



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

WEDNESDAY, 9 MARCH 2016 AT 9.30 AM

THE EXECUTIVE MEETING ROOM, THIRD FLOOR, THE GUILDHALL

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Committee Members Councillors Julie Swan (Chair), Hannah Hockaday (Vice Chair), Dave Ashmore, Jennie Brent, Ken Ferrett, Margaret Foster, David Fuller, Paul Godier, Scott Harris, Steve Hastings, Lee Mason, Phil Smith, David Tompkins, Gerald Vernon-Jackson and Aiden Gray.

The panel today consists of : Councillors Julie Swan, Jennie Brent and Gerald Vernon-Jackson
The reserve member is Councillor Scott Harris.

(NB This agenda should be retained for future reference with the minutes of this meeting).

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 **Apologies for Absence.**
- 2 **Declarations of Members' Interests.**
- 3 **Licensing Act 2003 - Application for the variation of a premises licence at the Fat Fox and Atrium Bar, Victoria Road South, Southsea PO5 2SP.**
(Pages 1 - 58)

Purpose.

The purpose of this report is for the committee to consider an application for the variation of a premises licence under the Licensing Act 2003 ("the Act"). The matter has been referred to the committee for determination following formal representations being made by "other persons" namely residents living nearby concerned over additional noise the extension to hours would create together with an increase in disorderly behaviour in the area in general.

4 Exclusion of the Press and Public.

In the view of the contents of the following items of business on the agenda, the Licensing Sub-committee is RECOMMENDED to adopt the following motion:

"Under the provisions of Section 100A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded for the consideration of the following items on the grounds that the reports contain information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972".

The public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

(NB The exempt/confidential committee papers on the agenda will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. Members are reminded of standing order restrictions on the disclosure of exempt information and are invited to return their exempt documentation to the Local Democracy Officer at the conclusion of the meeting for shredding).

Agenda items and paragraph numbers:

5 - Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 - Consideration of Hackney Carriage Driver's Licence - Mr H

(Paragraphs 1, 2 and 3).

5 Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 - Consideration of Hackney Carriage Driver's Licence - Mr H

The committee is asked to determine this matter.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 9th March 2016

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MR DEREK STONE

**Licensing Act 2003 – Application for variation of a premises licence
at the Fat Fox and Atrium Bar, Victoria Road South, Southsea. PO5 2SP**

1. PURPOSE OF REPORT

The purpose of this report is for the Committee to consider an application for the variation of a premises licence under the Licensing Act 2003 (“the Act”). The matter has been referred to the Committee for determination following formal representations being made by "other persons" namely residents living nearby concerned over additional noise the extension to hours would create together with an increase in disorderly behaviour in the area in general.

2. THE APPLICATION

The variation application has been made by James Jarman the co-owner of Fat Fox and Atrium who is also the designated premises supervisor (DPS) for the premises situated in Victoria Road South.

The applicant has requested that the licence be varied in respect of the above premises so as to extend all current licensable activities by one hour on a Friday and Saturday night until 01:30. Full details below and on application at **appendix A**

- To vary the timings of Films Sunday to Thursday 12:00 to 23:59 as per existing Licence and from 12:00 until 01:30 Friday and Saturday.
- To vary live music from Sunday to Thursday 12:00 to 23:59 as per existing licence and from 12:00 to 01:30 Friday and Saturday.
- To vary the timings of performances of dance Sunday to Thursday 12:00 to 23:59 as per existing licence and from 12:00 until 01:30 Friday and Saturday.
- Recorded music as per existing licence.
- To vary performance of dance Sunday to Thursday 12:00 to 23:59 as per existing licence and from 12:00 until 01:30 Friday and Saturday.
- To vary the Late Night Refreshment provision Sunday to Thursday from 23:00 to 00:30 and on Friday and Saturday from 23:00 until 01:30
- To extend the supply of alcohol sales on Sunday 10:00 to 23:30 and Monday to Thursday 10:00 to 00:30 as per existing licence and on Friday and Saturday 10:00 until 01:30. New year and Bank Holiday times as per application Friday or Saturday 10:00 to 02:00 Sunday 10:00 until 00:30 Christmas Eve 10:00 until 01:00 and New Year's Eve 10:00 until 03:00
- To extend the hours the premises are open to the public Sunday 10:00 until 23:59 as per existing licence. Monday to Thursday 10:00 until 01:00 and on Friday and Saturday 10:00 until 02:00. On Bank Holidays Sunday 10:00 to 01:30. Friday and Saturday 10:00 to 02:30. Christmas Eve 10:00 to 02:00. New Year's eve 10:00 to 04:00

The current premises licence is attached at **appendix B**

Six local residents and a Ward Councillor have made representations which are attached at **appendix C**

3. BACKGROUND INFORMATION

This application has been submitted in accordance with the provisions of Part 3 of the Act and associated Regulations. I can confirm that public notice has been given by way of press notice, premises notice and local councillors have also been notified. There are no grounds therefore for the committee to reject the application for non-compliance with the advertising requirements prescribed by the act and regulations.

