



# NOTICE OF MEETING

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## LICENSING SUB-COMMITTEE

THURSDAY, 7 JULY 2016 AT 9.30 AM

THE EXECUTIVE MEETING ROOM, THIRD FLOOR, THE GUILDHALL,  
PORTSMOUTH

Telephone enquiries to Lucy Wingham 02392 834662

Email: [lucy.wingham@portsmouthcc.gov.uk](mailto:lucy.wingham@portsmouthcc.gov.uk)

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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, Leo Madden and David Tompkins  
The reserve member is Councillor Steve Hastings

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

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**Licensing Sub Committee meetings are digitally recorded.**

## **A G E N D A**

- 1 Appointment of Chair
- 2 Declaration of Members' Interests
- 3 Licensing Act 2003 - Variation of a premises licence - Kassia, 135-137 Havant Road, Drayton, Portsmouth, PO6 2AA (Pages 1 - 34)

## Purpose

The purpose of this report is for the Sub-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 Sub-committee for determination following formal representations being made by "other persons", namely residents living nearby.

## **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:

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

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

(Paragraph 1 relates to information of an individual, paragraph 2 relates to the identity of an individual and paragraph 3 relates to financial or business affairs of any particular person).

## **5 Local Government (Miscellaneous Provisions) Act 1976 - Consideration of Private Hire Driver's Licence - Mr L**

RECOMMENDED that the Licensing Sub-committee determine the matter.

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

RECOMMENDED that the Licensing Sub-committee 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.

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# Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 07 JULY 2016

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MR ROSS C LEE

Licensing Act 2003 – Application for variation of a premises licence  
Kassia 135 - 137 Havant Road, Drayton, Portsmouth PO6 2AA

## 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 "other persons" namely residents living nearby.

## 2. THE APPLICATION

The variation application has been made by Mr Fasu Miah who is both the licence holder and the designated premises supervisor (DPS) for the premises.

The applicant has requested that the committee remove a current condition stating "no entry or re-entry after 2300 including those leaving the premises to smoke".

The current premises licence authorises alcohol sales between 1200 and midnight Sundays to Thursdays and 1200 and 0100 on Fridays and Saturdays. The opening hours are the same.

## 3. BACKGROUND INFORMATION

This application has been submitted in accordance with the provisions of Part 3 of the Act and associated Regulations.

A redacted copy of the variation application is attached as **appendix A** together with a copy of the current premises licence as **appendix B**. This includes also the conditions previously imposed by the committee in November 2014.

I can confirm that public notice has been given by way of press and premises notice. 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 history of the premises can be briefly summarised as follows:

- **November 2014** - first premises licence granted after consideration of representations from local residents concerned about potential public nuisance concerns. Conditions imposed by the committee.
- **October 2015** - committee consider an objection submitted by the Chief Officer of Police to a Temporary Event Notice (TEN) for Kassia in order to extend the trading hours until 0300 on New Year's Eve. Committee not satisfied that the licensing objectives would be undermined and therefore did not issue a counter notice and the event, as planned, could lawfully proceed.

- **December 2015** - Mr Fasu Miah convicted at Portsmouth Magistrates' Court of breaching the terms of his premises licence by knowingly allowing patrons to re-enter the premises contrary to the condition imposed previously by the committee. Given a 12 month conditional discharge and ordered to pay council costs.

#### 4. OPERATING SCHEDULE – PROMOTION OF LICENSING OBJECTIVES

The applicant has not identified any further additional steps required to support this variation application and to promote the licensing objectives.

#### 5. RELEVANT REPRESENTATIONS BY RESPONSIBLE AUTHORITIES

There are no representations submitted by any of the statutory responsible authorities. The Police report they have no grounds to object having regard to the crime and disorder objective.

#### 6. RELEVANT REPRESENTATIONS BY OTHER PERSONS

Relevant representations have been received from 3 local persons which can be summarised as follows:

- Public nuisance caused by people noise outside the premises
- Litter associated with cigarette butts and packets discarded in the vicinity

**Officer advice:** One representation refers to a later opening time - this is not correct as the variation is in respect of the removal of a condition only.

