



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

WEDNESDAY 21 JUNE 2017 AT 9.30 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 023 9283 4060
Email: jane.didino@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Committee Members Councillors Lee Mason (Chair), Hannah Hockaday (Vice Chair), Dave Ashmore, David Fuller, Colin Galloway, Paul Godier, Scott Harris, Steve Hastings, Ian Lyon, Leo Madden, Stephen Morgan, Gemma New, Steve Pitt, David Tompkins and Gerald Vernon-Jackson.

The panel today consists of: Lee Mason, Hannah Hockaday and Dave Ashmore
The reserve member is Steve Hastings

(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 Members' Interests.**
- 3 **Licensing Act 2003 – Application for grant of a premises licence. The Study and Nudles, Trafalgar House, 16 Edinburgh Road, Portsmouth. PO1 1RL. (Pages 3 - 78)**

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 from responsible authorities.

The committee is asked to determine this 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

21st June 2017

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MR DEREK STONE

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

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 from responsible authorities.

2. THE APPLICATION

The application has been submitted by Mr Jon Wallsgrove, partner in Blake Morgan LLP on behalf of the applicant Nudles Portsmouth Limited. This application is attached at **appendix A**

Attached at **appendix B** is the plan

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

- Provision films Monday to Sunday 09:00 until 03:00
- Provision of Live Music Monday to Sunday 09:00 until 03:00
- Provision of recorded music Monday to Sunday 09:00 until 03:00
- Provision of performances of dance Monday to Sunday 09:00 until 03:00
- Provision of anything of a similar description to live music, recorded music or performances of dance Monday to Sunday 09:00 until 03:00
- Provision of Late Night Refreshment Monday to Sunday from 23:00 until 03:00
- Supply of alcohol both on and off the premises Monday to Sunday 09:00 until 02:00
- Hours premises open to the public from Monday to Sunday from 07:00 until 03:00
- Seasonal variations and an additional hour on New Year's Eve is also requested

A revised submission has been received dated 31st May 2017 seeking the following

- Removal of "Off Sales"
- No alcohol sales or regulated entertainment within Nudles apart from Late Night Refreshment
- All licensable activities in both the Study and Nudles to cease at 02:00
- Premises close to the public at 02:30

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 premises used to be occupied by JD Wetherspoon's who closed the venue on the 17th July 2016 after 13 years of trading along with 33 of its other pubs as part of a 'periodic review' of its stock. On the 29th September 2016 the premises licence was surrendered. The premises were sold to the owner of the upper floors of the building which have now been extensively converted, creating 94 student accommodation rooms to the upper floors. A bar area located on the ground floor (Access via Spring Street) will also accommodate a basement area. A restaurant/noodle bar will be located at the front of the building (Access via Edinburgh Road) and this will be separate from the main bar area with no public access between these two venues.

The proposed Designated Premises Supervisor is Mr Mark Way.

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 at section 18.

5. RELEVANT REPRESENTATIONS BY RESPONSIBLE AUTHORITIES

There are five representations from responsible authorities, these are from the Chief Officer of Police Hampshire Constabulary, and from Portsmouth City Council's Director for Public Health, Licensing Authority, Environmental Health and Planning. These representations are attached at **appendix C**

6. RELEVANT REPRESENTATIONS BY OTHER PERSONS

There are no other representations.

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 April 2017, 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 9.12

"...In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However it remains incumbent on the police to ensure that their representation can withstand the scrutiny to which they would be subject at a hearing.

Para 9.37

"... 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 9.38

"... In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- *The steps that are appropriate to promote the licensing objectives*
- *The representations (including supporting information) presented by all the parties*
- *This Guidance*
- *Its own statement of licensing policy "*

Para 9.42

"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 9.43

"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 9.44

"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.

Para 14.20 to 14.41

These paragraphs will assist members with regard to the cumulative impact of a concentration of licensed premises.

Para 14:30 in particular states

The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

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
- D. E mail from applicant's agent amending the original application.

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



For Licensing Manager
And on Behalf of Head of Service



Portsmouth
Application for a premises licence
Licensing Act 2003



17/02466/LAP REM
 eps by

For help contact
Licensing@portsmouthcc.gov.uk
 Telephone: 023 9283 4572

* 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?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

Note: completing the Applicant Business section is optional in this form.

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.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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

Section 4 of 19

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...

Private 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

Section 5 of 19

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.

A licensed premises operating over two floors providing food and drink and regulated entertainment. There will be a separate entrance for a Nudles, which will be selling food and drink with no access to part of the premises which will be known as The Study.

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

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

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FRIDAY

Start

End

Start

End

SATURDAY

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End

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SUNDAY

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.

Will the exhibition of films take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

Continued from previous page...

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the exhibition of film

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

An additional hour when BST changes to GMT.

Non standard timings. Where the premises will be used for the exhibition of film 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.

An additional hour on New Year's Eve.

