

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Thursday, 7 July 2016 at 9.30 am in the executive meeting room, floor 3 of the Guildhall, Portsmouth.

Present

Councillor Julie Swan (in the Chair)

Councillors Leo Madden
David Tompkins

39. Appointment of Chair

Councillor Julie Swan was appointed chair for the meeting.

40. Declaration of Members' Interests

There were no declarations.

41. Licensing Act 2003 - Variation of a premises licence - Kassia, 135-137 Havant Road, Drayton, Portsmouth, PO6 2AA

The chair, Councillor Julie Swan, explained to all present the fire evacuation procedures including where to assemble and how to evacuate the building in case of a fire. Introductions were then made.

Mr Fasu Miah, the premises licence holder and Mr Purnell, the manager of the premises were in attendance.

Mr Garton and Mrs Balchin, local residents were also in attendance.

The 'other persons' hearing procedure was followed.

The principal licensing officer introduced the report and explained that were members mindful to grant the variation a condition relating to the daily cleaning of the forecourt of the premises should be imposed.

Mr Miah and Mr Purnell included the following points in their representations: they explained that the premises have been open now for 20 months and it seems to be the same people complaining. There are over 20 flats near to the premises and no complaints have been received from these properties. We have had problems with groups, when part of the group are outside and are waiting for the rest of the group who are inside, and also patrons who are told to wait for taxis outside. With this condition we are unable to let anyone back into the premises after 11pm, not even to use the toilets. No other premises in Drayton has this condition. If we could let patrons back into the premises we could manage the situation better. We cannot control patrons behaviour outside but we can when they are inside. There is a small percentage of

customers who are tarring our business. I have spent a lot of money on the business and take my responsibilities seriously. We do provide two bins for cigarette butts and the door staff do look after the outside.

Mr Garton and Mrs Balchin included the following points in their representations:

- Always having to clean up/cleanse after patrons have urinated.
- My son does not sleep well as any disturbance outside the premises disturbs his sleep.
- 3 June is the latest incident when the Police were called at 23:30 hours to a fight outside the premises. Nothing gets done.
- The music from inside the premises is often too loud and can be heard over the top of our television.
- Have telephoned the Police and environmental health on numerous occasions.
- Must have been a reason as to why the condition was imposed in the first place.
- Can't see how allowing people back into the premises will help with litter, noise and disturbance.
- The clearing up has not happened.

DECISION: that the application to vary a premises licence at Kassia, 135-137 Havant Road, Portsmouth, PO6 2AA by removing a current condition stating "no entry or re-entry after 2300 hours including those leaving the premises to smoke" be granted subject to the following condition being imposed:

"That at the close of any business day the area outside of the premises and in the immediate vicinity is inspected and cleared as appropriate. To include the alley and to also deal with the removal of any cigarette butts and the cleansing of the area so as to remove any waste as is necessary. Further that the owner of the premises put in place such process to evidence the above condition which would be available to the licensing authority to inspect if required."

REASONS: The committee carefully considered the application before it to vary an existing premise licence. The committee also considered the representations in writing and those made orally at the hearing. The decision is by majority.

The application has been made pursuant to section 34 of the 2003 Act, the committee engaged by reason of the Authority having received representations from local residents. No representations had been received from any of the relevant responsible authorities. The committee noted the objector's real concerns and fears in relation to one of the licensing objectives, that being, public nuisance. It is also clear that the evidence would support possible complaint with respect to crime and disorder.

Whilst the committee heard direct evidence and had seen written evidence that is suggestive of the undermining of the licensing objective of public nuisance in that there is clear photographs showing litter and used cigarette butts within the proximity of the licensed premise and adjoining property. This

said there is merit in reviewing the current licence condition. The committee is satisfied that the current condition should be varied as per the original grant of the licence in November 2014.

Whilst there were concerns that would prevent the application being granted this said the committee heard detailed representations from the licence holder and all others attending the hearing and recognised that it would be appropriate to grant the application subject to the below enhanced conditions being attached to the current licence to include:

- That at the close of any business day the area outside of the premises and in the immediate vicinity is inspected and cleared as appropriate. To include the alley and to also deal with the removal of any cigarette butts and the cleansing of the area so as to remove any waste as is necessary. Further that the owner of the premises put in place such process to evidence the above condition which would be available to the licensing authority to inspect if required.

The committee considered that the imposition of the appropriate conditions and the general powers of review under the Licensing Act 2003 couple with the current licence conditions as already in place are consistent in promoting the licensing objectives.

42. Exclusion of the press and public

RESOLVED that the Licensing Sub-committee 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."

Agenda items and paragraph numbers

4 - Local Government (Miscellaneous Provisions) Act 1976 - Consideration of Private Hire Driver's Licence - Mr L
(Paragraphs 1, 2 & 3)

5- Local Government (Miscellaneous Provisions) Act 1976 - Consideration of Private Hire Driver's Licence - Mr B
(Paragraphs 1, 2 & 3)

43. Local Government (Miscellaneous Provisions) Act 1976 - Consideration of Private Hire Driver's Licence - Mr L

The chair, Councillor Julie Swan explained to all present the fire evacuation procedures including where to assemble and how to evacuate the building in case of a fire. Introductions were then made.

Private hire driver Mr L was in attendance and the simplified hearing procedure was followed.

RESOLVED that the private hire driver licence previously issued to Mr L be revoked for a period of 5 years pursuant to Section 61 of the Local

Government (Miscellaneous Provisions) 1976 Act, for the reasons outlined within the exempt minutes.

Mr L was advised of his right to appeal to the Magistrates' Court.

44. Local Government (Miscellaneous Provisions) Act 1976 - Consideration of Private Hire Driver's Licence - Mr B

The chair, Councillor Swan explained to all present the fire evacuation procedures including where to assemble and how to evacuate the building in case of a fire. Introductions were then made.

Private hire driver Mr B was in attendance and the simplified hearing procedure was followed.

RESOLVED that the hearing be adjourned until 7 September 2016 at 10am.

The meeting concluded at 1.35 pm.

Councillor Julie Swan
Chair