**The representations are attached as appendix C.**

#### 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 considered appropriate to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas....”*

#### **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...."*

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 any 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 vary a premises licence has been made in accordance with section 34 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:

- To modify the conditions of the licence
- To reject the whole or part of the application

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In discharging its duty in accordance with the above, the Committee may vary 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 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**

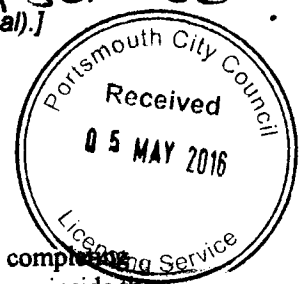
- A. Copy of the variation application form
- B. Copy of current premises licence
- C. Copies of representations received

### **THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION**

Ross Lee  
For Licensing Manager

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**PORTSMOUTH CITY COUNCIL LICENSING SERVICE**  
 [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 Mr Fasu Miah  
 (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 <b>14/04242/LAPREM</b>
---------------------------------------------------

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>KASSIA 135-137 HAVANT ROAD DRAYTON</b>			
Post town	<b>PORTSMOUTH</b>	Postcode	<b>PO6 2AA</b>
Telephone number at premises (if any)	<b>02392 25555</b>		
Non-domestic rateable value of premises	£ _____		

**Part 2 – Applicant details**

Daytime contact telephone number	_____		
E-mail address (optional)	_____		
Current postal address if different from premises address	_____		
Post town	<b>PO7 7S2</b>	Postcode	<b>" "</b>

**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 DISCHARGE THE FOLLOWING CONDITION  
ANNEX (3) POINT 5  
"NO ENTRY OR RE-ENTRY AFTER 11pm  
INCLUDING THOSE LEAVING THE  
PREMISES TO SMOKE"

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:

N/A.

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						<b><u>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</u></b> (please read guidance note 5)		
Fri								
Sat								
Sun								

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)
Day	Start	Finish	
Mon	<del>17:00</del>	<del>23:00</del>	
Tue	<del>17:00</del>	<del>23:00</del>	
Wed	<del>17:00</del>	<del>23:00</del>	
Thur	<del>16:00</del>	<del>23:00</del>	
Fri	<del>15:00</del>	<del>00:00</del>	
Sat	<del>15:00</del>	<del>00:00</del>	
Sun	<del>16:00</del>	<del>22:00</del>	

**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 (please read guidance note 5)**

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.

TO DISCHARGE THE FOLLOWING CONDITION  
ANNEX (3) POINT 5

\*NO ENTRY OR RE-ENTRY AFTER 11PM  
INCLUDING THOSE LEAVING THE PREMISES  
TO SMOKE.

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.

N/A .

## 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)

STRONG MANAGEMENT CONTROL + EFFECTIVE TRAINING OF ALL KASSIA STAFF, SO THAT THEY ARE AWARE OF THE REQUIREMENTS OF THE LICENSING OBJECTIVES.

### b) The prevention of crime and disorder

OUR CCTV MONITERS ENTRANCES, EXITS + ALL OTHER PARTS OF THE PREMISES IN ORDER TO PREVENT CRIME

- NOT SELLING ALCOHOL TO DRUNK CUSTOMERS
- PREVENTION + VIGILANCE IN ILLEGAL DRUG USE.

### c) Public safety

- WE TRAIN ALL OUR STAFF ON HOW TO CONDUCT UNDER AGE CHECKS
- THE FIRE DOORS AT THE REAR OF THE PROPERTY ARE KEPT CLOSED AT ALL TIMES + FOR EMERGENCY USE ONLY

### d) The prevention of public nuisance

- WE HAVE PROMINENT, CLEAR, LEGIBLE NOTICES THAT HAVE BEEN DISPLAYED AT OUR EXIT REQUESTING CUSTOMERS TO RESPECT THE NEED OF OTHERS / NEIGHBOURS.

### e) The protection of children from harm

WE HAVE TRAINED STAFF ABOUT THE REQUIREMENT FOR ID, AGE AND WE USE THE "CHALLENGE 25" IN KASSIA WHICH ENCOURAGES ANYONE WHO IS OVER 18 BUT LOOKS UNDER 25 TO CARRY ACCEPTABLE ID AT ALL TIMES.



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	18-11-15
Capacity	

**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)

MR F. MIAH  
135 HAVANT ROAD  
DRAYTON

Post town	PORTSMOUTH	Post code	PO62AA
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Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

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# PREMISES LICENCE

## Licensing Act 2003

### Part 1 – Premises Details

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

<b>Address:</b> Kassia 135-137 Havant Road Portsmouth PO6 2AA	<b>Map Ref (E) :</b> 466993 <b>Map Ref (N):</b> 105687 <b>UPRN:</b> 001775035635
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#### Telephone

#### Where the licence is time limited the dates

This licence is **NOT** time limited

#### Licensable activities authorised by the licence

- ▶ Sale by retail of alcohol
- ▶ Late night refreshment
- ▶ Performance of live music
- ▶ Playing of recorded music

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

- |                             |                   |
|-----------------------------|-------------------|
| ▶ Sale by retail of alcohol |                   |
| Friday and Saturday         | 12:00 until 01:00 |
| Sunday to Thursday          | 12:00 until 00:00 |
| ▶ Performance of live music |                   |
| Friday and Saturday         | 12:00 until 00:00 |
| ▶ Playing of recorded music |                   |
| Friday and Saturday         | 12:00 until 00:00 |
| Sunday to Thursday          | 12:00 until 23:00 |
| ▶ Late night refreshment    |                   |
| Friday and Saturday         | 23:00 until 01:00 |
| Sunday to Thursday          | 23:00 until 00:00 |

#### Non standard timing - Sale by retail of alcohol

New Years Eve until 02:00. This also applies to the hour of closing.

