



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

WEDNESDAY, 15 JUNE 2016 AT 9.30AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino, 023 9283 4060

Email: jane.didino@portsmouthcc.gov.uk

Committee Members Councillors Julie Swan (Chair), Hannah Hockaday (Vice Chair), Dave Ashmore, Jennie Brent, Ken Ellcome, Paul Godier, Scott Harris, Steve Hastings, Suzy Horton, Leo Madden, Lee Mason, Stephen Morgan, Steve Pitt, David Tompkins and Gerald Vernon-Jackson,.

The panel today consists of : Councillors Julie Swan, Stephen Hastings and David Tompkins
The reserve member is Councillor Jennie Brent.

(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 **Appointment of Chair.**
- 2 **Declarations of Interest.**
- 3 **Licensing Act 2003 - Application for grant of a premises licence for The Canteen, Point Battery and Barracks, Broad Street, Portsmouth PO1 2JE.**
(Pages 1 - 32)

Purpose.

The purpose of this report is for the committee to consider an application for the grant of a premises licence under the Licensing Act 2003 (the Act). The matter has been referred to the committee for determination following the receipt of five representations by local residents (other persons).

The committee is asked to determine the matter.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE - 15th JUNE 2016

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MR DEREK STONE

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

1. PURPOSE OF REPORT

The purpose of this report is for the Committee to consider an application for the grant of a premises licence under the Licensing Act 2003 (“the Act”). The matter has been referred to the Committee for determination following the receipt of five representations by local residents. (Other persons)

2. THE APPLICATION

The application to grant the premises licence has been submitted by Lucy Branson Director of SGL Southsea (Holdings) Ltd trading as The Canteen.

The applicant has requested that a licence be granted so as to permit the following licensable activities:

- Provision of alcohol retail sales (both on and off sales) Monday to Sunday 10:00 to 22:00.
- Premises open to the public Monday to Sunday 08:00 to 22:00.

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 proper public notice has been given by way of press notice and premises notice. 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 Canteen is part of Portsmouth's exciting creative quarter 'Hotwalls Studios' due to open in July 2016. Dating back to the 15th Century, Hotwalls Studios were previously artillery barracks. Bringing this historic site back to life has been the aim of the £1.75m development from the government's coastal communities fund, and an additional £40k from PUSH and £100K from the council, which will secure the future of this historic monument. The Canteen will be run by William and Lucy Branson who have also run the tenth hole in Southsea for five years. Both William and Lucy are personal licence holders. The canteen will be a deli-style café primarily an eatery, serving coffee, pastries, artisan sandwiches and soups year round with opening times dependent on Summer / Winter periods with the latest hour of 21:00 May to September generally, with the occasional 22:00 closing if required.

4. OPERATING SCHEDULE – PROMOTION OF LICENSING OBJECTIVES

The applicant has detailed in the operating schedule the steps intended to be taken to promote the licensing objectives. These can be found in the application form which is attached at **appendix A**.

Officer note :

The operating schedule and the steps intended to take to support the licensing objectives on the application are very detailed and explains in full the request for off sales purely to allow patrons who have purchased a bottle of wine to allow them to take the bottle home if not fully consumed at the venue.

Attached at **appendix B** is the plan

5. RELEVANT REPRESENTATIONS BY RESPONSIBLE AUTHORITIES

There are no representations from any responsible authority.

6. RELEVANT REPRESENTATIONS BY OTHER PERSONS

There are representations from five local residents. In summary the objections are around the potential for noise, litter, late night anti-social behaviour from persons taking off sales onto the beach and public safety.

These are attached at **appendix C**.

7. POLICY AND STATUTORY CONSIDERATIONS

When determining the application to grant 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. Whilst 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 10.8

The licensing authority may not impose any conditions unless it's discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

Para 10.9

It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

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.

A copy of the Statement of Licensing Policy, statutory guidance, the Act and the pool of model conditions has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

Determination of an application

Where an application to grant a premises licence has been made in accordance with section 17 of the Act and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant, each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:

- grant the licence subject to such conditions as are consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions.
- exclude from the licence any of the licensable activities applied for.
- refuse to specify a person in the licence as the premises supervisor (if the application relates to the sale of alcohol).
- reject the application.

In discharging its duty in accordance with the above, the Committee may grant a premises licence so that it has effect subject to different conditions in respect of:

- different parts of the premises concerned;
- different licensable activities.

