premises, I believe it would have an adverse impact upon us generally, and we are concerned that noise would come through the walls of Café Parfait into my premises.

As I have stated above, I also consider that such late finishes may lead to an increase in anti-social behaviour around the area.

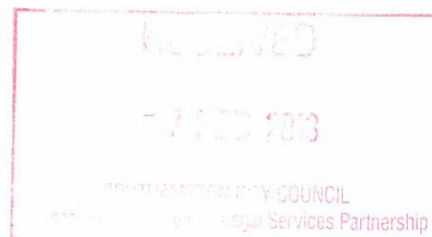
With kind regards.

Yours sincerely

Σ

5

Soterios Peyiazis



**From:** Harris, Jonathan [jonathan.harris@hampshire.pnn.police.uk]  
**Sent:** 11 February 2013 19:36  
**To:** Licensing  
**Cc:** 'Richard Sims'  
**Subject:** FW: Variation  
Good evening

In light of the agreed conditions as below, the police do not object to the variation submitted by Cafe Parfait.

Kind regards  
Jon

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**From:** Richard Sims [mailto:rich.s@cafeparfait.com]  
**Sent:** 11 February 2013 19:36  
**To:** Harris, Jonathan  
**Subject:** Re: Variation

That all is fine John

Many Thanks

Richard Sims  
**General Manager**

—  
**Cafe Parfait** Southampton

[rich.s@cafeparfait.com](mailto:rich.s@cafeparfait.com) — 07810662607

On 11 Feb 2013, at 16:45, <[jonathan.harris@hampshire.pnn.police.uk](mailto:jonathan.harris@hampshire.pnn.police.uk)> wrote:

Rich

As discussed, i can appreciate your policy with regards to posters so will leave that one out. With regards to the dispersal policy we would like to add music volume will be reduced during the last 15 minutes of trading. For those remaining, it will send out a clear message that your preparing to close and encourage them on their way.

The conditions will now look like this if you can confirm your acceptance:

**Qualified first aider**

The venue will ensure that there is a first aider on duty for Friday and Saturday nights and for any special events. They should be qualified as a minimum to Emergency First Aid at Work (EFAW certificate). The designated premises supervisor will ensure that the first aider's qualification is valid (EFAW certificate currently valid for 3 years).

**Welfare/first aid room**

A room will be provided by the venue for the purpose of administering first aid. A first aid treatment box will be available and kept maintained. Persons identified as vulnerable shall be

taken to the room where enquiries can be conducted to ensure their safety.

### **Club nanny/floorwalker**

A member of staff will be employed (may not be their only role) to patrol the venue and monitor customers for signs and/or symptoms of excess alcohol consumption. Anyone suspected of consuming excess amounts of alcohol will be taken to a welfare/first aid room. The club nanny/floorwalker will monitor persons purchasing alcohol to check they are not mixing multiple shots or measures together to ensure responsible alcohol consumption. A record will be maintained providing details of persons attended to, date, time along with the member/s of staff involved.

### **Toilet Checks**

The public toilets within the premises shall be checked every 30 minutes when the premises are open for a licensable activity. A record shall be kept by the premises and presented on request by Hampshire Constabulary. Toilet check records shall be kept for a minimum period of 3 months.

### **Training-**

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

### **Dispersal Policy.**

A dispersal procedure will be adopted at the end of the venues trading period with the aim to ensure anti-social behaviour is tackled and with the view to minimising the disturbance to our neighbours.

1 - During the last 30 minutes of trading the service points at the bar will be reduced and staff reallocated to collect glasses

2 - When the Bar closes the Lighting levels will be raised to encourage the gradual dispersal of customers in the Bar area.

3 - Music volume will be reduced during the last 15 minutes of trading.

4 - Door supervisors will remove all bottles and glasses from any customer who attempts to leave the venue carrying one.

5 - Door staff wearing High Visibility fluorescent Upper Clothing will patrol the outside perimeter of the premises at the end of each evening (for at least an additional 15 minutes or until persons are dispersed from the immediate area) to ensure the safe and quiet dispersal of customers. Any customers congregating or loitering outside after leaving the premises will be asked to depart quickly and quietly.

6 - Notices will be displayed in prominent positions at the exit of the premises requesting customers to leave quickly and quietly.

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