

Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 28th November,
2018
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic
Centre

This meeting is open to the public

Members

Three Members drawn from the Licensing
Committee

Contacts

Democratic Support Officer
Pat Wood
Tel: 023 8083 2302
Email: pat.wood@southampton.gov.uk

Service Director - Transactions & Universal
Services
Mitch Sanders
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PUBLIC INFORMATION

The Members of the Licensing Committee are Councillors J Baillie, Blatchford, Bogle, Furnell, B Harris, Leggett, McEwing, Parnell, Streets and T Thomas

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:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
 - Variation of designated premises supervisors
 - Transfer of premises licences
 - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

When dealing with Licensing Act matters the Sub-Committee must 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 must only take into account the statutory Licensing Objectives below:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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.

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

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Dates of Potential Meetings Municipal Year 2018/19

Meetings are scheduled on a weekly basis usually at 6pm on a Wednesday evening.

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 Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

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 Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY 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 of 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 an '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

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.

4 **STATEMENT FROM THE CHAIR**

5 **MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)** (Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 17 October 2018 and 24 October 2018 and to deal with any matters arising.

6 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

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 parties to the hearing, 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 FOR GRANT OF A PREMISES LICENCE - CAFE FUMEE, GROUND FLOOR RETAIL TELEPHONE HOUSE, 73 HIGH STREET, SOUTHAMPTON SO14 2NW** (Pages 9 - 42)

Application for the grant of a new premises licence in respect of Cafe Fumee, Ground Floor Retail, Telephone House, 73 High Street Southampton SO14 2NW.

Tuesday, 20 November 2018

Service Director - Transactions and Universal Services

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Agenda Item 5

Minutes of Licensing (Licensing and Gambling) Sub-Committee meetings:

- 17 October 2018
- 24 October 2018

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 17 OCTOBER 2018

Present: Councillors Mrs Blatchford, Streets and T Thomas

18. **ELECTION OF CHAIR**

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

19. **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.

20. **APPLICATION FOR A NEW PREMISES LICENCE - NOOK BAR AND KITCHEN, GROUND FLOOR, HAVELOCK CHAMBERS, 20 - 22 QUEENS TERRACE, SOUTHAMPTON, SO14 3BQ**

The Sub-Committee considered the report for an application for a premises licence in respect of Nook Bar and Kitchen, Ground Floor Havelock Chambers, 20-22 Queens Terrace, Southampton SO14 3BQ.

Mr Mclean (Applicant) was 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 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 Nook Bar and Kitchen, Ground Floor Havelock Chambers, 20-22 Queens Terrace, Southampton SO14 3BQ. 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 legislation has been borne in mind whilst making the decision.

The Sub-Committee noted that there had been no representation from any of the responsible authorities save for the police who indicated their satisfaction following negotiation and agreement of the imposition of conditions implementing the operating

schedule. One residential representation had been received leading to the hearing. The Sub-Committee accepted legal advice provided during the course of the hearing that those parts of the representation relating to planning issues and/or breaches of the planning consent cannot be taken into consideration when making the decision relating to the premises licence. The Sub-Committee therefore had to concentrate its mind upon the four licensing objectives. A resident was in attendance, wishing to speak on behalf of the residential objector, but not having received formal written confirmation in advance of the hearing and noting that it had been indicated that the intention was merely to read the representation (and legal advice confirming that no further evidence could, in any event, be given in addition to issues raised in the written representation), the Sub-Committee determined not to allow the resident in attendance to address the Committee.

Having heard all the above evidence, including video evidence submitted by the resident, 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.

Reasons

The Sub-Committee heard that the intention of the applicant is to run a family orientated restaurant and that licensable activities shall cease at 11.30pm. It was particularly noted during the course of the applicant's evidence that the general intention was for live music to cease before 10.30pm on any evening and that recorded music would merely be in the form of background music (no sub-woofer or PA system would be utilised) and that external windows and doors would be closed after 10.00pm on any evening, excepting for access and egress. It was also the intention of the applicant to monitor sound levels outside the building at regular intervals, using a decibel meter if necessary. The applicant was questioned about the application mentioning the use of door staff, screening live sports events and the levels of insulation in the building. The applicant confirmed that the operating schedule reflected earlier plans for a different style of premises, initially intended to be open until 2.00am and that following negotiation with the police, the intention has changed to running a family orientated restaurant with occasional live music.