The premises are in two parts. The ground floor is the Fat Fox and this is in two halves with the main bar located on the south side of the building with limited seating in this area. The other half of the venue consists mainly of seating and tables and also a stage area. The Atrium is on the first floor with its own entrance door on the south side of the building. Access is via a winding staircase that leads into a small seating area plus a bar. The Atrium specialises in cocktails and caters for up to 70 people mainly 18 to 30 year olds. The ground floor area can hold over 200 patrons whose average ages are between 25 and 50. There have been 10 occasions since January 2015 where TENs have been granted extending hours on three days until 05:00 in the morning.

The immediate area is dominated by shops and other licensed venues / restaurants etc. To assist with this application attached at **appendix D** are the opening times of venues close to the Fat Fox.

4. OPERATING SCHEDULE – PROMOTION OF LICENSING OBJECTIVES

The applicant has detailed in the operating schedule the steps intended to be taken (and as appropriate to promote the licensing objectives) in support of this variation application. Currently the venue does not have a condition requiring SIA door supervisors to work at the venue but the management at the venue do secure door staff to work on Friday and Saturdays. Both owners are personal licence holders securing their licences in 2006 and 2007 respectively.

In consultation with the police, conditions have been agreed with the applicant and these will be added to the premises licence as part of this application process. Some old conditions will be removed and these are attached at **appendix E**

5. RELEVANT REPRESENTATIONS BY RESPONSIBLE AUTHORITIES

There are no representations submitted by any of the statutory responsible authorities. Environmental Health do have two current noise complaints open at this time from two separate complainants but have not visited these complainants to establish whether a statutory nuisance is occurring.

6. RELEVANT REPRESENTATIONS BY OTHER PERSONS

Relevant representations has been received from six local residents concerned with general issues in the area which can be summarised as follows:

- Increase in disorderly behaviour

- Increased noise over longer period of time
- Anti-social behaviour with footfall at the venue increasing over a longer period.
- Potential for other venues to increase their trading hours if this application is successful.

Ward Councillor for Saint Jude Hugh Mason has submitted a representation raising concerns regarding bars in Albert Road in general. He has indicated that an extension to Fat Fox's licensing hours should be no later than those of equivalent bars in that part of Albert Road with a closure time of no later than 01:00 on Fridays and Saturdays be approved by the Licensing Sub-Committee.

Officer note :

Please be advised that one of the representations reports police attending Fat Fox to deal with a large disturbance. This is not correct. Two customers were behaving inappropriately towards females in the venue, prior to being asked to leave. The management requested additional door support as a precautionary measure. This resulted in a number of SIA door stewards leaving venues in close proximity to support the door staff at Fat Fox. The individuals left the venue without incident.

7. POLICY AND STATUTORY CONSIDERATIONS

When determining the application to vary the premises licence the Committee must have regard to:

- Promotion of the licensing objectives which are;
 - prevention of crime and disorder
 - public safety
 - prevention of public nuisance
 - protection of children from harm
- The Licensing Act 2003;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary).
- Its Statement of Licensing Policy;
- The statutory guidance issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

Statement of Licensing Policy

The Statement of Licensing Policy lays down a general approach to the determination of licensing applications and any such application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Committee will have those representations considered on

their individual merit.

The committee should consider the fundamental principles set out in its policy, particularly paragraphs 4.6 and 4.7 which are reproduced below:

- 4.6 *Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.*
- 4.7 *Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the evening and night-time economy in town and city centres.*

The committee should also have regard to paragraphs 7.1 to 7.6 in relation to such circumstances where it may be appropriate to consider the imposition of conditions on a premises licence.

Statutory Guidance

The updated statutory guidance issued by the Home Secretary in accordance with section 182 of the Act, which came into force in March 2015, refers to the consideration of applications for the grant or variation of premises licences in Chapter 9.

Members may wish to consider the following extracts from the statutory guidance when determining this application:

Para 9.36

“... As a matter of practice, licensing authorities should seek to focus the hearing on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other persons may choose to rely on their written representations. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation...”

Para 9.41

“Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representation made by the applicant or premises user as the case may be”.

Para 9.42

"The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve"

Para 9.43

"Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.

As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business.

Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

Para 10.14 (Hours of Trading)

"Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested".

Members may also wish to consider Chapter 11 of the statutory guidance in respect of reviews of premises licences. Paragraphs 11.1 and 11.2 of the guidance states:

Para 11.1

"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate".

Para 11.2

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

Appeal Provisions

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to vary a premises licence.

Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence.

Where a person who made relevant representations in relation to the application contends that:

- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

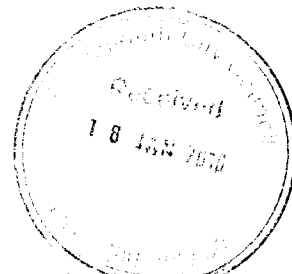
8. APPENDICES

- A.** Copy of application to vary premises licence
- B.** Copy of current premises licence
- C.** Copies of representations received
- D.** Trading hours of venues in close proximity
- E.** Agreed conditions for Premises Licence

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION

For Licensing Manager
And on Behalf of Head of Service

Appendix A



[insert name and address of relevant licensing authority and its reference number (optional).]

Application to vary a premises licence 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 The Wine Vaults (Portsmouth) Ltd
 (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number <u>11/03860/LAPRMV</u>
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>THE FAT FOX & ATRIUM BAR</u> 11 <u>VICTORIA ROAD SOUTH 11-13</u> <u>SOUTHSEA</u>			
Post town	<u>PORTSMOUTH</u>	Postcode	<u>PO5 2SP</u>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)	<u>Pubgroup@yahoo.co.uk</u>		
Current postal address if different from premises address	<u>Cox Hill Barn</u> <u>North end</u> <u>ASHTON KEYLES</u>		
Post town	<u>SWINDON</u>	Postcode	<u>SN66QR</u>

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO EXTEND ALL CURRENT LICENSABLE
ACTIVITIES ON A FRIDAY AND SATURDAY
UNTIL 01:30 HOURS THE FOLLOWING MORNING

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

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)

Sale by retail 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 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Tue					
			<u>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 5)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	12:00	23:59	Please give further details here (please read guidance note 3)		
Tue	12:00	23:59			
Wed	12:00	23:59	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	12:00	23:59			
Fri	12:00	23:59	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 (please read guidance note 5)		
	12:00	01:30			
Sat	00:00	01:30	12:00 01:30		
	12:00	23:59			
Sun	00:00	01:30			
	12:00	23:59			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Thur					
Fri			<u>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 5)</u>		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12:00	23:59	<u>Please give further details here (please read guidance note 3)</u> THE LATER FINISH ON FRIDAYS AND SATURDAYS IS NOT FOR BANDS, BUT MORE INTENDED FOR DJs AND COMEDIANS ETC		
Tue	12:00	23:59			
Wed	12:00	23:59	<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Thur	12:00	23:59			
Fri	12:00	23:59	<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 (please read guidance note 5)</u>		
Sat	00:00	01:30			
	12:00	23:59			
Sun	00:00	01:30			
	12:00	23:59			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> INTENDED AS BACKGROUND MUSIC FOR ATMOSPHERE.		
Mon	00:00	23:59			
Tue	00:00	23:59			
Wed	00:00	23:59	<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Thur	00:00	23:59			
Fri	00:00	23:59	<u>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 5)</u>		
Sat	00:00	23:59			
Sun	00:00	23:59			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	23:59	Please give further details here (please read guidance note 3) THIS IS TO COINCIDE WITH THE PERFORMANCE OF LIVE MUSIC /DJs	Both	<input type="checkbox"/>
Tue	12:00	23:59			
Wed	12:00	23:59	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	12:00	23:59			
Fri	12:00	23:59	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 5)		
Sat	00:00	01:30			
	12:00	23:59			
Sun	00:00	01:30			
	12:00	23:59			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take <u>place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23:00	23:59			
Tue	00:00	00:30			
	23:00	23:59			
Wed	00:00	00:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
	23:00	23:59			
Thur	00:00	00:30			
	23:00	23:59			
Fri	00:00	00:30	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 (please read guidance note 5)		
	23:00	23:59			
Sat	00:00	01:30			
	23:00	23:59			
Sun	00:00	01:30			
	23:00	23:59			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	10:00	23:59	State any seasonal variations for the supply of alcohol (please read guidance note 4) BANK HOLIDAYS: FRIDAY 10:00 - 02:00 ON SATURDAY SATURDAY 10:00 - 02:00 ON SUNDAYS SUNDAY 10:00 - 00:30 10:00 - 00:30 ON MONDAYS CHRISTMAS EVE 10:00 - 01:00 CHRISTMAS DAY NEW YEARS EVE 10:00 - 03:00 NEW YEAR'S DAY	Both	<input checked="" type="checkbox"/>
Tue	00:00	00:30			
	10:00	23:59			
Wed	00:00	00:30			
	10:00	23:59			
Thur	00:00	00:30		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 5)	
	10:00	23:59			
Fri	00:00	00:30			
	10:00	23:59			
Sat	00:00	01:30			
	10:00	23:59			
Sun	00:00	01:30			
	10:00	23:30			

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 8).