Appeal Provisions

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to grant 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. Equally appeal provisions apply against the exclusion of licensable activities and/or refusal to specify a person as a premises supervisor.

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

- a) that the licence ought not to have been granted, or
- b) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded activities and/or the premises supervisor,

He may appeal against the decision.

8. APPENDICES

- A.** Copy of the application form
- B.** Copy of plan
- C.** Copy of representations received
- D.** Overview of premises licenced in immediate area

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION

For Licensing Manager
And on Behalf of Head of Service



* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

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

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NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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.

The Canteen will be a deli-style cafe situated on the waterfront in historic Old Portsmouth. Located in a historic monument, The Canteen will primarily be an eatery, serving coffee, pastries, artisan sandwiches and soups. Year round opening hours will be 08:00 - 17:00, and in the summer months (May - September weather permitting), we will extend these hours to open until 21:00. Our initial plan is for evening service to include wine and bottled beers alongside tapas style small plates. There is no bar area so customers will enjoy their drinks at the limited number of seats (40 inside, 16 on the waterfront deck) and a small galley style standing area. We will also have seating for up to 32 people at the front of the cafe but do not wish to serve alcohol there. We are applying for off-supplies of alcohol purely for the purpose of customers taking an unfinished bottle of wine home. There is one entrance and exit point to the cafe next to the Point of Sale and we will not be selling alcohol to customers solely intending to take it away. As operators of The Tenth Hole Tearooms for over five years, we are

Continued from previous page...

experienced restaurateurs who, although have not previously sold alcohol, have had no complaints from local residents at our site in Southsea and intend to maintain this excellent relationship with our new neighbours in Old Portsmouth.

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

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PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Continued from previous page...

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

The initial plan is for The Canteen to only be open from 08:00 to 17:00 in the winter months (October - April). We intend to serve customers until 21:00 in the Summer months only (May - September).

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

We will not be offering any form of adult entertainment.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We intend for our opening hours to be from 08:00 - 17:00 in the Winter months (October - April) and opening later in the Summer months (May - September) until 21:00.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

We intend for our opening hours to be from 08:00 - 17:00 in the Winter months (October - April) and opening later in the Summer months (May - September) until 21:00. The latest that we intend to close is 21:00 but would like the option to stay open until 22:00 should the need arise on occasion.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- The Canteen will be promoted primarily as an eatery and with a good reputation as restaurateurs, we intend to do everything we can to ensure the Police and other authorities, alongside local residents, are happy with our operating standards.
- To protect children and to prevent crime, disorder, public nuisance, and promote public safety, we will have policies in Challenge 25, Fire Safety, Health and Safety and Food Safety and logged training schedules in place for staff to ensure that high standards are adhered to at all times.
- Our till system will have a Challenge 25 prompt at the point of alcohol sale.
- We will install CCTV where permissible.
- We will not use the seating at the front of the cafe for the consumption of alcohol.
- We will use signage on the terrace to ensure customers know not to give their bottles or glasses to beach-goers by passing over the terrace barrier.
- We will be fully staffed so that all seating areas are regularly monitored at all times for any signs of nuisance or unwanted behaviour.

b) The prevention of crime and disorder

- Staff will be trained in the Challenge 25 policy using the Trading Standards training (or similar) and we will have clear signage at the Point of Sale to explain to customers that this is our policy.
- Our till system will have a Challenge 25 prompt at every point of alcohol sale and so we will have an electronic log of any

Continued from previous page...

refusals to sell either based on age or feeling the customer is too intoxicated to be present on our premises.

- Where permission is granted by Historic England, we will be installing CCTV cameras to monitor customers behaviour. We hope that this will act as a deterrent to disorderly behaviour.
- Free drinking water will be available at all times.
- There is only one entrance/exit point to the building located next to the Point of Sale and so customers entering the premises can be monitored upon entry for any disorderly behaviour.
- There is no bar on the premises so the vast majority of customers will enjoy their drinks at a table. There is also a small galley style standing area.
- We will be serving food.

c) Public safety

- In the same way as we operate at The Tenth Hole, we will work with consultancy firm Simply Safer to compile a Health & Safety Policy and will have a designated Health & Safety Officer in our team who will ensure standards are maintained through monthly checks.
- A fire risk assessment will be carried out prior to opening and fire evacuation and safety plans will be in place.
- We will only open the waterfront terrace on good weather days.