The Sub-Committee did consider very carefully the potential impact upon residents living in close proximity particularly resulting from potential noise nuisance but in light of the evidence detailed above, coupled with the lack of representation from Environmental Health, did not feel that it would be appropriate to further restrict the operation of the business in light of the current proposal. It was confirmed by the applicant that there was no intention to provide any outside seating for dining and that patrons wishing to step outside to smoke would be ushered towards a clearly defined, potentially roped, area. Also, staff are to be trained in relation to managing patrons outside the premises. The Sub-Committee were impressed by the experience and qualifications of the applicant and were reassured that the premises would be responsibly run.

Should the premises change the way it operates and this leads to issues impacting upon the licensing objectives, a review may be initiated by residents as well as responsible authorities. This may result in appropriate steps being taken to address the issues of concern at that stage.

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.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 24 OCTOBER 2018

Present: Councillors Mrs Blatchford, B Harris and Parnell

21. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the Meeting held on 10 October 2018 be approved and signed as a correct record.

23. **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.

24. **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 the individual's legal expectation of privacy outweighed the public interest in the exempt information. Accordingly the press and public were excluded from the hearing.

25. **PERSONAL LICENCE HOLDER**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services to determine whether to suspend or revoke a personal licence following notification of relevant convictions.

The Sub-Committee determined to proceed in the absence of the personal licence holder. No correspondence or communication had been received from the licence holder although there had been suitable attempts to make contact by the Licensing Authority.

The Licensing Enforcement Officer and Hampshire Constabulary were present and with the consent of the Chair addressed the meeting.

The Sub-Committee considered very carefully all the evidence presented by the parties.

The Sub-Committee considered all the facts and decided to revoke the personal licence.

It was determined that in light of the reasons for the previous decision to exclude the press and public from the hearing, the reasons for the decision ought not to be published.

26. **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 due to the sensitive details of an ongoing police investigation. Accordingly the press and public were excluded from the hearing.

27. **APPLICATION FOR REVIEW OF PREMISES LICENCE - SEYMOUR'S WINE BAR, CARLTON HOUSE, 1 CARLTON PLACE, SOUTHAMPTON, SO15 2DZ**

The Sub-Committee considered the confidential report for an application for review of a premises licence. The press and public were excluded from the hearing in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee heard that the premises had had a change of ownership and was currently shut and determined that the hearing should be adjourned to 30 November 2018 to allow all parties to be present. It was noted that the premises would remain shut in the meantime.

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE -
Cafe Fumee Ground Floor Retail Telephone House 73 High Street Southampton