None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) BANK HOLIDAYS: FRIDAY 10:00 - 02:30 SATURDAY SATURDAY 10:00 - 02:30 SUNDAY SUNDAY 10:00 - 00:30 MONDAY 01:30 CHRISTMAS EVE 10:00 - 01:30 CHRISTMAS DAY 02:00 NEW YEAR'S EVE 10:00 - 04:00 NEW YEAR'S DAY
Day	Start	Finish	
Mon			<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 5)
	10:00	23:59	
Tue	00:00	01:00	
	10:00	23:59	
Wed	00:00	01:00	
	10:00	23:59	
Thur	00:00	01:00	
	10:00	23:59	
Fri	00:00	01:00	
	10:00	23:59	
Sat	00:00	02:00	
	10:00	23:59	
Sun	00:00	02:00	
	10:00	23:59	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

PLEASE REFER TO THE LETTER FROM LICENSING, AS IT STATES ALL THE PROPOSED CONDITION CHANGES AGREED WITH PC RACKHAM

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

• WE ARE HAVING DOORSTAFF AT WEEKENDS ADDED TO THE LICENSE, BUT WE HAVE BEEN DOING THIS TO DATE ALREADY.
• WE ARE ADDING TO OUR STAFF TRAINING.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	11/1/16
Capacity	Director

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

--	--	--	--

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Premises Licence Number:	11/03860/LAPRMV
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Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description:
--

Fat Fox 13 Victoria Road South Southsea Hants PO5 2SP

Telephone Number:

Where the licence is time limited, the dates:

Licensable activities authorised by the licence:

Sale by retail of alcohol Late night refreshment Regulated entertainment consisting of:- Provide facilities for dancing Exhibition of a film Provide facilities for making music Performance of live music Playing of recorded music

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

The times the licence authorises the carrying out of licensable activities:

Sale by retail of alcohol

Monday to Saturday: 10:00 until 00:30

Sunday: 10:00 until 23:30

On any other day that the Government should declare a public holiday, an extra hour. This also applies to the hours of opening and closing.

Christmas Eve until 01:00 hours on Christmas Day, 01:30 for the hour of closing.

New Years Eve until 03:00 hours on New Years Day, 04:00 for the hour of closing.

Bank Holiday weekends Friday nights until 01:00 hours Saturday mornings,

Saturday nights until 01:00 hours Sunday morning, Sunday nights until 23:59

hours, Monday nights until 01:00 hours Tuesday morning. An extra half hour on these timings for the hour of closing.

Provide facilities for dancing

Monday to Sunday: 12:00 until 23:59

Exhibition of a film

Monday to Sunday: 12:00 until 23:59

Provide facilities for making music

Monday to Sunday: 12:00 until 23:59

Performance of live music

Monday to Sunday: 12:00 until 23:59

Consisting of amplified live music performed by entertainers, comedians, singers and DJ.

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Playing of recorded music

Monday to Sunday: 00:00 until 23:59

Consisting of amplified recorded music produced by CD Player, Juke Box, Television.

Late night refreshment

Friday and Saturday: 23:00 until 00:30

Sunday to Thursday: 23:00 until 23:59

The opening hours of the premises:

Monday to Saturday: 10:00 until 01:00

Sunday: 10:00 until 23:59

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Wine Vaults (Portsmouth) Limited
Haileywood House
Coates
Gloucestershire
GL7 6JZ

Telephone number:

Email:

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Registered number of holder, for example company number, charity number (where applicable):

2161160

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr James Simon Jarman

Telephone Number:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Personal licence Number:

Issuing licensing authority: Portsmouth City Council

Date Licence Granted: 17.06.2005

Authorised Officer
Licensing Section



Date last Amended: 6 June 2012
Type: Vary DPS

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 1 – Mandatory conditions

01. No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

02. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

03. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children:

(a) games or other activities which require or encourage, or are designed to require or encourage individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can be reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

04. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

05. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

06. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

07. The responsible person shall ensure that:

(a) where any of the following alcoholic drinks is sold and supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25ml or 35ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 2 - Conditions consistent with the Operating Schedule

01. The licence holder shall comply with the following requirements concerning the use of CCTV at the premises.

Operation and Storage.

