

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Monday, 14 December 2015 at 9.30am in the Guildhall, Portsmouth

Present

Councillor Julie Swan (in the Chair)
Hannah Hockaday
Margaret Foster

John Thurston, Managing Director and Drew Robertson-Young, Bar Manager at the Queens Hotel.

John Murphy and Councillor Steve Hastings, residents at Homeheights.

99. Declarations of Members' Interests

No interests were declared.

100. Appointment of Chair.

Councillor Julie Swan was appointed Chair.

101. Licensing Act 2003 - Application for variation of a premises licence: Queen's Hotel, Clarence Parade, Portsmouth. PO5 3LJ.

Derek Stone, Principal Licensing Officer introduced the report and in response to questions from members, clarified the following points:

- The complaints made in 2014 were from Homeheights residents.
- The applicant had amended the application to request the use of the garden for the purposes of regulated entertainment until 23:00 hours.
- The unfounded complaint mentioned in the report was probably in August 2014.

There were no questions from the applicant or the other persons.

John Thurston included the following points in his application:

- He values the concerns of the neighbours and does not want to cause unnecessary problems.
- The comfort of our guests is our priority. They would be the first to complain if there was a noise nuisance.
- The hotel was there before other buildings in this area such as Homeheights.
- This is an area of entertainment.
- The hotel has a very good record, but he acknowledged that there had been more calls recently, perhaps due to increased activity in the garden.
- One noise complaint was unfounded as there was nothing happening in the hotel that night.
- Sometimes guests do not heed the signs stating that fire doors should not be opened. When they do open them, staff shut the doors and ask the guests not to do it again.

- The licensing department suggested that the hotel vary its licence in order to tidy up the paperwork.
- The hotel has no intention of doing anything it has not done previously. Entertainment in the garden is low key and would probably continue to take place on Sundays until 19:00 when the entertainment would be switched off and ambient music would continue.
- Between Homeheights and the hotel there is some wasteland that will be developed.
- The hotel asks residents to contact them if there is a problem.

Drew Roberston-Young included the following points in his representation:

- He is the bar manager with responsibility for all licensing issues.
- He has a very good working relationship with residents especially Mr Hastings who alerted us when people were stealing lead from the roof.
- He has a good working relationship with the police
- Noise can occur when people enter or leave the hotel.
- A Duty Manager is present at all events.
- There is a taxi telephone number at the reception.

In response to questions from members, they clarified the following points:

- Entertainment in the garden would normally end at 19:00 hours.
- There are two designated areas for smoking: the garden and the patio area which is to the side of the main entrance.
- They did not know the date of the unfounded complaint.
- The small increase in complaints might have been due to the increase in business activity.
- At 07:30 the hotel serves champagne breakfasts but would not serve beers or spirits. The main bar opens at 11:00.
- He will continue to liaise with Councillor Hastings.
- Recorded music is at a low level in the morning.
- There are no bars next to the hotel. However, one resident at a nearby block of flats regularly holds noisy parties.
- The garden would only be used for entertainment on Sundays.
- Noise only escapes from the hotel if the fire doors are open.

At the request of the Chair, Mr Stone explained that a Temporary Event Notice (TEN) supersedes all the conditions on the licence and is granted if there are no objections from the police or environmental health. He also explained that premises can have live or recorded music for up to 500 people from 08:00 and 23:00 hours.

In response to questions from the representations, he explained that from January 2016 a venue can have up to 15 TENS per year; from January to December. The environmental health service oversees all activity at licensed venues.

Councillor Hastings included the following points in his representation on his own behalf and also some other residents:

- He had moved in recently to Homeheights.
- When he saw thieves stealing lead off roof he alerted the hotel.

- He wants the hotel to do well and not to disturb the neighbours as far as possible.
- Homeheights consists of 74 retirement flats with a minimum age of 60.
- Complaints about noise have been reported to him several times. Sometimes, there is a distinct, loud bass sound at night that reverberates throughout his flat which is very disturbing.
- He reminded the hotel to keep windows and doors shut.
- He is pleased at the amendment to the application to stop activity in the garden by 23:00 but is concerned about the hotel serving alcohol from 07:30 hours. Residents could be disturbed until 02:00 from activity inside the hotel and then again very early in the morning.
- People are sometimes noisy when they leave the hotel and walk past Homeheights.
- Non-residents could come into the hotel to consume alcohol.

John Murphy asked if the hotel manager could notify Homeheight residents when they intend to apply for a TEN. In response to questions from the applicant he explained that the council gave residents notice of Victorious and for other events on the Common.

In response from questions from the panel, Councillor Hastings clarified the following points:

- He had lived there since September and had experienced noise nuisance three or four times at weekends. He did not report these as he wanted to monitor the situation to know if these were isolated incidents.
- People outside are a bit rowdy.

In response to a question from the applicant, Councillor Hastings agreed to contact the hotel if there is a noise problem.

The applicants and other persons did not wish to add anything to their representations.

DECISION

The application for variation of a premises licence for Queen's Hotel, Clarence Parade, Portsmouth PO5 3LJ was agreed.

REASONS

The committee carefully considered the application before it and the representations made, both orally and in writing and noted that the applicant amended the original variation and now agreed to the limitation upon the usage of the garden for the purposes of regulated entertainment until 23:00 hours.

It also noted that no representations were made from the relevant statutory responsible authorities; this said it was noted that Environmental Health had occasion to attend the premises during 2014 and once during 2015.

The committee heard objections from the relevant local residents, all from Homeheights House (43 in number) along with a local Councillor (who was also a resident there) particularly pertaining to the issue of noise and potential

anti-social behaviour. These complaints were in respect of two potential licensing objectives: the prevention of public nuisance and crime & disorder. Several of the complaints were generic in nature about the considerations of noise being a potential public nuisance rather than specifically relating to specific incidents linked to the licensed premises. It was further noted that no formal intervention had been initiated by way of noise abatement notice or such like via Environmental Health and the police did not make any representations.

The comments above, would entitle the committee to conclude that in the opinion of the relevant responsible authorities that no statutory nuisance or anti-social behaviour had been caused and no failure to promote the relevant licensing objectives undermined. Indeed it was of note that the offer made by the applicant to restrict the use of the garden area would significantly reduce the noise emanating from the premises.

In addition, and having considered the Statutory Guidance (section 182 of the Licensing Act as amended and enacted in March 2015) the committee was also aware that any responsible authority and indeed any other person may ask this committee to review the licence because of any matter arising at the premises in connection with any of the licensing objectives.

The meeting concluded at 11am.

Councillor Julie Swan
Chair