



# Gunwharf Quays RA

## Gunwharf Quays RA

**7, The Ridings, East Horsley, LEATHERHEAD, KT24 5BN**

The Licensing Manager  
Portsmouth City Council  
Civic Offices, Guildhall Square  
PORTSMOUTH  
PO1 2AL

27 September 2010

Your Reference: LA03 Policy -2011-2014

Dear Mrs Humphries

Thank you for your letter of 6<sup>th</sup> September.

Gunwharf Quays RA first actively concerned itself with licensing matters in 2006 when, on an application by the Chief Officer of Police, the license granted to Jongleurs, as it then was. came up for review. Although the matter was settled by negotiation and agreement, and there was no formal Review, the points we then raised have been a constant theme in every subsequent licensing application where we have made representations.

Thus, in the case of the application in January 2008 for a premises license for Unit R21, The Lighthouse, Gunwharf Quays, PO1 3TA and in the subsequent application to vary it, we raised concerns about public nuisance caused by the use of outside tables for late dining, and the creation of litter and mess. A license, (Premises License 437) was granted, but we noted that the Licensing Committee expressed the hope that the applicant and the residents would continue a dialogue to resolve the matter.

The outcome was satisfactory for the residents but we are sorry to see that the business appears now to have ceased trading.

There have been a number of applications for a premises licence in respect of Unit R20, Blake House, Gunwharf Quays PO1 3TH and it is a matter of public record that we have made very strong representations in respect of each of them, mostly in respect of public nuisance. More recently, a licence was granted to the applicant Chiquitos, and to Est Est Est, but in the event, both applicants abandoned their plans, due in part to the opposition of residents.

The prevention of public nuisance and the protection of the amenities of the residents continued to be an issue in the most very recent application in respect of those premises. Again the licence was granted, but subject to 21 conditions all of which had been negotiated and agreed between the residents and the applicant.



Although there have been one or two subsequent hiccups, the conditions appear to have provided a modus vivendi where a busy restaurant is situated in very close proximity to residential premises.

Another recent application that was very strongly resisted by residents, was initially refused by the Licensing Sub Committed but granted on appeal by Portsmouth Magistrates. It was a premises licence in respect of **Aspex Gallery, The Vulcan Building, Gunwharf Quays PO1 3BF** (Premises Licence No. LAPREM/11080).

The license actually granted bore only a passing resemblance to the license for which the original application was made, but the residents were satisfied because many of the licensable activities in the original application were unceremoniously dumped at the appeal hearing, and very tight time restrictions were imposed by the Court. However, we were disappointed that the Court failed to impose any conditions to control the public nuisance caused by smokers, which continues to cause serious detriment to the amenity of residents, but we are pleased to see that paragraph 26.17 attempts to grapple with the problem.

We labour our experience on the prevention of public nuisance because we consider that paragraphs 26.12- 26.24 in general, fall short in the guidance they provide, given the problems experienced here in Gunwharf Quays. You only have to spend but one night in an apartment adjacent to any of the restaurants on the residential side of The Canal, to understand why residents object to the noise caused by outside diners, even when well behaved, and to the noise and behaviour of outside drinkers, whose behaviour tends to be far worse than that of outside diners.

We constantly urge our members to report antisocial and boorish behaviour, particularly at, or shortly after closing time. However most such behaviour is usually of relatively short duration, and the revellers will have dispersed, or disappeared long before officialdom can arrive; our members often take the pragmatic position that a formal complaint will only waste official time. Nevertheless, frequent antisocial and rowdy behaviour takes its toll on residents, for whom an uninterrupted night's sleep becomes a luxury.

We believe that, whilst officialdom may be vaguely aware of this kind of low-level aggravation, because it is rarely officially reported, it does not get sufficient attention; in our opinion, it should be recognised in the Statement of Licensing Policy and this could be done by amending paragraphs 4.5 and 26.15, so that licence holders have a much clearer responsibility to prevent public nuisance caused by antisocial behaviour in the vicinity of their premises. This is addressed in paragraph 26.17, but only in the context of smoking.

Apart from that, we believe that the Statement should have something more to offer on measures to control which exit points from bars and clubs patrons must use, so that they are routed away from residential areas; even Jilly Cooper would blush at some of the activity our members witness on the lawns between Arethusa House and Blake House.

In our considered view, the 21 conditions imposed in the premises licence in respect of Unit R20 should be regarded as a minimum standard when restaurants and bars are forced to live cheek-by-jowl, since they go at least some way to establishing a balance between the



commercial imperative of the bar or restaurant to make a profit and the amenity interests of the residents.

Lastly, although we are pleased to see the proposed amendment to paragraph 26.12, it looks to us as more a pious wish, than a statement with any meaning. We certainly agree that the control of noise, light, odour and litter are “an essential element of good neighbourliness...”, but we would like the Statement to make it clear that noise, light, litter and smells are a serious detriment to residents, and that since their control is usually within the power of licence holders, the licensee should ensure that they are in fact controlled.

This is particularly so in the case of tobacco smells, which are obviously a licensing issue. If noxious cooking smells that are pumped out of kitchen vents are also a licensing issue, then since such emissions are totally within the control of the licensee, we believe that that Licensees should be left in no doubt that their licence will be in jeopardy should they fail to control them.

Yours truly

Alastair Rutherford-Warren  
Licensing and Planning