The CCTV system must be fully operational whilst the venue is open to the public. The recording equipment should be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

A record should be kept of any access made to information held on the system.

The system should be regularly maintained and serviced.

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

Tapes should be changed daily and kept for 31 days before being re used. Tapes should be replaced after 12 usages i.e. annually.

Digital systems should have sufficient storage capacity for 31 days good quality pictures.

The images produced will be date and time stamped.

Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision should be made for someone to have access to the secure area and also be 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 staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

02. The licence holder shall ensure that when regulated entertainment consisting of live music is performed, all windows and doors, excluding entrance and exit doors, shall be closed at 22:00.
03. The provision of live music is not permitted on the first floor of the premises.
04. Children under 18 years of age will not be permitted entry to the premises after 21:00.
05. Any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Such identification may include photo-driving licence, passport, PASS (Proof of Age Standards Scheme).
06. The permitted hours restrictions do not prohibit:
- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - d) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - f) the taking of alcohol from the premises by a person residing there; or
 - g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

07. In accordance with paragraphs 6(8) and 18 (5) of Schedule 8 of the Licensing Act 2003, the licence holder shall have regard to the statutory provisions contained within the Children and Young Persons Act 1933 (as amended).

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 3 - Conditions attached after a hearing by the licensing authority

LICENSING ACT 2003

PREMISES LICENCE

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Annex 4 - Plans

See attached.

Stone, Derek



-----Original Message-----

From: Jenny Keates [REDACTED]

Sent: 01 February 2016 20:57

To: Licensing Shared Email

Subject: Fat Fox late licence

To whom it may concern,

I writing to object to the proposed extension of licensing hours at the Fat Fox on Albert Road, Southsea. My comments are as follows:

1. It will lead to an increase in disorderly behaviour in the Albert Road, as people will be able to drink more over the course of an evening and so are likely to be more intoxicated when they leave the pub.
2. It will lead to more disturbance for residents as it will spread the noise of people leaving the pub over more hours, and it will also lead to people living near the pub being disturbed later at night than they already are.
3. The later opening hours will lead to greater footfall in the pub, which will also add to disturbance for the residents.
4. It helps to further establish the dangerous drinking culture of this city, which has one of the worst alcohol problems of any UK town or city. This has wider costs for the whole community.
5. Extending one pub's licensing hours will encourage other establishments to seek extensions and this may lead to this part of Southsea becoming a focus for late-night drinking for the city.

Yours faithfully,

Surg Lt Jenny Barton MBBS, PG dip, Ba Hons (Cantab) RN
46 Victoria Road South, Southsea PO5 2BT

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Comments for Licensing Application 16/00653/LAPREM

Application Summary

Application Number: 16/00653/LAPREM

Address: 13 Victoria Road South Southsea Hants PO5 2SP

Proposal: Premises Licence

Case Officer: Ms Debra Robson

Customer Details

Name: Ms christine stewart

Address: 12 Stafford Road, St Jude, Southsea, Portsmouth City Council PO5 2AD

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 11:20 PM on 11 Feb 2016 Increased noise, more issues with parking, (already a problem). More antisocial behaviour, broken bottles in the road, left in gardens, thrown over hedges etc. I am forever clearing up Rubbish from outside my house due to students and other inebriates who use the local area as a walk through to pubs etc. At least the normal closing times limits the noise and antisocial behaviour regularly witnessed by groups of drunken men and women who already use the sufficient number of pubs in Albert Road. We have designated "late night" areas in Portsmouth and for the sake of amenity and the rights of local residents NO MORE are needed. I strongly object to the extension to ANY drinking establishments in and around the Albert Rd and Elm Grove area.

Yours

Ms C A Stewart & Mr R A Carter

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APPENDIX C

MR + MRS J.C. CASTRO
37 Victoria Road South
Southsea. PO50BX

6-2-2016

Dear Sir or Madam,

With regards to the license extension to the Fox Fox in Albert Road. We live near by, we have done for the past thirty years. As it is we have antisocial behaviour till late hours at night, if the applications go through we will have more sleepless night's.

Yours Sincerely

[Redacted signature]

[Redacted address]

19 FEB 2016 Pa

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APPENDIX C

To licensing@portsmouthcc.gov.uk [REDACTED]

From Mr and Mrs G. S and J.S. CATLOW
3 Albert Road
Southsea
Hants
PO5 2SE

Dear Officers and Councillors

Reference The FAT FOX/Atrium 11 -13 Victoria Road Southsea PO5 5HH.

