

## LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Wednesday, 1 March 2017 at 9.30 am in the executive meeting room, floor 3 of the Guildhall, Portsmouth

### Present

Councillor Julie Bird (in the Chair)

Councillors Dave Ashmore  
Paul Godier

### 19. Appointment of Chair

Councillor Julie Bird was appointed chair.

### 20. Declaration of Members' Interests

There were no declarations of interest.

### 21. Exclusion of Press and Public

RESOLVED that the following motion be adopted:

"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 item on the grounds that the report contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972."

Agenda item and paragraph numbers:

Item 4 - Local Government (Miscellaneous Provisions) Act 1976 and/or Town Police Clauses Act 1847 - Consideration of Hackney Carriage Driver Licence - Mr S

Item 5 - Local Government (Miscellaneous Provisions) Act 1976 and/or Town Police Clauses Act 1847 - Consideration of Private Hire Driver Licence - Mr K (under exemption paragraph numbers 1, 2 & 3)

Exemption paragraph numbers 1, 2 & 3:

1. Information relating to any individual
2. Information that is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**22. Local Government (Miscellaneous Provisions) Act 1976 and/or Town Police Clauses Act 1847 - Consideration of Private Hire Driver Licence - Mr S**

The chair, Councillor Julie Bird, 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 S was in attendance.

The simplified hearing procedure was followed.

RESOLVED that in this case and in considering all matters the Committee considered that a written warning with respect to the future renewed licence would be a proportionate sanction with an addition of three penalty points being endorsed with Portsmouth City Council upon licence renewal.

**23. Local Government (Miscellaneous Provisions) Act 1976 and/or Town Police Clauses Act 1847 - Consideration of Private Hire Driver Licence - Mr K**

The chair, Councillor Julie Bird, 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 K was in attendance.

The simplified hearing procedure was followed.

RESOLVED that in considering all matters the Committee considered that a written warning with respect to the current licence would be a proportionate sanction.

The Committee were back in open session for the next item.

**24. Licensing Act 2003 - Application for the grant of a premises licence - Shell Fratton, Goldsmith Avenue, Southsea, PO4 8BH**

Corrigan Lockett and Leo Charalambies, representing the premises licence holder, Shell UK Oil Products Ltd were in attendance.

PC Jackie Cherry, representing the Chief Officer of Police, Hampshire Constabulary was in attendance as a responsible authority.

The hearing procedure of Licensing Act 2003 applications for 'Responsible Authorities' was followed.

The licensing officer introduced the report and explained that on the morning of the hearing both the Police and Shell had met and agreed conditions.

DECISION: the application to grant a premises licence was agreed so as to permit the following licensable activities:

- Provision of Late Night Refreshment from 23:00 to 05:00 Monday to Sunday
- Provision of alcohol retail sales for consumption off the premises Monday to Sunday 00:00 to 24:00 (24 hours a day).
- Premises open to the public Monday to Sunday 00:00 to 24:00 (24 hours a day),

Subject to the amended conditions.

REASONS: The Committee carefully considered the application before it for the grant of a licence and also considered the representations made in relation to this application, both made orally and in writing. Objection to the application for grant has been raised by the Responsible Authority, the Police in respect to all of the licensing objectives. The Committee is engaged in exercising its discretion as a representation has been raised as stated above by the Police.

The Committee noted that the applicant and relevant Responsible Authority, the Police have been unable to now agree amendments with respect to the original grant application operating schedule conditions but agreed to the conditions as stated in Appendix E (pages 49 to 53) including as amended by the applicant and Responsible Authority attached to this decision notice. There have been clear representations made by the relevant statutory Responsible Authority; the above agreed changes to the conditions are in response to the discussions undertaken today. The Committee commend all involved for the pragmatic way matters have been dealt with.

The Committee are clear that they look to the Police as an essential source of advice and information with respect to the licensing objective of crime and disorder. The Police should be the Licensing Authority's main source of advice in that respect. This said having heard the advice the Committee are not constrained and may depart if appropriate having considered the case facts and looked at all matters objectively. The Committee have departed from the recommendations of Police on the basis of a clear agreement that satisfies the Committee in clearly promoting all relevant licensing objectives.

In addition and having considered the Statutory Guidance (section 182 of the Licensing Act as amended and enacted in March 2015) the Committee is also aware that any Responsible Authority and indeed any other person may ask this Committee to review the licence because of any matter arising at the premises in connection with any of the licensing objectives.

The Committee can find no reason to decline the licence application as sought with the conditions proffered and amended as being proportionate and consistent with respect to the promotion of the relevant licensing objectives.

#### **Amended conditions**

1) CCTV

1d - amended to read '31 days' and not 28 days.

1g - to insert the word 'reasonable' in the first sentence so it reads;  
There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police and other enforcement agencies on reasonable request when investigating allegations of offences or criminal activity.

8) High Strength Beer, Lager, Cider

8a - amended to read; No beers, ciders or lager of 6.5%ABV or over shall be sold by retail, excluding premium products as agreed in writing, in advance with the licensing authority in consultation with the police.

9) Signage and Sales requirements (added for clarity of 9b and 9c)

9b - to read; The entrance door to the shop will be closed to customers between the hours of 23:00 and 05:00. Any sales between these hours will be made through the night pay window.

9c - deleted.

11) Football and Event Related Conditions

11f - to read; The premises licence holder will ensure a risk assessment for the need for an SIA door supervisor during football and event related activities at Fratton Park on the relevant dates (as 11a-e).

The meeting concluded at 11.25 am.

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Councillor Julie Bird  
Chair