d) The prevention of public nuisance

- We will play only unamplified live or recorded music as a background addition to our usual service.
- There will be no use of the front seating underneath the pergola for the purposes of consuming alcohol.
- We intend to maintain our reputation as respectable restaurateurs and uphold our record of no complaints from neighbours by ensuring communication lines are kept open with local residents and they feel comfortable notifying us if anything occurs to be of a nuisance to them.
- We will be sending a litter picker out at the end of busy days to the local beach area to ensure our customers have not left behind unwanted litter.
- We will be putting up signage on the outside terrace area to outline that no bottles or glasses are to be leave the area to ensure that, during the limited time that the tide is out and there is access to the terrace, customers do not pass any drinks over to people on the beach.
- Our application for off-sales is only to allow customers to take their unfinished bottles of wine home with them. We will not sell alcohol to customers solely intending to take it away and this will be monitored as there is only one entrance and exit point next to the Point of Sale.

e) The protection of children from harm

- We will be a non smoking venue inside and out.
- Staff will be trained in the Challenge 25 policy so that alcohol is not supplied to under age drinkers.
- Used glasses will be cleared regularly to minimise the opportunity to access leftover alcohol.
- Soft drinks will be served in coloured receptacles to make it clear to staff that children are drinking soft drinks.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the

Continued from previous page...

premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/portsmouth/apply-1> to upload this file and continue with your application.

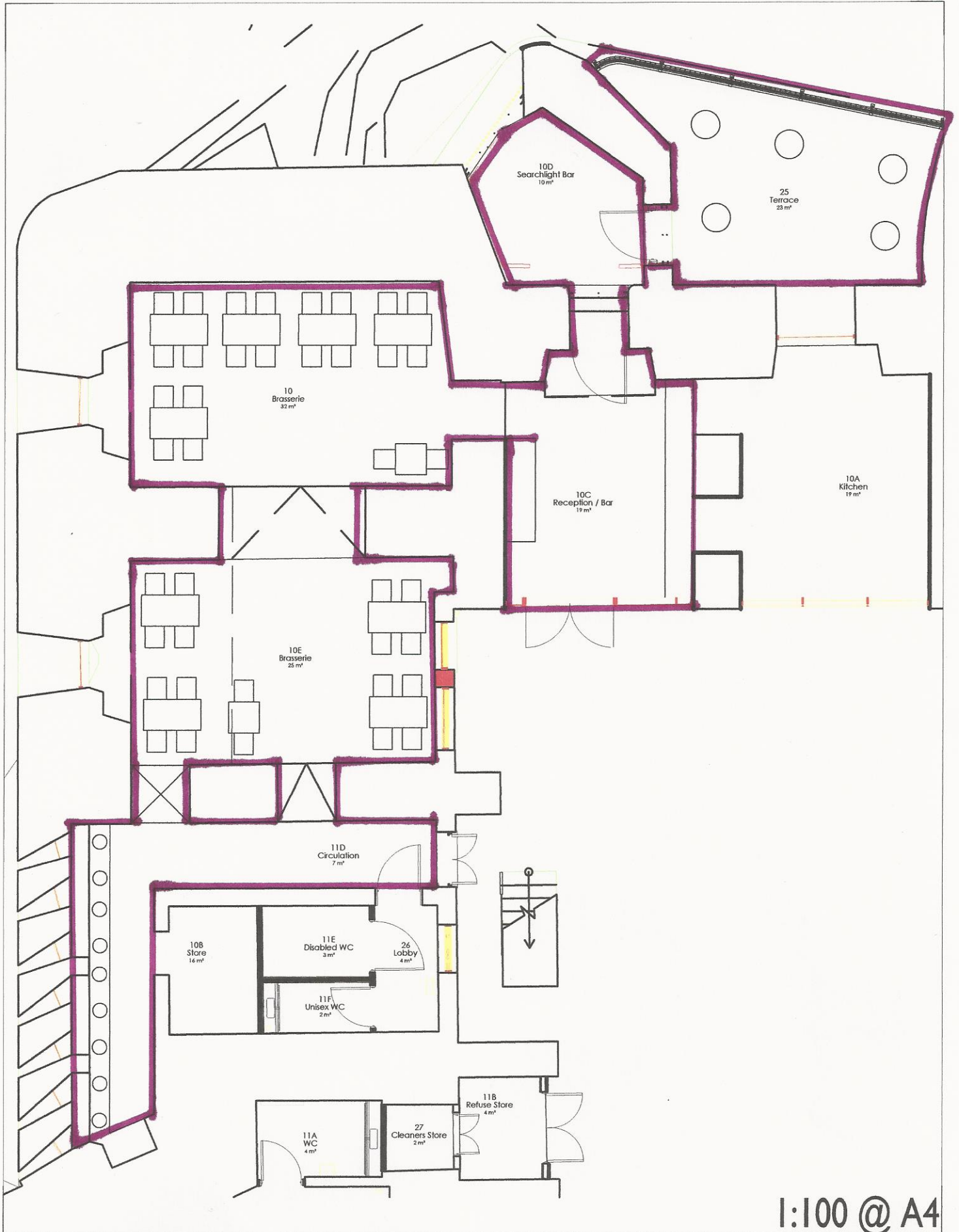
Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="The Canteen"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Stone, Derek