Referene No. NONE on the flyers

Intouch with Southsea informed some residents of the pending application for extended opening times at the FAT FOX to 1.30 am Fridays and Saturdays in the future.

My husband and I are residents in Albert Road we live alongside the FAT FOX.

We are objecting to the proposed extension to hours of business at the above mentioned public house on the grounds of noise nuisance and public health implications.

Firstly – the constant noise from idling engines/slamming of taxi doors whilst picking up noisy customers is irritating beyond midnight at the best of times. The cars and taxi's often park on the bend of the traffic island and extend on to the double yellow lines in front of our property thus blocking other traffic turning into Albert Road which creates deadlock and even more noise.

Secondly – there is no policy for smokers standing out side the pub during the drinking sessions as it is, noise is not kept under control during the current hours of opening. Litter by way of disgarded cigarette ends/ bottles and chewing gum end up in to doorway or are left in front of our blind.

Thirdly - the bands that are often playing there create an enormous amount of noise when loading their vehicles after a gig late at night.

The last instance is that of human detritus spewed out onto pavements – the publicans seem oblivious to clearing this mess up even outside their own businesses. It can be left for days and only when it rains is it cleared away???

The implications of extending their hours of business comes at a time when we have only just resolved the excessive noise from the V and A pub who are now very accommodating to the residents, in that they have curbed their late night openings and noise nuisance over the weekends by agreeing to keep drinking hours to a reasonable time.

OUR QUESTIONS ARE -

Who will police the venue as policing is non-existent from 12 midnight?
Likewise – Vespasian Security end their shift at midnight so what happens beyond this time?

In our minds there is a distinct possibility they will be serving people late at night who are already fuelled with more than enough alcohol - who will police this?
Who will pick up the bills for drunks who may need NHS treatment

Portsmouth already has an alcohol problem, do we want more problems for the police and our overstretched Health service?

People, often friends, who are fuelled with alcohol raise their voices in anger toward each other using horrendous expletives at high volume whilst standing outside our property, often violence breaks out and glass is scattered across the pavements and the road. As it is we cannot retire at night before 12.30 am at the weekend due to the noise from people and cars.

The extended time scale will cause havoc and unwanted sleepless nights, it is totally unacceptable – sleep deprivation creates illness and can kill.

We personally need sleep as we need to be up at 6am on Sunday mornings for business reasons. The thought of having to drive away on business after two sleepless nights is already frightening and something the highway authorities discourage. 'Tiredness can kill'.

Public health and safety must be paramount over late night drinking and partying. There are numerous outlets in the city away from residential areas where late night drinking can be found.

A recent example of the lack of monitoring alcohol fuelled people has just happened with ICE BREAKER in Albert Road 30TH January, it turned out to be the noisiest night of the winter to date. The police we called to THE FAT FOX as fighting broke out on a grand scale and could only be dealt with, with police presence. "THE LOFT" a venue approximately 100 yards away on the same block and connected to ICE BREAKER – had what was described as a Glassing incident – fighting with broken beer bottles and wine glasses. Police also called out.

If THE FAT FOX clearly cannot control or take responsibility for a ONE OFF EVENT how are we expected to believe they can control two evenings every weekend in the foreseeable future.

It beggars belief that residents nearby like ourselves could possibly be subjected to this noise nuisance and alcohol fuelled violence all over again.

It is not as though Portsmouth and Southsea are short of late night drinking venues.

We are asking for your support to turn this application down.

Geoff and Jenni CATLOW

Stone, Derek

From: Kristoffer Esbensen [REDACTED]
Sent: 16 February 2016 11:14
To: Robson, Debra
Subject: Re: Representation against a variation to an existing License - The Fat Fox

Hi Debbie,

My address is:

Flat 1a
9 Victoria Road South
Southsea
Hampshire
PO52SP

Thanks

Kristoffer

Sent from my iPhone

On 16 Feb 2016, at 10:08, Robson, Debra <Debra.Robson@portsmouthcc.gov.uk> wrote:

Morning Kristoffer

Can you email me your full postal address.

Thanks.