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

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.

Continued from previous page...

TUESDAY

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Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

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

An additional hour when BST changes to GMT.

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

Continued from previous page...

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

An additional hour on New Year's Eve.

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

Continued from previous page...

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

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

An additional hour when BST changes to GMT.

Non-standard timings. Where the premises will be used for the playing of recorded music 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.

An additional hour on New Year's Eve.

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

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

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THURSDAY

Start

End

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End

Continued from previous page...

FRIDAY

Start 09:00

End 03:00

Start

End

SATURDAY

Start 09:00

End 03:00

Start

End

SUNDAY

Start 09:00

End 03:00

Start

End

Will the performance of dance take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of dance

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

An additional hour when BST changes to GMT.

Non-standard timings. Where the premises will be used for the performance of dance 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.

An additional hour on New Year's Eve.

Section 13 of 19

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

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

Yes No

Standard Days And Timings

Continued from previous page...

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Give a description of the type of entertainment that will be provided

Will this entertainment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations for entertainment

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

An additional hour when BST changes to GMT.

Non-standard timings. Where the premises will be used for entertainment 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.

An additional hour on New Year's Eve.

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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Continued from previous page...

SATURDAY

Start 23:00

End 03:00

Start

End

SUNDAY

Start 23:00

End 03:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The provision of late night refreshment will be indoors and there will be seating within the premises but the intention is to provide takeaway food.

State any seasonal variations

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

An additional hour when BST changes to GMT.

Non-standard timings. Where the premises will be used for the supply of late night refreshments 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.

An additional hour on New Year's Eve.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

Continued from previous page...

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

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.

An additional hour when BST changes to GMT.

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

Continued from previous page...

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

An additional hour on New Year's 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)

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'.

Section 16 of 19

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

Continued from previous page...

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.

It is currently not intended to provide gambling machines or adult entertainment. Conditions have however, been included in the operating schedule.

Section 17 of 19

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

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.

An additional hour when BST changes to GMT.

Continued from previous page...

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.

An additional hour on New Year's Eve.

Section 18 of 19

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.

1 - A CCTV system must be fully operational whilst the venue is open to the public.
The recording equipment shall be stored and operated in a secure environment with limited access.
The system shall be regularly maintained and serviced.
The system clock shall be checked regularly for accuracy taking account of GMT and BST.
Digital systems shall have sufficient storage capacity for 31 days good quality pictures.
The images produced will be date and time stamped.

Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made for someone to have access to the secure area and also be able to operate the equipment.
Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of staff.
Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

At all times that the premises is open for trade a person shall be on site that is able to work the CCTV system and provide a copy of any footage to the Police or officers of the Licensing Authority on request.

CCTV shall cover the full licensable area.

2 - All staff must receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell or deliver alcohol until such time as they have successfully completed this training. Training shall cover:

- Sale of alcohol to persons under 18
- Challenge 25 and acceptable forms of Identification
- Signs of Drunkenness
- Refusal register and when/how to use
- The Licensing Objectives

This training shall be documented and records kept on the premises. Police and the Licensing Authority shall have access to an individuals training records upon request.

3 - 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 as per the latest Home Office guidance.

Continued from previous page...

4 A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local authority.

5 The premises shall operate a challenge 25 policy. Challenge 25 posters shall be positioned clearly at the entrance to the premises and at each bar.

6 An incident log shall be kept at the premises and made available on request to an authorised officer of the city council or Police. It must be completed within 24 hours of the incident and will record the following: (a) All crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any visit by a relevant authority or emergency service.

7 There shall be no admission or readmission of customers one hour before the end of alcohol sales.

8 Persons under the age of 18 shall not be permitted to enter any area of the premises where there is entertainment of an adult or sexual nature being performed.

b) The prevention of crime and disorder

9 Where entertainment of an adult or sexual nature is being performed then this entertainment will not be able to be seen or heard by any person under the age of 18.

10 The premises shall be a member of a local Pub watch where one is in operation and the premises is welcome. The DPS or a representative shall attend each pub watch.

11 The premises shall be a member of a local crime reduction partnership where one is in operation and the premises is welcome.

12 No customer shall leave the premises with an open container of alcohol.

The following conditions apply to the premises called the Study and do not apply to the part of the premises called Noodles as identified on the plan at Annex 4.

13 There will be a written ejection policy document which shall be adhered to. This document shall be agreed with the Police licensing team (such agreement not to be unreasonably withheld). The Policy can be amended if agreed in writing with the Police Licensing Department for the area.

14 A minimum of two body worn video cameras (BWV) will be worn by SIA when the SIA door supervisors are employed in accordance with the conditions on this licence.

The cameras will have an ability to record and any recordings will be kept for a minimum of 31 days and made available to the Police or Portsmouth City Council Licensing Team upon request. Should any camera break or otherwise become inoperable, it will be replaced within 48 hours.