**Non standard timing - Performance of live music**

New Years Eve until 02:00. This also applies to the hour of closing.

**Non standard timing - Playing of recorded music**

New Years Eve until 02:00. This also applies to the hour of closing.

**Non standard timing - Late night refreshment**

New Years Eve until 02:00. This also applies to the hour of closing.

**The opening hours of the premises**

- ▶ Sunday to Thursday 12:00 until 00:00
- ▶ Friday and Saturday 12:00 until 01:00

**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**

**Name:** Mr Fasu Miah

**Address:**

**Telephone:**

**Email:**

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

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

**Name:** Mr Fasu Miah

**Address:**

**Telephone:**

**Email:**

**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 No:** HPE0190

**Issuing Authority:** Havant Borough Council

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

**Date Licence granted:** 3 December 2014  
**Date last amended:** 3 December 2014  
**Type:** New



Signed on behalf of the Head of Service  
(Authorised Officer)

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This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information go to [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk) and search for 'National Fraud Initiative'.

## 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 must 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:

(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);

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

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

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

04 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

05 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

06 The responsible person must ensure that:

(a) Where any of the following alcoholic drinks is sold or 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 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

07 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or  
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --



## Annex 2 – Conditions consistent with the operating schedule

01 A recording CCTV system will be installed and fully operational at all times. The recording equipment will 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 will be kept of any access made to information held on the system. The system will be maintained and serviced at least once every 12 months. The system clock will be checked regularly for accuracy taking account of GMT and BST. The CCTV system will have sufficient storage capacity for 31 days evidential quality pictures. There will be coverage of the main entrance to the premises and the main bar area.

### Access

Police and authorised Officers of Portsmouth City Council shall have access to data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police. The venue shall provide Police with a copy of CCTV within a reasonable time frame of a verbal request being made by Police Officers or PCSOS. All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff. An operator's manual will be available to assist in replaying and exporting data (particularly important with digital systems). The premises licence will not come into effect until the CCTV System has been approved by the Police Licensing Department responsible for the area. The CCTV must remain satisfactory to police and subject to police approval in order to remain operating under this premises licence.

02 The licence holder shall ensure that all members of staff are informed of the objectives of the Licensing Act 2003 and the statutory requirements in order to ensure compliance with all relevant provisions of the Act.

03 The licence holder must ensure that all staff selling alcohol have received adequate training, which must incorporate a process of assessment and refresher training to an recognised national standard on the law with regard to age restricted sales and that this has been properly documented and training records kept.

04 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. Acceptable ID shall be a Valid UK Passport, Valid UK Photocard, Driving Licence or PASS approved ID.

05 Any incidences of, refusals of service, crime or antisocial behaviour will be recorded in a log book. The Police will have access to this logbook when requested.

06 Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

07 Signage will be displayed at the exit of the premises requesting customers leaving the venue to do so quietly and with consideration so as not to disturb nearby residents.