DATE OF HEARING Wednesday 28th November 2018 18:00hrs

REPORT OF SERVICE DIRECTOR – TRANSACTIONS & UNIVERSAL SERVICES

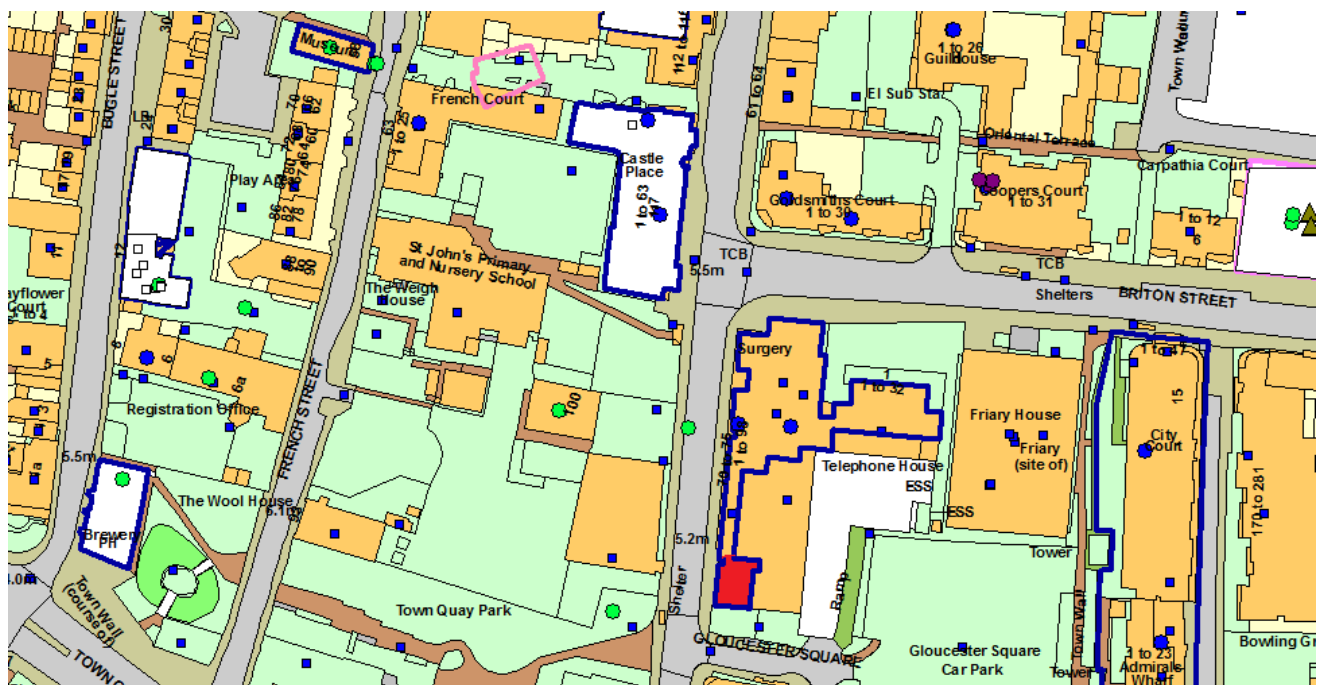
E-mail licensing@southampton.gov.uk

Application Date :5th October 2018

Application Received 5th October 2018

Application Valid 5th October 2018

Reference : **2018/04079/01SPRN**



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Representations from Responsible Authorities

Responsible Authority	Satisfactory?
Safeguarding Children	No Response Received
Fire Service	YES
Environmental Health - Licensing	Objection
Home Office	No Response Received
Building Control	No Response Received
Public Health Manager	No Response Received

Police - Licensing	Yes Agreed conditions
Trading Standards	No Response Received
<p><i>Other Representations</i></p> <p>No public objections received.</p>	

Legal Implications

1. The legislation specifically restricts the grounds on which the sub-committee may refuse an application for grant of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community. In doing so the sub-committee must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - its own statement of licensing policy
 - the Statutory Guidance
2. An application may be refused in part and thereby only permit some of the licensable activities sought.
3. An applicant for grant of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.
4. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider the application in accordance, in particular, with both the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
5. Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.
6. The sub-committee must also have regard to:
 - *The Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the sub-committee 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.
 - *The 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 sub-committee 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 sub-committee 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 sub-committee which affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Copies of the application for grant of a premises licence and the representations to it are annexed to this report.

Summary of application

Applicant	S&S Coffee Ltd.
Proposed DPS	Mr Sufian Tarafdar

The premises is a cafe, serving all day breakfast, including snacks, hot drinks and light meals. The proposed plan is to add the sale of alcohol to the business.

Activities and times applied for:

Hours Premises open to public		Supply by retail of alcohol (consumption on and off)	
Monday	08:00 - 23.00	Monday	08:00 - 23.00
Tuesday	08:00 - 23.00	Tuesday	08:00 - 23.00
Wednesday	08:00 - 23.00	Wednesday	08:00 - 23.00
Thursday	08:00 - 23.00	Thursday	08:00 - 23.00
Friday	08:00 - 23.00	Friday	08:00 - 23.00
Saturday	08:00 - 23.00	Saturday	08:00 - 23.00
Sunday	08:00 - 23.00	Sunday	08:00 - 23.00

Hampshire Constabulary have make representation and agreed with the applicant to add the following conditions to the premises licence:

CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premise advising that CCTV is in operation. An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act and GDPR.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible *for the area within 24 hours*.

REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

STAFF TRAINING

Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products.

This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age.

All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area.

This training should be reviewed and updated at reasonable intervals but at least annually.