To: Gail Baird
Subject: RE: FW: The Canteen Licensing Application

Gail

Noted

I will add you to the list of others

Regards

Derek

From: Gail Baird [REDACTED]
Sent: 19 May 2016 14:11
To: Stone, Derek
Subject: Fwd: FW: The Canteen Licensing Application

Dear Derek

I agree with the same objection (email) from the Hilary Tyler, Chair of FOOPA, 19 May 2016 12:11.

I do object to off sales for the same reasons.

Yours

Gail Baird
Deputy Chair FOOPA
Local resident: 131 High Street, PO1 2HW

Kind regards
Gail

[REDACTED]

----- Forwarded message -----

From: Hilary.Tyler <[REDACTED]>
Date: Thu, May 19, 2016 at 12:12 PM
Subject: FW: The Canteen Licensing Application
To: "Gail Baird" [REDACTED]

Thanks Gail,

FYI

Hilary

From: Hilary.Tyler
Sent: 19 May 2016 12:11
To: 'Derek.Stone' [REDACTED]
Subject: The Canteen Licensing Application

Dear Derek,

Gail has forwarded a copy of your email as I could not find the application on the Council's website. I live locally so in a personal capacity as well I request that conditions be imposed restricting the sale of alcohol to wine and beer to those eating meals on the premises, with a start time of Noon and finishing by 9pm. Since the seaward outside area is accessible from the beach at low tide similar concerns arise as for other tables outside the premises. Alcohol related nuisance is prevalent in the Hotwalls and Beach area, and alcohol consumption was a factor in at least one drowning there, so to make it any more readily available would be irresponsible. I would prefer off sales to be prohibited completely for the same reasons, but if that is not possible should be restricted to diners taking away partially consumed bottles.

Yours sincerely,

Hilary A. G. Tyler (Miss)

Chairman Friends of Old Portsmouth Association

Comments for Licensing Application 16/03078/LAPREM

Application Summary

Application Number: 16/03078/LAPREM

Address: Point Battery And Barracks Broad Street Portsmouth PO1 2JE

Proposal: Premises Licence

Case Officer: Ms Debra Robson

Customer Details

Name: Mrs Jane Lowe

Address: 36 Broad Street, St Thomas, Portsmouth, Portsmouth City Council PO1 2JE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 2:47 PM on 16 May 2016 The original application was that the licence would only be until 20:00, and this has been extended to 22:00. Given the location I have significant concerns in respect of the potential noise from the extended opening specifically people leaving the premises which will be amplified by the surrounding high walls. In addition from customers using the outdoor area and or smoking in front of the premises, even normal conversation is amplified and audible even with the windows shut and this has been a constant nuisance over the 11 years we have lived in Broad Street even when a dispersal notice has been in place.

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Stone, Derek

From: Anita Stepnitz
Sent: 16 May 2016 21:00
To: Licensing Shared Email
Subject: Objection to license application by The Canteen, Point Battery & Barracks.

Dear Licensing Dept.,

I wish to object to the premises alcohol licence application by SGL Southsea (Holdings) Ltd T/A The Canteen for their premises at Point Battery & Barracks, Broad Street, Portsmouth PO1 2JE for the following reasons.

