

## LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Wednesday, 21 June 2017 at 9.30 am in the executive meeting room, floor 3 of the Guildhall, Portsmouth

### Present

Councillors Lee Mason (in the Chair)  
Hannah Hockaday  
Dave Ashmore

**42. Appointment of Chair.**

Councillor Lee Mason was appointed Chair.

**43. Declarations of Members' Interests.**

No interests were declared.

**44. Licensing Act 2003 – Application for grant of a premises licence. The Study and Nudles, Trafalgar House, 16 Edinburgh Road, Portsmouth. PO1 1RL.**

Present

Mark Way, Designated Premises Supervisor  
Jon Wallsgrove, Solicitor for the applicant

Robert Anderson-Weaver, Public Health Officer, Nickii Humphreys, Licensing Manager and PC Pete Rackham were also in attendance.

### DECISION

**In the Matter of the Licensing Act 2003. In the matter of an application for a grant of a premises licence for the Study and Nudles, Trafalgar House, 16 Edinburgh Road, Portsmouth. PO1 1RL - the revised application was granted subject to the conditions agreed with Environmental Health set out below.**

Reasons

The committee heard the representations of the applicant, the relevant responsible authorities and the advocate acting upon behalf of the applicant.

In addition, the committee considered all the papers put before them along with the annexes attached to each document.

The committee was aware that the premise is located within an area of Special Policy. The committee was engaged by reason of referral to the committee by the relevant responsible authorities - police, public health and licensing - all of whom made objections to the grant of a licence.

The licensing objectives that are not promoted within the area of Special Policy are prevention of crime and disorder, public safety and the prevention of public nuisance. The responsible authorities all indicated that the applicant

failed to sufficiently engage in negating any increase to the cumulative impact by reason of having appropriate conditions or measures in place to overcome the legal burden placed upon the applicant. This said, it was noted that all the responsible authorities acknowledged that the applicants offered a number of sensible and assisting conditions which led to Environmental Health and Planning withdrawing their objections.

The committee looked to all the responsible authorities but mainly the police for guidance and assistance in determining the effect of a licensing activity in terms of all the licensing objectives, but principally in terms of the police, prevention of crime and disorder - the committee should but was not obliged to accept all reasonable and proportionate representations made by the police. The committee took a similar view with respect to the representations made by the Licensing Department and the other responsible authorities.

The above stated the committee balanced within their consideration all representations made by the applicant through his advocate and by way of comments made by the applicant himself.

In considering the application for a grant of licence the committee was mindful of the following facts as having been established upon a balance of probability and further that they have been specifically taken to the relevant parts of the Statutory Guidance under section 182 of the Licensing Act 2003 also with respect to review process available to all responsible authorities and members of the public:

- That concessions had been made and accepted by all parties concerned.
- That there is on the face of the application clear focus in assuaging the relevant concerns as raised by all responsible authorities.
- That on balance the proposed DPS should remain given that he has a fully vested interest in promoting the business and promoting all licensing objectives. This is a clear positive.

The committee stated that each application for a grant shall be considered on merit and with due consideration as to the specific facts of each case.

Having heard the representations from the applicant and his advocate the committee was satisfied that the burden that rests with the applicant to shift in showing that the new proposed operating schedule in the current application would not have a negative cumulative impact had been shifted. In coming to this conclusion the committee had been shown a new set of conditions and was of the view that the applicant had sufficiently assuaged the cumulative impact by reason of the full range of variations as offered by the applicant.

The committee was aware that any responsible authority, indeed anyone could ask that the committee reviewed the licence currently held which would of course engage this committee in being able to consider the full range of evidence including matters that were currently being considered.

The committee considered all factors and noted the following conditions were offered by the applicant and imposed by this committee in the promotion of the relevant licensing objectives as stated in the email from Jon Wallsgrove,

applicant's solicitor dated 16 June 2017 to Richard Maidment, Environmental Protection Officer:

1. There shall be no regulated entertainment in the ground floor bar.
2. All doors and windows will remain closed during performances of live and recorded music. This shall include both inner and outer doors to the entrance lobby.
3. No glasses, bottles or drinking receptacles of any kind shall be taken outside of the premises.
4. Bottle bins shall not be emptied outside the premises between the hours of 21:00 and 07:00.
5. Any external floodlight fittings shall be angled below the boundary of the licensed premises.
6. Deliveries and waste collections for the premises shall only take place between 07:00 and 21:00.
7. A house sound system shall be installed and used to control music noise levels associated with all performances of amplified live and recorded music. The system shall include individual frequency control and set at an internal level to be agreed with the Local Authority.
8. Within 28 days of the licence being granted or any future transfer of the premises licence, the premises licence hold shall submit a noise management plan to the local authority detailing measures to be taken to monitor and control noise levels associated with the operation of the venue, upon approval these measures shall be implemented in full.

As stated on page 3 of the committee report as 'revised submission' dated 31 May 2017.

That the applicant had given an undertaking to file an up to date plan regarding the toilets and kitchen at the premises.

There is an SIA operative at Nudles from 23:00 daily.

The application was granted as amended.

The right to appeal this decision exists to any of the responsible authorities.

The meeting concluded at 12.30pm.

---

Councillor Lee Mason  
Chair