Debbie

From: Licensing Shared Email
Sent: 16 February 2016 10:06
To: Robson, Debra
Subject: FW: Representation against a variation to an existing License - The Fat Fox

From: Kristoffer Esbensen [REDACTED]
Sent: 15 February 2016 18:29
To: Licensing Shared Email
Subject: Representation against a variation to an existing License - The Fat Fox

Good afternoon,

Representation is hereby submitted against the proposed variation to the existing license held by 'The Fat Fox' public house, [11-13 Victoria Road South](#), Southsea, PO52SP. This variation, if approved, would permit the sale of alcohol in the aforementioned establishment from 1000 until 0130 every Friday and Saturday. Pursuant to the specified licensing

objectives, representation is made on the grounds of prevention of a public nuisance for the following reasons:

a. Antisocial behaviour. There are already regular instances of shouting and other on-street disruptions of sometimes severely inebriated members of the public. As the entrance to my building is next door to The Fat Fox, I also suffer from people pressing the intercom buzzer at unsocial times of the evening/early morning which is particularly disruptive as I am occasionally required to work weekends.

b. Littering. The door to my building does not have a letterbox, but instead a post box is attached to the outside wall. This is very near to the area used by The Fat Fox as their smoking area and I have, on numerous occasions, found empty cigarette boxes posted into the post box as well as cigarette butts, which clearly poses a fire risk particularly if mail is present in the box.

c. Noise hygiene. The level of music played is singularly the most disruptive element to this representation and has recently become more disruptive than it has in the past with the heavy bass causing excessive vibration. To increase the time allowed to play music would significantly impact the quality of life of residents in the neighbouring dwellings.

The existing license is tolerable if the issues stated above could be rectified, however the proposed variation to the license would arguably create an establishment more akin to a nightclub than a public house. When I purchased my property I fully expected there to be minor disruptions caused by living next door to a public house, however I cannot accept the proposed variance on these grounds.

I would be very grateful if you could consider this representation in accordance with your prescribed licensing procedures and I can supply further information as required.

Kind regards,

Mr K P Esbensen

Sent from my iPhone

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Moving house? Let us know! Visit www.portsmouth.gov.uk and click 'report' at the top of the page to complete our quick and easy change of address form.

Stone, Derek

From: H MASON [REDACTED]
Sent: 15 February 2016 10:18
To: Robson, Debra
Subject: RE: Application to vary Premises Licence - Fat Fox

Dear Debbie,

Thank you for the information which you provided. I should like to make the following representation on the application for variation.

As a City Councillor for Saint Jude Ward I have been made aware of the frequent annoyance, disturbance and nuisance caused to local residents by people coming from the bars in Albert Road. In order to minimise this nuisance, and to assist the Police in managing any situations which may develop, I believe that the opening times of the Fat Fox and Atrium bars should be no later than those of equivalent bars in that part of Albert Road. The information provided by the Licensing Service is that the two nearest equivalent bars: Porters and The Kings have weekend closure times of Midnight and 1.00am respectively. I would therefore request that a closure time of no later than 1.00am on Fridays and Saturdays be approved by the Licensing Committee.

In order to maintain public order I would also request that a condition be applied that door staff be on duty until the closure of the premises.

Hugh Mason
Councillor Saint Jude Ward

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Comments for Licensing Application 16/00653/LAPREM

Application Summary

Application Number: 16/00653/LAPREM

Address: 13 Victoria Road South Southsea Hants PO5 2SP

Proposal: Premises Licence

Case Officer: Ms Debra Robson

Customer Details

Name: Mr James Munt

Address: 23 Victoria Road South, Southsea PO5 2BX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment:3:28 PM on 15 Feb 2016 I strongly object to the planning application. There are no other pubs in the vicinity with a late night licence. If this is granted, it would make the pub a magnet for all who wish to carry on drinking after hours. The noise level and increased foot through on the local area is unfair on residents and will lead in my opinion to an increase in anti-social behaviour. As previously stated in other comments, there are designated late night drinking areas within the city. This public house is surrounded by private dwellings on three sides, our quality of life should be at the forefront of the councils agenda when making their decision on this application.

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Premises Licenced in vicinity of Fat Fox

Alcohol Sales and Opening Hours

Victoria & Albert

Alcohol sales.

Sunday to Thursday 10:00 until 23:59. Friday and Saturday 10:00 until 01:00

Opening hours.

Sunday to Thursday 10:00 until 00:30. Friday and Saturday 10:00 until 01:30

Porters

Alcohol sales.

Monday to Sunday 10:00 until 23:59

Opening hours

Monday to Sunday 09:00 until 00:30

Kings Hotel

Alcohol sales.

Monday to Wednesday 10:00 until 00:00. Thursday until Saturday 10:00 until 01:00.

Sunday 12:00 until 23:30

Opening hours

Monday to Wednesday 10:00 until 00:30. Thursday to Saturday 10:00 until 01:30

Sunday 12:00 until 00:00

Wine Vaults

Alcohol sales.