CHALLENGE 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

Application form – Pages 6-23

EHO Representation -Objecting – Pages 30

Agreed Police Conditions. – Pages 24-29

Hearing Procedure Notes – Pages31-34

SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP

Application for a premises licence to be granted 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 S&S coffee Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 73 High Street (CAFE FUME)			
Post town	Southampton	Postcode	SO14 2NW
Telephone number at premises (if any)		02380338333	
Non-domestic rateable value of premises		£11000	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

Please tick as

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name <i>COFFEE</i> S & S Limited
Address 73 High Street Southampton SO14 2NW
Registered number (where applicable) 11084415
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 02380338333
E-mail address (optional) info@cafefumee.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	2	08
2	0	17

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The business is a fully operational Café, serving all day breakfast, including snacks, hot drinks and light meals. The proposed plan would be add the sale of alcohol to the existing business.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
			State any seasonal variations for performing plays (please read guidance note 5)	
Wed				
Thur				
			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 (please read guidance note 6)	
Fri				
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)	
Day	Start	Finish		
Mon				
Tue				<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed				
Thur			<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 6)	
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur					
			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 (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur					
			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
			State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Wed						
Thur						
			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 (please read guidance note 6)			
Fri						
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)	
Thur				
Fri			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 (please read guidance note 6)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<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> (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Wed						
Thur						
			<u>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</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00	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 (please read guidance note 6)		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Sufian Tarafdar	
Date of birth	
Address	
Postcode	
SO15 5PW	
Personal licence number (if known) 2018/03248/02SPEN	
Issuing licensing authority (if known) Southampton City Council	

□□□□

K

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:00	<u>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</u> (please read guidance note 6)
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

All staff will be trained and be made aware of the licensing Legislations, especially in relation to the prevention of under-age alcohol sales. Staff would be required to sign a register confirming that they have undertaken training and are aware of their responsibilities.

Training will be repeated at frequent intervals, at least bi-annually. Any person found in breach of the Company alcohol policy will be subject to disciplinary proceedings. Notices will be displayed in the premises advertising the licensing legislation.

b) The prevention of crime and disorder

The business will maintain a good relationship with the local Police/PCSO and other relevant authorities and will seek advice and help from the relevant agencies as when required.

A comprehensive digital CCTV system is already in place giving storage of images for a period of not less than 21 days. Images can be provided on to removable media to authorise bodies with 48 hours notice.

c) Public safety

All staff are trained how to advise members of the public how to exit the premise in the event of a fire and the premises is equipped with fire extinguishers which staff will deploy if and when required.

d) The prevention of public nuisance

We will be a responsible licence holder and we will judge as to when alcohol should not be served in order not to allow people to get too drunk thus becoming a nuisance and affecting the life of people in the neighbourhood.

e) The protection of children from harm

If anyone attempting to purchase alcohol appears to be under 25 the on-duty manager will be called. The manager will only accept Photographic ID as proof of age (Passport, photo driving license or PASS card). If no ID is provided no sale will take place.

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	5-10-2018
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Sufian Tarafdar Café Fumée 73 High Street			
Post town	Southampton	Postcode	SO14 2NW
Telephone number (if any)	023 80338333		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

From: [Swallow, Brian](#)
To: [Licensing](#)
Cc: [k"](#)
Subject: FW: RE: New Premises Licence Application - Cafe Fumee, 73 High Street, Southampton, SO14 2NW
Date: 26 October 2018 19:46:39
Attachments: [New Premises Licence Application Cafe Fumee.pdf](#)
[Plan Cafe Fumee.pdf](#)
[SCIV-GF-MFD18100515591.pdf](#)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Licensing

Please find agreed amendments to the application for the above premises.

We make representation on the application but based on the amendments a hearing is not necessary.

PC 2903 Brian Swallow

Licensing Officer

Licensing and Alcohol Harm Reduction Team

Southampton Central neighbourhood Police Office

Southampton City Council

Civic Centre

Southampton

SO14 7LY

[Licensing Home Page](#)

<http://www.hampshire.police.uk/internet/advice-and-information/licensing/>

From: Sufian Tarafdar

Sent: 25 October 2018 13:40

To: Swallow, Brian

Subject: Re: New Premises Licence Application - Cafe Fumee, 73 High Street, Southampton, SO14 2NW

Hi Brian,

Sorry for getting back to you this late, i was away for a few days.