At least one BWV will be deployed to at least one SIA posted to the front door.

15 On Fridays and Saturdays and on any other day when there is a DJ lead event (including a DJ at a private event) the premises licence holder shall ensure that from 2100 until the premises close, a minimum of 2 Security Industry Authority registered security staff will be on duty for the first 100 customers. For every 100 customers thereafter another 1 SIA registered security staff shall be employed. For the avoidance of doubt:

Continued from previous page...

0-100 customers: 2 SIA
101- 200 customers: 3 SIA
201 – 300 customers: 4 SIA
301 – 400 customers: 5 SIA

And so on.

A log book shall be kept on the premises by the Designated Premises Supervisor, which shall contain the following details:

- (i) The door supervisors name
- (ii) His/her SIA Licence number
- (iii) The time and date he/she began and finished duty

The log book shall be immediately available for inspection by the Police and Portsmouth City Councils Licensing Team.

16. SIA door supervisors shall assist in the dispersal of patrons from the venue and it's environs if required up to 15 minutes after the premises have closed.

17. From 2100 on Fridays, Saturdays and New Years Eve the licence holder shall provide and maintain in good working order an electronic scanning device such as club scan. If the equipment fails then the Police Licensing department will be notified immediately in writing or by email and the equipment must be repaired or replaced within 72 hours.

18. All customers entering the premises after the time stated in condition 16 will be asked to produce photographic identification and agree to the said identification being used for scanning. Customers who do not agree to this or who have no photographic identification will be refused entry. All identification provided by customers shall be scanned electronically. Acceptable identification will be as per current Home Office guidance.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Section 19 of 19

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

Continued from previous page...

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 premises then your 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

Add another signatory

Continued from previous page...

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"/>
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"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >



599291/000001/ JW/LDR LIC

Part A

Consent of individual to being specified as premises supervisor

In respect of

The Study and Nudles

Trafalgar, Trafalgar House, 16 Edinburgh Road, Portsmouth, PO1 1RL

I, Mark Way of [redacted] hereby confirm that I give my consent to be specified designated premises supervisor in relation to the New Premises Licence by *Nudles Portsmouth Limited* ~~Fenton Properties~~ *The Study and Nudles Limited*, relating to a premises licence (number.....) for *The Study and Nudles* Trafalgar, Trafalgar House, 16 Edinburgh Road, Portsmouth, PO1 1RL and any premises licence to be granted or varied in respect of this application made by *Nudles Portsmouth Limited* [redacted] *The Study and Nudles* concerning the supply of alcohol at Trafalgar, Trafalgar House, 16 Edinburgh Road, Portsmouth, PO1 1RL.

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

Personal licence issuing authority

Portsmouth City Council

Signed

[redacted signature]

Name

Mark Way

Dated

6/4/2017

Please provide your date and place of birth (requirement of the police):

[redacted birth information]

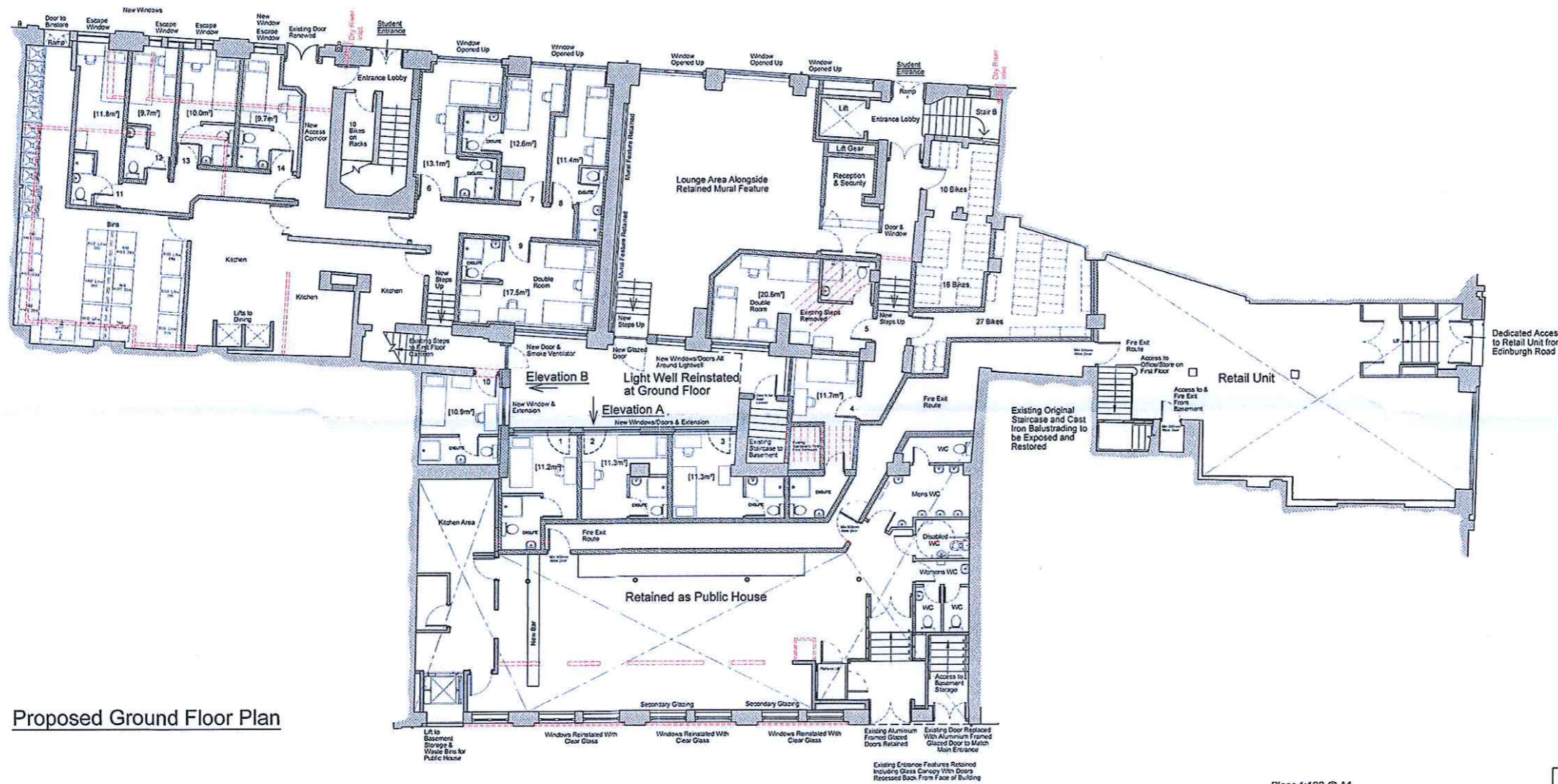
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Appendix B