Sunday to Thursday 10:00 until 23:59. Friday and Saturday 10:00 until 01:00

Opening hours

Sunday to Thursday 10:00 until 00:30 Friday and Saturday 10:00 until 01:30

Little Johnny Russells

Alcohol sales

Sunday to Wednesday 10:00 until 23:59. Thursday to Saturday 10:00 until 01:00

Opening hours

Sunday to Wednesday 10:00 until 00:30. Thursday to Saturday 10:00 until 01:30

Gin and Olive

Alcohol sales

Monday to Sunday 10:00 until 00:30

Opening hours

Monday to Sunday 10:00 until 00:30

One Eyed Dog

Alcohol sales

Monday to Thursday 11:00 until 00:30 Friday and Saturday 11:00 until 01:30

Sunday 12:00 until 23:30

Opening hours

Monday to Thursday 11:00 until 01:00 Friday and Saturday 11:00 until 02:00

Sunday 12:00 until 23:59

Deco

Alcohol sales

Monday to Sunday 09:00 until 00:00

Opening hours

Monday to Sunday 08:00 until 01:00

Huis

Alcohol sales

Sunday to Thursday 12:00 until 00:00 Friday and Saturday 12:00 until 02:00

Opening hours

Sunday to Thursday 12:00 until 00:00 Friday and Saturday 12:00 until 02:00

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Appendix E

Red - Remove
Black - Keep the same
Blue - Add

01. The licence holder shall comply with the following requirements concerning the use of CCTV at the premises.

Operation and Storage.

The CCTV system must be fully operational whilst the venue is open to the public.
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.
A record should be kept of any access made to information held on the system.
The system shall be regularly maintained and serviced.
The system clock shall be checked regularly for accuracy taking account of GMT and BST.
Tapes should be changed daily and kept for 31 days before being re used. Tapes should be replaced after 12 usages i.e. annually.
Digital systems shall have sufficient storage capacity for 31 days good quality pictures.
The images produced will be date and time stamped.

Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made for someone to have access to the secure area and also be 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 staff.
Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

At all times that the premises is open for trade a person shall be on site that is able to work the CCTV system and provide a copy of any footage to the Police or a member of the licensing authority on request.

02. The licence holder shall ensure that when regulated entertainment consisting of live music is performed, all windows and doors, excluding entrance and exit doors, shall be closed at 22:00.

03. The provision of live music is not permitted on the first floor of the premises.

04. Children under 18 years of age will not be permitted entry to the premises after 21:00.

05. Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Such identification may include Valid photo card-driving licence, Valid passport with hologram, PASS approved photo ID (Proof of Age Standards Scheme).

06. The permitted hours restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or
- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the

liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

07. In accordance with paragraphs 6(8) and 18 (5) of Schedule 8 of the Licensing Act 2003, the licence holder shall have regard to the statutory provisions contained within the Children and Young Persons Act 1933 (as amended).

To be Added

1. The premises shall operate a Challenge 25 Policy
2. All staff must receive comprehensive training in relation to age restricted products and the sale of alcohol. No member of staff shall be permitted to sell age restricted products until such time as they have successfully completed this training. Training shall cover:
 - Sale of alcohol to persons under 18
 - Challenge 25 and acceptable forms of identification
 - Signs of drunkenness
 - Refusal register and when/how to use
 - The Licensing Objectives

A copy of this training shall be kept on site and provided to the Police or Licensing Authority upon request.

3. A refusal log shall be kept and maintained at the premises in a digital or paper copy. Police shall have access to the refusal log on request.
4. On a Friday and Saturday a minimum of 2 Door supervisors shall be employed from 20:00 hours until 15 minutes after the closure of the premises to the public. These door supervisors shall be employed solely in a security and safety capacity.
5. The door supervisors, shall wear a fluorescent/ reflective brightly coloured tabard/jacket, clearly marked security.
6. The licence holder shall maintain a duty register giving details of each and every person employed in the role of a security and shall provide upon request by any Police Officer or Council Officer, the following details:-
 - (a) The licence number, name, date of birth and residential address of that person;
 - (b) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;
 - (c) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;
 - (d) Any times during the period of duty when he/she was not on duty;
 - (e) If that person is not an employee of the licence holder, the name of the person by whom that person is employed or through whom the services of that person were engaged;
 - (f) The register shall be so kept that it can be readily inspected by an authorised officer of the Council or Police Officer;
 - (g) The duty register shall comprise of a bound, consecutively page-numbered book and the licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.
7. The premises licence holder shall provide an ejection/refusal policy which shall be kept at the premises. This Policy shall be provided to Police and authorised officers of the Licensing Authority upon request.
8. The Premises Licence Holder shall provide a Policy stating how they will deal with Drugs at the Premises. This shall be provided to Police and authorised officers of the Licensing Authority upon request.

9. A representative shall be an active member of any local Pub Watch scheme where there is one in existence and their membership welcome.

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