-- END --



Portsmouth  
CITY COUNCIL  
Licensing

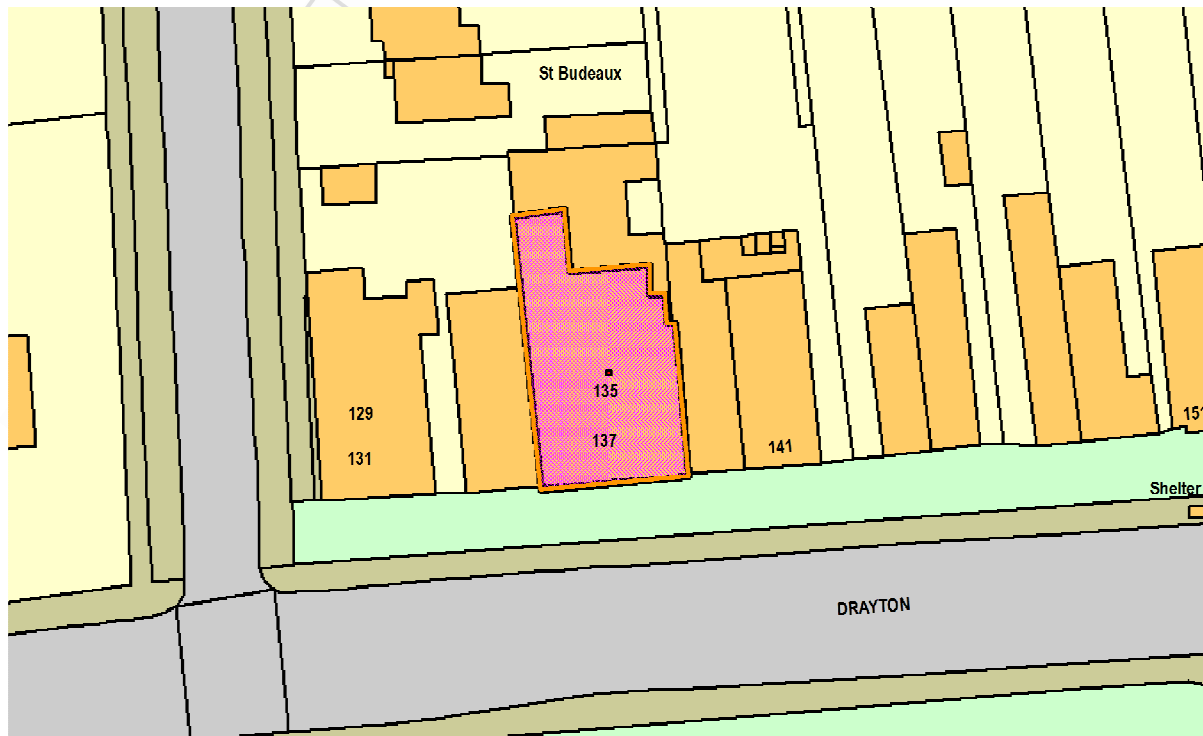
**Annex 3 – Conditions attached after a hearing by the licensing authority**

- 01 All windows and doors to be kept closed save for access and egress after 8pm.
- 02 The fire doors at the rear of the premises are to be closed at all times save for emergency use.
- 03 No alcohol drinking receptacles to be taken outside the premises at any time.
- 04 No deliveries to be made after 7pm and before 7am.
- 05 No entry or re-entry after 11pm including those leaving the premises to smoke.

**-- END --**



**Location Plan: 135-137 Havant Road Portsmouth**



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## **KASSIA - REPRESENTATIONS RECEIVED - APPENDIX C**

**From:** David Garton [mailto:]  
**Sent:** 10 May 2016 14:26  
**To:** Licensing Shared Email  
**Subject:** Ref Kassia 135-137 Havant road UPRN001775035635

Dear Sir

I would like to draw your attention to the ongoing problems we are experiencing with the above premises,

I have on many occasions had cause to contact the manager with regard to the noise outside of the front of the building when people are outside smoking.

I enclose a copy of a letter sent to me from one of my tenants back in December,

I have tried to keep this amicable but it is escalating.

I have people being sick and urinating in my side alleyway on a regular basis I have to sweep up all the cigarette butts which are strewn across my property every day,

I have recently painted the front window sills to find cigarette burns on them.

I now find out they are applying to allow people back into the premises after 11 o'clock which was a condition of the licence that access and re-entry was not allowed

I have tenants above who have school age children who are dreading the summer when they have windows open at night as the bedrooms are above the front of the building.

I would like to know what I can do to object to the change in the licence conditions.