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Revision	Detail	By	Date
A	Preliminary Issue	AB	15/09/16
B	Building Regulations	AB	19/09/16
C	Revised to Latest Planning Application	AB	12/01/17
D	Revised Following Comments Received	AB	03/02/17
E	Bar Toilets & Corridor Amended	AB	20/03/17



Proposed Ground Floor Plan

Key:

- Existing Masonry Construction to Remain
- New Masonry Construction
- Existing Masonry External Walls Lined with: 70mm metal stud with min 15mm clear space to masonry floor & ceiling tracks fitted onto resilient isolation strips 70mm thick 10 to 20 kg/m³ mineral wool slabs between studs Lined with 1 x 12.5mm plasterboard
- Existing Masonry Internal Separating Walls Lined with where indicated: 50mm metal stud with min 10mm clear space to masonry floor & ceiling tracks fitted onto resilient isolation strips 45mm thick 45 kg/m³ mineral wool slabs between studs Lined with 2 x 15mm 'soundbloc' plasterboard
- New Partitions:**
 - Separating Walls Constructed from: 2 x 50mm metal studs separated by min 15mm clear space Floor tracks fitted onto resilient isolation strips 40mm thick 45 kg/m³ mineral wool slabs between studs Lined on each face with 2 x 15mm 'soundbloc' plasterboard
 - Partition Walls Constructed from: 70mm metal studs Floor tracks fitted onto resilient isolation strips 25mm thick 45 kg/m³ mineral wool slabs between studs Lined on each face with 1 x 15mm 'soundbloc' plasterboard
 - 60 min Fire Compartment Partition Walls: 70mm metal studs Floor tracks fitted onto resilient isolation strips 45mm thick 45 kg/m³ mineral wool slabs between studs Lined on each face with 2 x 15mm 'soundbloc' plasterboard
- Refuge Areas. Min 900mm x 1400mm for use by disabled persons in the event of escape from the building

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 St. Helen's Parade
 Southsea
 Hampshire PO4 0RN

