

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Wednesday, 15 June 2016 at 9.30am in the executive meeting room, floor 3 of the Guildhall, Portsmouth

Present

Councillor Julie Swan (in the Chair)
Steve Hastings
David Tompkins

36. Appointment of Chair.

Councillor Swan was appointed Chair.

37. Declarations of Interest.

There were no declarations of interest.

38. Licensing Act 2003 - Application for grant of a premises licence for The Canteen, Point Battery and Barracks, Broad Street, Portsmouth PO1 2JE.

Present.

William and Lucy Branson, the applicants.
Susan West, resident in Broad Street.

The Principal Licensing Officer introduced his report and explained that Ms Baird had retracted her objection for an off sales licence provided that it is restricted only to diners taking away partially consumed bottles.

There were no questions.

William Branson included the following points in his representation:

- They have run the Tenth Hole café in Southsea for more than five years.
- They are mindful that the Canteen is set on the waterfront in a historic monument in a residential area.
- Although they have planning permission to open until 22:00, from May to September, the premises will normally be open until 21:00. During the Winter months, it will be open from 08:00 until 17:00.
- There is capacity for 50 people inside and 16 in one outside area and 32 in the other.
- Alcohol is only served to customers with a table number.
- There is one entrance and exit.
- They want customers to be able to take unfinished bottles of wine home after a meal.
- The amount of disorderly behaviour in the area has reduced following the investment from the council. It is well-lit and a hive of activity in the evenings.
- There will be a sign displayed by the door reminding patrons to respect residents by keeping noise to a minimum after they leave.
- Staff are fully trained.

- There will be CCTV inside the premises.
- There were no objections from the Licensing Manager.

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

- They are requesting the flexibility to serve alcohol until 22:00 in order to be able to host art exhibitions, which the council requested that they do and private events. There are no plans to host wedding receptions.
- One of the outside seating areas overlooks the Solent and is only open when the tide is low. There will be no music there. The second outside area has seating for take-away customers. No alcohol will be supplied to either of the outside areas.
- Bottles are opened for customers on the premises.
- There is a very limited range of alcohol available: two types of red and white wines, one prosecco and some craft beers.
- Customers would not be permitted to take away beer.

At the Chair's request the Legal Advisor explained that the committee has limited influence over music inside the premises unless it is causing a public nuisance.

In response to questions from Ms West, Mr Branson explained that:

- The beer would be served in bottles and glasses.
- Alcohol would be served from 17:00.
- The committee considered the alcohol licences that are held by nearby venues.
- It is not possible to estimate how many times they will open until 22:00.
- It would not be practical to apply for a Temporary Event Notice every time they wished to open for an extra hour i.e. until 22:00.

The Legal Advisor explained that a maximum of 50 TENs can be applied for in one year.

DECISION

Licensing Act 2003 - The application for the grant of a premises licence for the Canteen, Point Battery and Barracks, Board Street, Portsmouth PO1 2JE.

The premises licence was granted with off sales and as set out in the application.

REASONS

The committee carefully considered the application before it for a premises licence. The committee considered representations in writing and made orally before the committee by all concerned including the Licensing Officer, the applicants and relevant objectors.

Whilst the committee noted the objectors' concerns and fears in relation to principally three of the statutory licensing objectives: potentially prevention of public nuisance; potentially the prevention of crime & disorder and the promotion of public safety, the committee heard no direct evidence that the

grant of a premises licence would cause any of the licensing objectives to be undermined.

The committee noted that none of the relevant responsible authorities made objections to any aspect to the application.

The premises is not in an area of special policy or cumulative impact and there is no evidence that the application sought would be inconsistent with the Licensing Act 2003, the statutory guidance or the applicable policy considerations, it further being noted that the act assumes a grant of an application absent the finding of relevant premises specific evidence to rebut this presumption. The committee was additionally satisfied that the applicants' model of business is consistent with considering safety promotion with respect to patrons and residents.

The committee considered that the imposition of the appropriate standard conditions together with the general power of review under the Licensing Act 2003 sections 51-53 are consistent in promoting the licensing objectives. 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 committee considered all relevant statutory guidance (section 182 of the Licensing Act 2003).

The meeting concluded at 11.10 am.

Councillor Julie Swan
Chair