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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 24 APRIL 2014

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Present: Councillors Mrs Blatchford, Cunio and Lloyd

Apologies: Councillor Parnell

79. **ELECTION OF CHAIR**

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

80. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

It was noted that apologies had been received from Councillor Parnell and than an alternative member of the Licensing Committee attended; namely Councillor Mrs Blatchford.

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

**RESOLVED** that the minutes of the meetings held on 27 March 2014 be approved and signed as a correct record.

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

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

83. **APPLICATION FOR A PREMISES LICENCE - FORTUNE, 1 OXFORD STREET, SOUTHAMPTON SO14 3DJ**

The Sub-Committee considered the application for a premises licence in respect of Fortune, 1 Oxford Street, Southampton SO14 3DJ.

Mr C Morris (Solicitor), Mr G Soverna (Applicant), Mr P Jorgensen and Ms J Perry (Residents) 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 (Hearings) Regulations 2005.

**RESOLVED** that the premises licence be granted.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision:-

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

The Sub-Committee has considered very carefully an application for a premises licence at Fortune, 1 Oxford Street. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human rights legislation has been borne in mind.

The Sub-Committee has determined to grant the premises licence application on the terms applied for.

### Reasons

It has considered very carefully all the evidence submitted by all parties, both written and given orally today.

The Sub-Committee noted carefully the written representations and oral submissions relating to concerns that the premises will not be run as a restaurant but rather as a bar generating the usual associated late night disturbance and nuisance. The applicant however has satisfied the Sub-Committee that the clear intention is to continue the use of the premises as a restaurant with its primary purpose being the provision of food with alcohol being ancillary.

The Sub-Committee considered very carefully the imposition of a condition requiring the sale or supply of alcohol to be linked to a table meal only. On balance it was decided that such a condition would create technical difficulties for the premises and would be unnecessary in addressing the residents' primary concern (that the premises may become a bar). In this respect residents can be reassured by the operation of the legislation and in particular the extensive right of review in the event that the premises are run in any way other than that set out in the current operating schedule, so as to lead to nuisance or other issues.

The Sub-Committee noted that conditions had been agreed between the applicant and Hampshire Constabulary in relation to CCTV, Incident book, refusals book, challenge 25 and training.

In light of all the above it was not considered appropriate to either restrict the hours of operation or impose any additional condition.

There is a right of appeal for all parties against the decision to the Magistrates Court. Formal notification of the decision shall be forwarded to all parties and will set out that right.

84. **APPLICATION FOR A PREMISES LICENCE - SULA'S GREEK CAFE, 116A PORTSWOOD ROAD, SOUTHAMPTON SO17 2FY**

The Sub-Committee noted that the application for a premises licence in respect of Sula's Greek Cafe, 116A Portswood Road, Southampton SO17 2FY no longer required a hearing as agreement had been reached between the parties and the objector had withdrawn their representation.