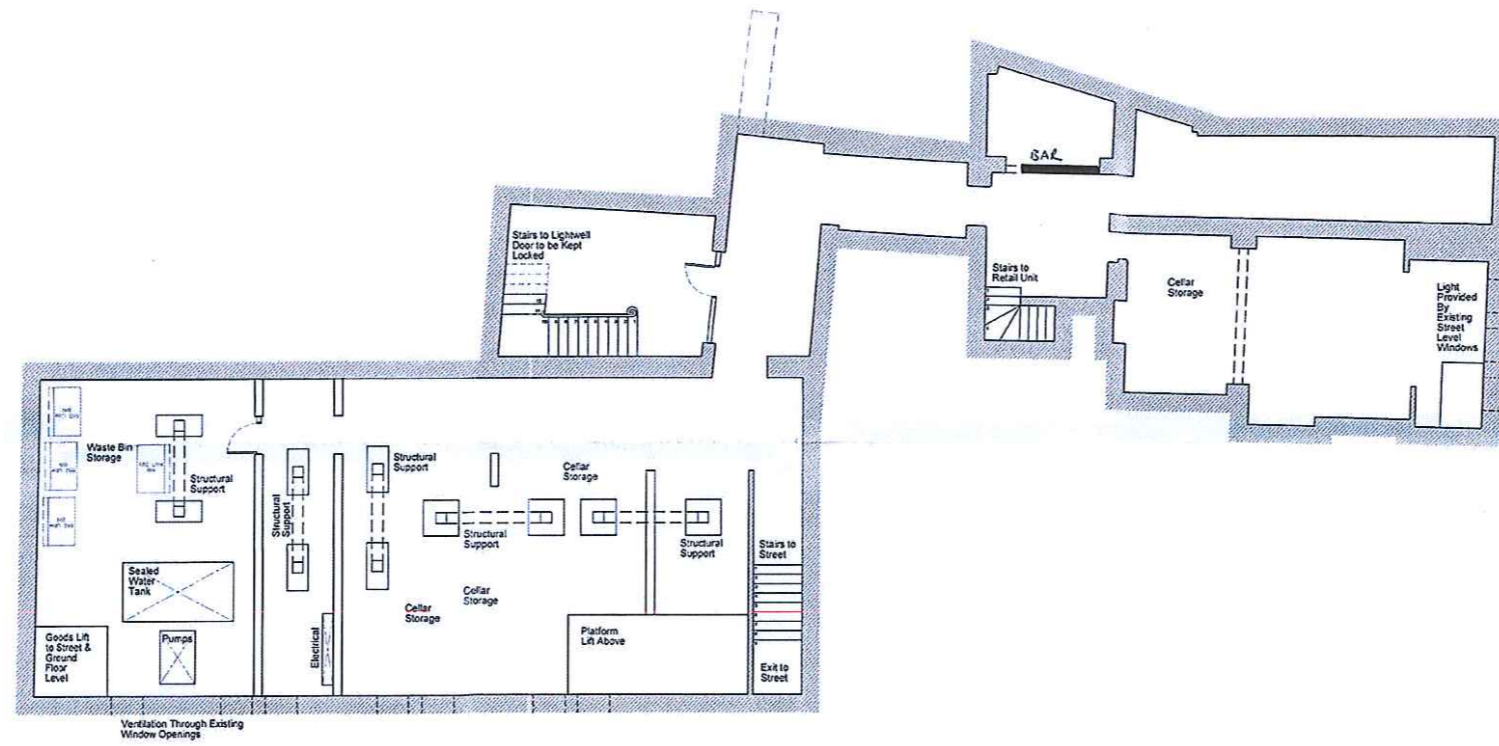
Project: Fountain House
 Location: Portsmouth
 Drawing: GROUND FLOOR PLAN
 Status: Building Regulations
 Drawing Number: 121 Revision: E
 Scale: 1:100 @ A1 Date: Sept 2016
 Drawn By: AB

Appendix B

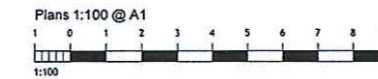
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Revision	Detail	By	Date
A	Planning Application	AB	28/02/17



Proposed Basement Floor Plan



This Drawing Can Be Scaled For Planning Purposes

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 Southsea
 Hampshire PO4 0RN

Project: Fountain House
 Location: Portsmouth
 Drawing: BASEMENT FLOOR PLAN
 Status: Planning
 Drawing Number: 126 Revision: A
 Scale: 1:100 @ A1 Date: Sept 2016
 Drawn By: AB