1) Residents have been led to believe that this café (through letters distributed by the owners of this business) would be closing around 18:00 or 20:00 depending on the season. Therefore why is there a requirement for a 10:00am to 22:00pm alcohol licence? If it is for activities related to the Art Studios, the Art Studios should be making these applications individually on the odd occasions when later opening is required.

2) I'm really shocked that the licence application is for both on and off-site sales of alcohol. In 2012, I was invited to be an Observer at the inquest for Marco De Araujo, of Grafton Street, Portsmouth, who drowned after he entered the water at the Hot Walls beach. Marco De Araujo was attempting to rescue two young girls who had got into difficulties in the water due to passing wash from a continental ferry. Marco entered the water to save the little girls along with another man, Connor Faith.

Marco's body was found in the Solent by the crew of HMS Richmond on August 7th, 2012.

I was invited to be an Observer at Marco De Araujo's Inquest because as a member of FOOPA (Friends of Old Portsmouth Association) I had been researching seafront safety at the time of Marco's drowning and had accidentally found that a number of safety reports were out-of-date on the day Marco drowned and despite their date (August 2010) they had gone unactioned by Portsmouth City Council as there were no Action Plans found through FOI enquiries. It was therefore a FOOPA committee decision to give these reports to David Horsley, HM Coroner in case they provided evidence for his investigations into Marco De Araujo's drowning.

On the day of the incident, Marco had consumed three cans of Stella larger and had had a small amount of cannabis.

I cannot remember witnessing a more emotional morning than listened to the circumstances leading up to Marco's drowning. But sitting in on Marco's Inquest has influenced my view that the granting of an alcohol license which allows off-site sales at the Hot Walls has the potential to impact on public safety at the beach.

The Hot Walls beach is deceptively dangerous and this was highlighted at Marco's Inquest when the Coroner questioned David Evans, Seafront Manager about why there is public use of a beach that is so close to shipping lanes and the mouth of a busy harbour. Also every summer, lifeguards respond to thousands of incidents on UK beaches - but the Hot Walls beach is too dangerous to even allow lifeguards to patrol it.

Alcohol slows down your reactions and can impair your ability to judge distance in water. It would therefore be foolhardy of the Licensing Dept to knowingly allow a premise to sell alcohol off-site at the Hot Walls.

I therefore oppose this license request and would hope that all purchases of beer, wine or cider are only allowed if they are consumed with a meal purchased in the café.

Yours sincerely,

Anita Stepnitz
4 Battery Row
Old Portsmouth
PO1 2ND

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Stone, Derek

From: Hilary.Tyler [REDACTED]
Sent: 19 May 2016 12:48
To: Stone, Derek
Subject: RE: The Canteen Licensing Application

Derek,

There may be no formal entrance on that side but at low tide members of the public can walk round to the seaward terrace hence my comments. I live at 80 High Street but I thought those details were normally obscured on publication. I confirm my concerns which I suggest warrant conditions relate to public safety, potential public disorder and public nuisance.

Hilary

From: Stone, Derek [REDACTED]
Sent: 19 May 2016 12:23
To: Hilary.Tyler
Subject: RE: The Canteen Licensing Application

Hilary

I need a bit more information from you please.

My understanding is that there is only one entrance / exit at this venue and there is no access to the premises from the beech side. In your e mail you state the outside area is accessible at low tide but I am not sure that is the case.

Can you clarify which of the licensing objectives you are making a representation on with regard to this application.

Lastly I need to have your address please as your Rep will need to be published and the applicant is entitled to know who is making a rep and how that person will be affected (eg living near to the venue) and that the rep is valid.

Regards

Derek

From: Hilary.Tyler [REDACTED]
Sent: 19 May 2016 12:11
To: Stone, Derek
Subject: The Canteen Licensing Application

Dear Derek,

Gail has forwarded a copy of your email as I could not find the application on the Council's website. I live locally so in a personal capacity as well I request that conditions be imposed restricting the sale of alcohol to wine and beer to those eating meals on the premises, with a start time of Noon and finishing by 9pm. Since the seaward outside area is accessible from the beach at low tide similar concerns arise as for other tables outside the premises. Alcohol related nuisance is prevalent in the Hotwalls and Beach area, and alcohol consumption was a factor in at least one drowning there, so to make it any more readily available would be irresponsible. I would prefer off sales to be prohibited completely for the same reasons, but if that is not possible should be restricted to diners taking away partially consumed bottles.