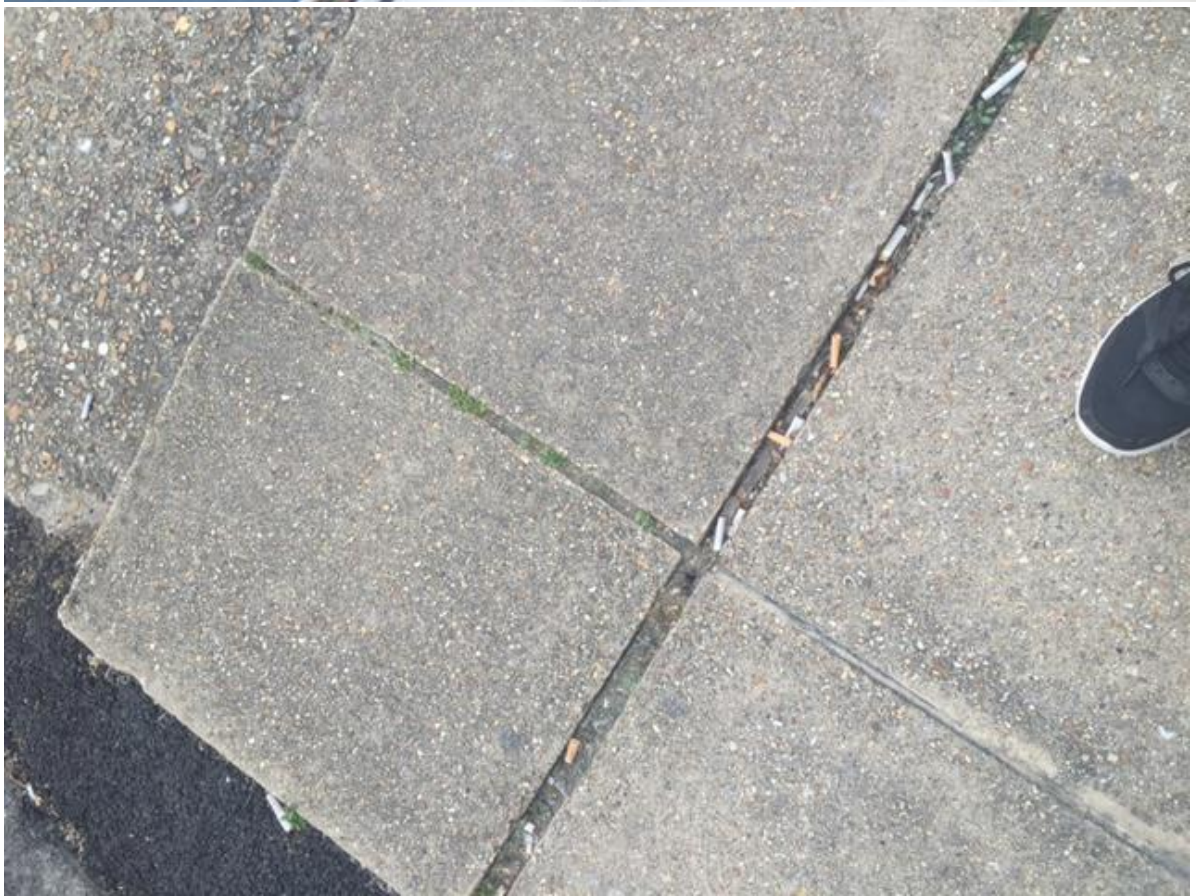
The document displayed in the window of the premises has no ref or date to appeal by

I will attach pictures of the condition of the front of my shop after a night of people smoking outside

Thank you

David Garton  
For contacting Natural Choice wood floors, 133 Havant road Drayton Portsmouth PO6 2AA













Mrs J. Balchin

Flat 4

129<sup>th</sup> Havant Road.

DRATON

PORTSMOUTH

Dear Sir / Madam

I am writing this letter to you to oppose the extension that Kassia's are applying for which is a later planning time. Things are bad enough as they are; We have men urinating up the alley between The Floor Shop and Northwoods also behind the back of where I live and people leaving their BEE BOTTLES Everywhere. Also the noise is unbearable I hear the music over my television and when people are leaving the shouting and slamming of car doors are unbearable. How would you like all of this happening outside your place of residence especially when you are



trying to get some sleep. My day is long enough as it is I have a 28 year old Down Syndrome Son who does not sleep very well as it is. So try putting yourselves in all of our shoes and see if you could put up with all the noise. If Kassia's want a late night of noise clubs are supposed to be in the town not a residential area of Dayton. Are there no morals anymore. If anymore problems arise not only will environmental health be informed. So will the Evening News. Something drastic needs to be done.

Yours, Sweethey

P.S. Also The Parking of Cars on double yellow lines by people visiting Kassia's.

**Georgina Oriordan 133 Havant Road**

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

From: georgina oriordan [mailto:]

Sent: 06 June 2016 09:09

To: Licensing Shared Email

Subject: Re: Ref Kassia Havant road

Yes they are I am his Sister

Sent from my iPhone

> On 6 Jun 2016, at 08:28, Licensing Shared Email <licspr@portsmouthcc.gov.uk> wrote:

>

> Hi Georgina

>

> For clarification can you confirm that your premises are the same premises as the photos I have received from David Garton.

>

> Thanks.

>

> Debbie Robson

>

> -----Original Message-----

> From: georgina oriordan [mailto:]

> Sent: 04 June 2016 16:39

> To: Licensing Shared Email

> Subject: Ref Kassia Havant road

>

>

> I would like you to see the mess left every day outside my shop the

> widow above is a bedroom a upside by children who are subjected to the fumes from the smoke and the foul language it is like having a party outside your bedroom.

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