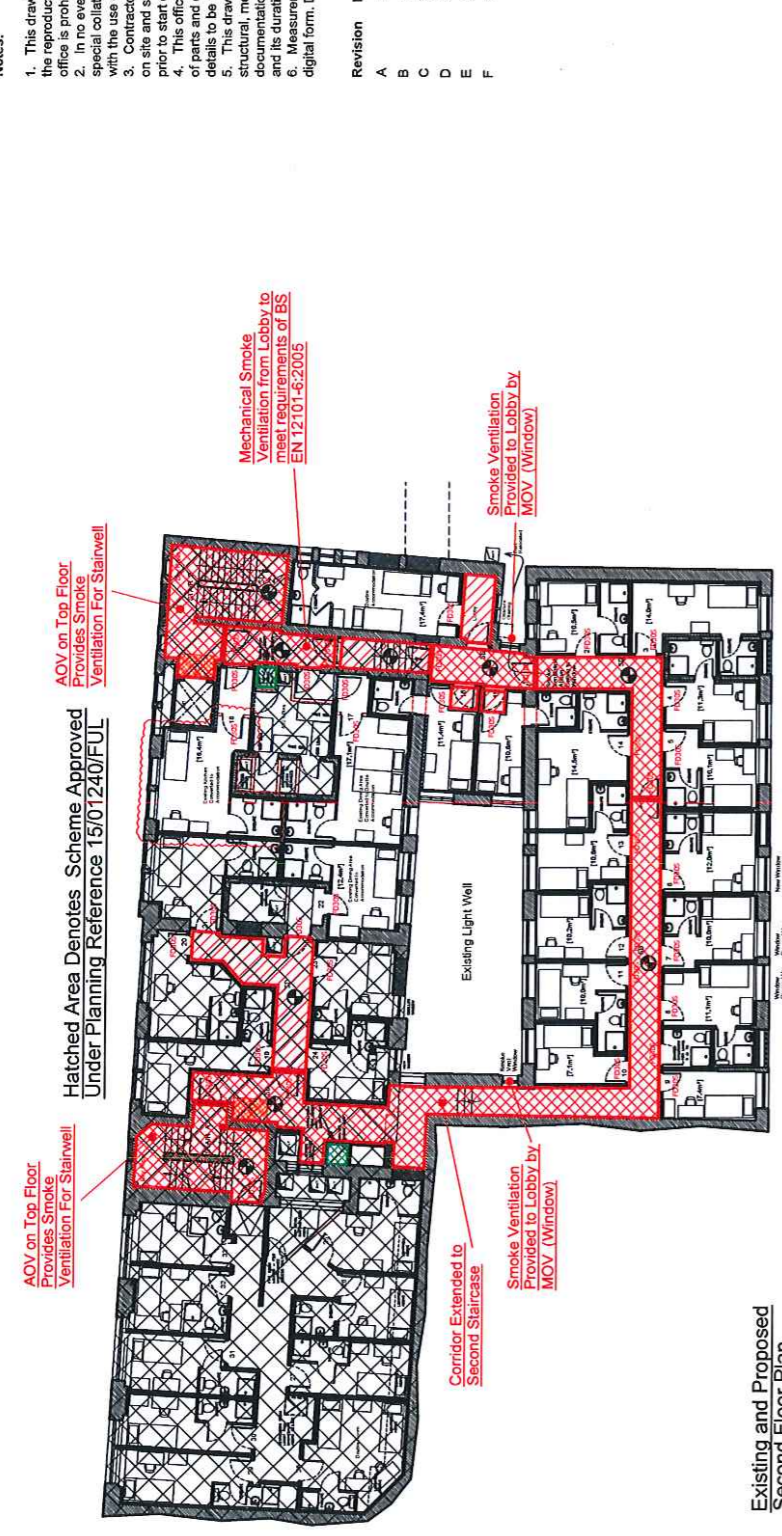
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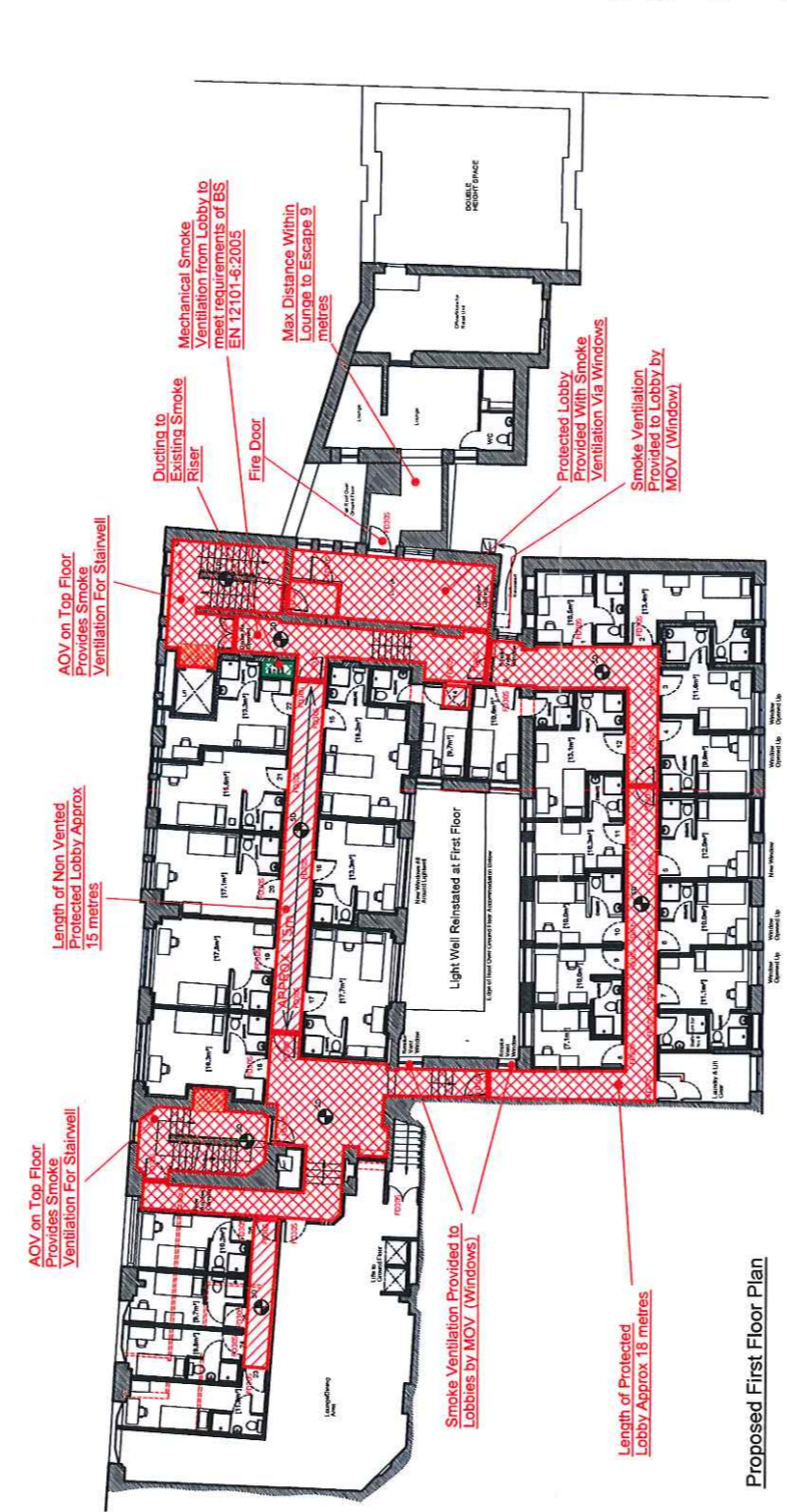
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Revision	Detail	By	Date
A	Preliminary Issue	AB	15/09/16
B	Building Regulations	AB	16/09/16
C	Revised to Latest Planning Application	AB	12/01/17
D	Scale Amended	AB	28/01/17
E	Revised Following Comments Received	AB	03/02/17
F	Revised to Latest Proposed Layout	AB	20/03/17