In regards to your proposed conditions , i'm more than happy for these to be put in place,

Regarding the CCTV, I already have a colour recording system in place. These are on 24/7. As I had a break in last year the hard drive is actually hidden away and not on display. I also check the time on the cameras regularly as its very important for me to make sure this is correct.

My Camera system does record over 30 days at a minimum of 4 frames per second.

The images produced are all dated and time stamped.

I've already printed out a "CCTV in operation" for the front of the cafe to e displayed.

I'm usually here 7 days a week but my manager does know how to operate the system, I've previously provided the police with cctv footage. I have a sheet to show how to operate the Camera system if needed. In regards to any technical failure I have a local installation company on stand by. However I'm more than happy to notify the police licensing department

Please see the attached pictures as its shows all the cameras and the two covering the outside.

REFUSALS BOOK

In regards to the refusal log book, I've made a template on excel for this and I've also got a printed copy. This will be checked once a week and signed by the anger or myself.

STAFF TRAINING

Staff training will be provided to all members of staff. Ive got a booklet and check list for this. Once the training is completed all members of staff will sign the sheet that they have completed the training programme.

CHALLENGE 25

I've downloaded a challenge 25 poster which will be displayed in the premise. All training will be provided in regards to regarding ID checks,

I hope this helps, if you do have any further questions or anything you need me to amend to put inn place please let me know

Many thanks

Mr Tarafdar

PC 2903 Brian Swallow

Licensing Officer

Licensing and Alcohol Harm Reduction Team

Southampton Central neighbourhood Police Office

Southampton City Council

Civic Centre

Southampton

SO14 7LY

[Licensing Home Page](#)

<http://www.hampshire.police.uk/internet/advice-and-information/licensing/>

From: Swallow, Brian

Sent: 09 October 2018 10:18

To: 'info@cafefumee.co.uk'

Cc:

Subject: FW: RE: New Premises Licence Application - Cafe Fumee, 73 High Street, Southampton, SO14 2NW

Dear applicant

I am in receipt of a premises licence application for Cafe Fumee, 73 High Street, Southampton, SO14 2NW. I note that this is an existing operation but you wish to increase the times of operation and include the licensable activity of the supply of alcohol.

With this comes a great deal of responsibility, especially an establishment very close to the heart of the City Centre. As such, this area of Southampton does suffer from alcohol fuelled crime and anti-social behaviour. I note that you have made mention of certain steps you intend to take to promote the licensing objectives within section "M" of the application. I would consider that these areas need to be listed as enforceable licensing conditions attached to the premises licence if the local authority are minded to grant the application.

My proposed conditions are:

CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment. Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act and GDPR.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

Refusals book

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

STAFF TRAINING

Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products.

This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age.

All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area.

This training should be reviewed and updated at reasonable intervals but at least annually.

CHALLENGE 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

If you can respond to my email upon this email thread to ensure the continuity and transparency of the conversation.

Regards

PC 2903 Brian Swallow

Licensing Officer

Licensing and Alcohol Harm Reduction Team

Southampton Central neighbourhood Police Office

Southampton City Council

Civic Centre

Southampton

SO14 7LY

Mob:

[Licensing Home Page](#)

<http://www.hampshire.police.uk/internet/advice-and-information/licensing/>

From: Licensing & Alcohol Harm Reduction Team Mailbox

Sent: 08 October 2018 12:33

To: Swallow, Brian <

Subject: FW: RE: New Premises Licence Application - Cafe Fumee, 73 High Street, Southampton, SO14 2NW

From:

<licensing@hampshire.pnn.police.uk>

Cc: Food Safety <Food.Safety@southampton.gov.uk>; CS Protection Admin

<csprotection.admin@hantsfire.gov.uk>; Trading Standards

<Trading.Standards@southampton.gov.uk>; Planning <planning@southampton.gov.uk>;

Safeguarding Children Licensing <SafeguardingChildren.Licensing@southampton.gov.uk>; ISD

Alcohol Licensing <Alcohol@homeoffice.gsi.gov.uk>

Subject: FW: RE: New Premises Licence Application - Cafe Fumee, 73 High Street, Southampton, SO14 2NW

Sorry forgot to attach the documents.

