

## Minutes

28<sup>th</sup> November, 2018

30<sup>th</sup> November, 2018



---

SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 28 NOVEMBER 2018

---

Present: Councillors Mrs Blatchford, Furnell and Streets

28. **ELECTION OF CHAIR**

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

29. **MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

**RESOLVED** that the minutes of the Meeting held on 17 October 2018 and 24 October 2018 be approved and signed as a correct record.

30. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

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

31. **APPLICATION FOR GRANT OF A PREMISES LICENCE - CAFE FUMEE, GROUND FLOOR RETAIL TELEPHONE HOUSE, 73 HIGH STREET, SOUTHAMPTON SO14 2NW**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services for an application for a premises licence in respect of Cafe Fumee, Ground Floor Retail, Telephone House, 73 High Street Southampton SO14 2NW.

Mr Tarafdar (Applicant) and Elaine Jeffery (Principle Environmental Health Officer) 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 subject to the conditions agreed with the Police and Environmental Health

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

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

The Sub-Committee has considered very carefully the application for a premises licence at Cafe Fumee, Ground Floor Retail, Telephone House, 73 High Street Southampton SO14 2NW. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered the representations, both written and given orally today, by all parties. Human rights and equalities legislation have been borne in mind whilst making the decision.

The Sub-Committee noted that representations had been received from Environmental Health and the Police. Conditions had been agreed with the Police prior to the hearing and on that basis the Police did not feel a hearing was necessary and therefore did not attend. A condition had been proposed by Environmental Health who had objected on the basis of public nuisance arising from smoke, odour and noise resulting predominantly from the use of outside areas.

The applicant attended the hearing and confirmed agreement of the proposed condition as set out in the papers namely the representation from Environmental Health. The Sub-Committee was accordingly advised that there remained no issue to determine and it accordingly endorsed the agreement reached between the parties during the course of the hearing.

In light of all the above, the Sub-Committee determined to grant the application as applied for and in accordance with the operating schedule which shall form the basis of conditions attached to the licence, conditions agreed with the police in advance of the hearing and the condition proposed by Environmental Health at the hearing and amended to read as follows for clarity.

“Alcohol shall not be sold or supplied at the premises otherwise than to persons taking table meals there and for consumption by such a person as ancillary to their meal.”

#### Reasons

The Sub-Committee accepted legal advice that it had no option other than to endorse the agreement as set out above and grant the licence in accordance with all the conditions agreed between the parties and those to be applied in accordance with the operating schedule.

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

---

SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 30 NOVEMBER 2018

---

Present: Councillors Mrs Blatchford, Bogle and B Harris

32. **ELECTION OF CHAIR**

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

33. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**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.

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

**RESOLVED** that having applied the public interest test and in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 it was not appropriate to disclose this information as it contained sensitive details of an ongoing police investigation. Accordingly the press and public were excluded from the hearing.

35. **APPLICATION FOR A REVIEW OF PREMISES LICENCE - SEYMOUR'S WINE BAR, CARLTON HOUSE, 1 CARLTON PLACE, SOUTHAMPTON, SO15 2DZ (ADJOURNED FROM MEETING ON 24 OCTOBER 2018)**

The Sub-Committee considered the application for a review of premises licence in respect of Seymour's Wine Bar, Carlton House, 1 Carlton Place, Southampton, SO15 2DZ (adjourned from meeting on 24 October).

Hampshire Constabulary, the Premises Licence Holder and his representatives 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 could continue with the conditions proposed by the police and accepted by the Premises Licence Holder attached to it.

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

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

This was a continuation of the hearing previously adjourned on 24 October 2018 to consider the application for review of the premises licence at Seymour's Wine Bar, Carlton House, 1 Carlton Place, Southampton, SO15 2DZ.

The Sub-Committee has considered very carefully the application for review and representations by the parties present at the hearing. It has given due regard to the

Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human rights and Equalities legislation has been borne in mind.

The Sub-Committee noted that there has been a change of Premises Licence Holder since the application for review was made. The DPS requested removal from his position from the 5 October 2018 and there is currently no DPS. The premises has been closed since that time and there is no intention to re-open until a new DPS is appointed.

The Sub-Committee has noted the revised conditions proposed by the police and the fact that they have been accepted by the Premises Licence Holder. Having reviewed the conditions the Sub-Committee are satisfied that these address the issues that have been raised in the application and meet the licensing objectives of the prevention of crime and disorder and public safety.

In light of the above the Sub-Committee has determined that the Licence should continue with the conditions proposed by the police and accepted by the Premises Licence Holder attached to it.

#### Reasons

The Sub-Committee heard from the Police about the history of incidents at the venue that led to their application for a review of the premises licence. This demonstrated the need for the proposed conditions to be attached to the Licence.

In addition, the Sub-Committee heard from the new Premises Licence Holder and his representative. They were not involved in the premises prior to October and gave an outline of their intentions for the future operation of the venue. They also confirmed that they agreed that the proposed conditions were fair, reasonable and proportionate.

The Sub-Committee considered very carefully all of the options available to it in accordance with Section 52 (4) of the Act. However, in light of the agreement between the parties and its own consideration of the proposed conditions the Sub-Committee concluded that the Licence should continue with the conditions proposed by the police and accepted by the Premises Licence Holder attached to it.

There is a right of appeal for any party to the Magistrates' Court. All parties will receive written notification of the decision with reasons which will set out that right in full.