Yours sincerely,

Hilary A. G. Tyler (Miss)

Chairman Friends of Old Portsmouth Association

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Appendix C

Stone, Derek

From: Licensing Shared Email
Sent: 17 May 2016 09:34
To: [REDACTED]
Subject: RE: Licensing application - Point Battery & Barracks, Broad Street

Dear Suzanne

Thank you for your representation for Canteen which I have placed on file.

Once the date for representations has passed, you will be written to with regard to a hearing.

Yours sincerely

Licensing

From: Suzanne West [REDACTED]
[REDACTED] May 2016 09:12
To: Licensing Shared Email
Cc: Wood, Rob (Cllr); Robson, Debra
Subject: Licensing application - Point Battery & Barracks, Broad Street

I wish to object to the premises alcohol licence application by SGL Southsea (Holdings) Ltd T/A The Canteen for their premises at Point Battery & Barracks, Broad Street, Portsmouth PO1 2JE. I have a strong interest in this development as I live directly opposite (28 Broad Street) .

Residents have been led to believe that this café/brasserie would be catering for a “daytime economy”, with the Canteen closing around 18:00 or 20:00 depending on the season . Why then should a 10:00 to 22:00 alcohol licence be granted? Surely a special extension should be applied for individually on the rare occasion when later opening is needed for a special event.

The Canteen will have plenty of outside tables on the paved area. The acoustics in Broad Street, with sound bouncing back off the walls, will make the noise (created by late night eating and drinking outside the premises) intolerable for residents who live directly opposite. I am sure neighbours will report excessive noise nuisance to the Council every time it happens and we expect the Council’s enforcement officers to attend. You will recall the public objections to the alcohol licence application for Ben Ainslie Racing and their use of their high level terrace at their building late at night.

If anyone chooses to move house to live next door to an existing pub with a garden, they might expect some nuisance and weigh that up in their decision to live at that property. However this new premises (the Canteen) has been created in the centre of a residential area by Portsmouth City Council and our lives could now be blighted by the nuisance of late night noise and increased anti-social behaviour.

I am surprised that the licence application is for both on and off sales. I specifically asked Bill Branson (the Canteen operator) at a meeting with residents’ groups and Dr Bev Lucas (Principal Planner, Projects, PCC) whether there would be off sales. He said they would sell alcohol for consumption on the premises.; this licence application suggests otherwise. I was concerned about off sales being permitted because of

1. additional litter
2. beach visitors buying alcohol and settling down for some late night anti-social behaviour.

Having lived here for many years I know very well that, particularly in the summer, some people come down for a day/evening on the beach well armed with alcohol. But at least they have to walk some

distance (to the Co-op on the High Street) to get resupplied. I fear that giving them immediate access to the purchase of alcohol 10 metres from the beach entrance will lead to both

1. increased anti-social behaviour
2. an increased danger to public safety. You will remember a drowning on this beach in 2012 when it was widely reported that alcohol played a part in the tragedy.

So I am specifically objecting to

1. the granting of an alcohol licence until 22:00 (on the grounds of noise nuisance)
2. the granting of a licence which allows off sales on the grounds of increased anti-social behaviour on the beach and immediate area and potential impact on public safety.

Yours

Suzanne West

Appendix D

Venue	Sales	Opening Hours
Still and West	On & Off	Sunday - Thursday 10:00 - 00:00 Friday - Saturday 10:00 - 01:00
Spice Island	On & Off	Sunday - Thursday 11:00 - 23:00 Friday - Saturday 11:00 - 00:00
Bridge Tavern	On & Off	Sunday - Thursday 10:00 - 00:00 Friday - Saturday 10:00 - 01:00
Wellington	On & Off	Sunday 11:00 - 23:30 Monday - Thursday 11:00 - 00:00 Friday - Saturday 11:00 - 01:00
Dolphin	On & Off	Sunday 12:00 - 23:30 Monday - Saturday 10:00 - 23:59
Duke of Buckingham	On	Monday - Sunday 10:00 - 00:00
A Bar Bistro	On & Off	Monday - Saturday 10:00 - 23:59 Sunday 10:00 - 23:00
Co - op	Off	Monday - Sunday 06:00 - 23:00
Pembroke	On & Off	Sunday 12:00 - 23:30 Monday - Saturday 10:00 - 23:59

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