From: Poole, Leena

Sent: 05 October 2018 16:04

To: 'Licensing & Alcohol Harm Reduction Team Mailbox' <licensing@hampshire.pnn.police.uk>

Cc: Food Safety <Food.Safety@southampton.gov.uk>; 'CS Protection Admin'

<csprotection.admin@hantsfire.gov.uk>; Trading Standards

<Trading.Standards@southampton.gov.uk>; Planning <planning@southampton.gov.uk>;

Safeguarding Children Licensing <SafeguardingChildren.Licensing@southampton.gov.uk>;

'publichealth.licensing@hants.gov.uk' <publichealth.licensing@hants.gov.uk>; 'ISD Alcohol

Licensing' <Alcohol@homeoffice.gsi.gov.uk>

Subject: RE: New Premises Licence Application - Cafe Fumee, 73 High Street, Southampton, SO14 2NW

Dear All,

Please see attached a new premises licence application for the above named premises.

Application received: 05/10/2018

Last date for representation: 02/11/2018

Should you wish to make a representation please email licensing@southampton.gov.uk

Kind regards

Leena Poole

Licensing Officer

Southampton and Eastleigh Licensing Partnership

Southampton City Council

Civic Centre

Southampton

SO14 7LY

phone: 023 8083 3002 [Option 4, Option2]

fax: 023 8083 4061

e-mail: licensing@southampton.gov.uk

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REGULATORY SERVICES DIVISION
Southampton City Council
Civic Centre
Southampton
SO14 7LY



Licensing Team
Civic Centre
Southampton
SO14 7LY

Direct dial: 023 8091 7542
Please ask for: Elaine Jeffery
Our ref: 18/08333/PLANNI
Date: 2nd November 2018

Dear Licensing

Licence Variation Application
S and S Coffee Ltd., trading as Café Fumee, Ground Floor Telephone House
73 High Street Southampton

Environmental Health wish to make a representation to the application for a premises licence for Café Fumee, Ground Floor Retail Unit, Telephone House, 73 High Street, Southampton.

The reason for this representation is that Environmental Health are not satisfied the application meets Licensing Objective d) The prevention of public nuisance.

The application requests sale of alcohol both on and off the premises, which in essence would allow use of the unit as a public house and off licence. This is not deemed a suitable use for the unit, which currently operates as a café, due to the very close proximity of residential properties adjacent to and above the site. It is believed that noise from customers up until 23.00 hours will potentially affect the use and enjoyment of the neighbouring properties thereby constituting a nuisance.

Odour from smoke and noise from loud voices is likely to be detrimental, and the applicant has not demonstrated how they will manage potential disturbance including use of the external area, which it is assumed would be used as a smoking area, and which is directly beneath the balconies of the residential units. Environmental Health offered a condition by email for consideration by the applicant on 22nd October 2018 thus;

'Alcohol with food

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

No written response had been received either accepting or refusing this condition and during a telephone conversation with the applicant today the condition was verbally rejected. It is therefore considered necessary for a hearing by the sub-committee.

Yours faithfully

Elaine Jeffery

Principal Environmental Health Officer

Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

Preliminary matters

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
 - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
 - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
 - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
 - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
 - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
 - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.
13. The Chair will then explain the procedure that will follow.

General information on the conduct of the hearing

14. Each party is entitled to:
- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
 - (b) With the permission of the Chair, seek clarification on any point by any other party;
 - (c) Address the Sub-Committee.
15. Members of the Sub-Committee may also seek clarification of any party or witness.
16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

Hearing Procedure

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

The applicant

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

The representations

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
 - (a) The person making a representation (or their representative) may present their case.
 - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
 - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

(d) The Chair will invite the applicant to seek clarification on any points made by those making representations.

(e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

Summing up

29. The Chair will invite each person making a representation to make a final statement or sum up their case.

30. The Chair will invite the applicant to make a final statement or sum up their case.

Sub-Committee's decision

31.

(a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.

(b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.

(c) The parties will be invited to wait to be informed of the outcome.

(d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.

(e) If a room is available, the Committee may retire to deliberate and make its decision

(f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.