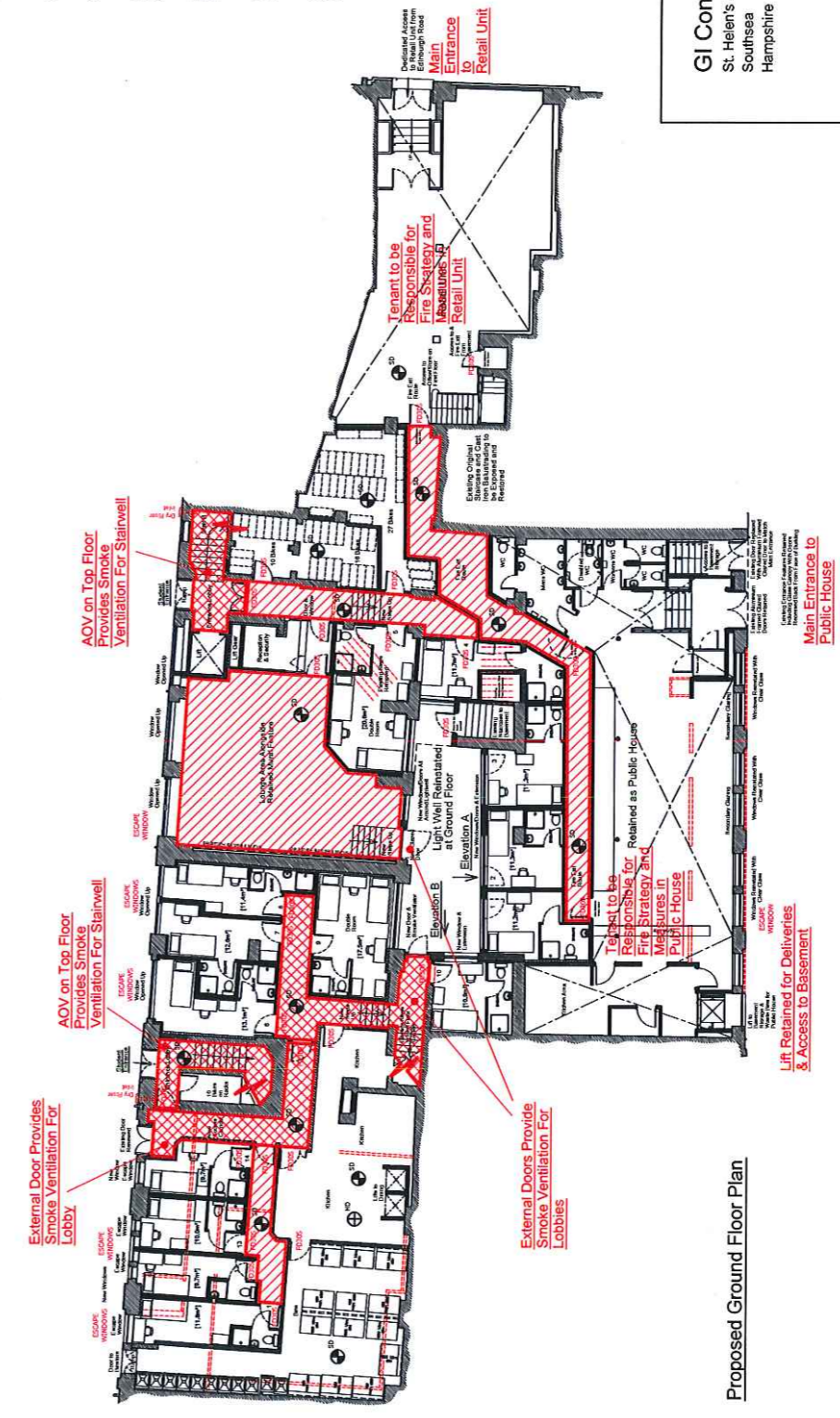
Appendix B



Existing and Proposed Second Floor Plan



Proposed First Floor Plan



Proposed Ground Floor Plan

KEY:

- Protected Escape Route With 60 Minute Fire Protection
- Protected Escape Route with 60 Minute Fire Protection and Smoke Ventilation
- Doors Fire Rated to 30 Mins With Smoke Seal
- Gazing Fire Rated to 60 Mins
- Manual Opening Ventilator (Min Area 1m²)
- Smoke, Heat Detectors
- Refer To Details Drawings For Fire Protection, Services and Pipework Details
- Fire Detection to at least a BS 5839 Pt 6 2004, Fire Alarm System to at least BS 5839-1 Pt 2 2002
- Reflects Area Min 600mm x 1400mm
- 0.6m² Smoke Ventilation Shaft with Mechanical Extraction

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 Hampshire PO4 0RN

Project: Fountain House
 Location: Portsmouth
 Drawing: FIRE STRATEGY PLANS
 Status: Building Regulations
 Drawing Number: 125
 Scale: 1:150 @ A1
 Drawn By: AB

Revision: F
 Date: Sept 2016

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Portsmouth City Council Licensing Service
Core 5, Lower Ground Floor
Civic Offices
Portsmouth
Hampshire
PO1 2AL

Telephone
101

Direct Dial

Fax

Text Relay
18001 101

Email Address

Our ref:
Your ref:

21st April 2017

Dear Sir/Madam

Re: Application for the Grant of a Premises Licence, The Study and Nudles, Trafalgar House, 16 Edinburgh Road, Portsmouth, PO1 1RL

On Behalf of the Chief Officer of Police, I make representations in relation to the application for a variation of premises licence at The Study and Nudles, Trafalgar House, 16 Edinburgh Road, Portsmouth, PO1 1RL.

I make these representations under the grounds of:

- 1) The prevention of crime and disorder
- 2) Prevention of Public Nuisance
- 3) Public Safety
- 4) Protection of Children from Harm

The Study and Nudles

The Study and Nudles occupy the site of the former Trafalgar Public House aka Lloyds Bar in Edinburgh Road, Portsmouth. As the Police understand it the applicant's intention is for the site to be placed into 4 distinct differing parts.

Student accommodation which takes up around 80% of the building including a vast portion of the former licensed premises.

A restaurant/noodle bar which during the day will act as a sit down eatery providing food and alcohol consumption and late at night will offer late night take away refreshment and alcohol to persons until 03:00 hours.

A bar which during the day will cater for students or members of the public wanting to eat, drink alcohol or coffee, study etc and in the evening will be a normal bar for persons to consume alcohol.



A basement area which will be open to the public and like its upstairs counterpart will have capacity for dancing, live music and private events etc. This basement area is rather enclosed and at present is like a rabbit warren with a mix of differing ceiling levels.

The applicant has invested heavily in this premises which once finished will likely have a capacity of around 400 persons.

The premises also sit within the Cumulative Impact Zone in Portsmouth, which has disproportionately higher amounts of violence in the Night Time Economy than the day time.

The premises is also next to a premises which has recently been taken to Review by the Chief Officer of Police following a very serious assault where a person received a fractured skull and cheek bone.

Pre meeting prior to submission of the application.

In late March/early April 2017 the applicant met with Officers from Portsmouth City Council Licensing Service and Hampshire Constabularies Police Licensing Team. Officers attended the site and were shown around the premises and advised what their plan and vision was for the premises.

During the meeting it became apparent that at that time there was no clear indication as to the premises identity. The applicant described the basement area as an area to hold private parties, for customers to dance and party and referred on a number of occasions to the premises as a club. When further questions were asked the applicant stated that the premises were not a club. Later the applicant again referred to the premises as a club.

During the meeting a number of concerns were raised with the applicant around the following:

- The identity of the premises and the need for the applicant to be extremely clear in what they were attempting to achieve.
- The basement areas layout and secluded nature would potentially make it difficult to manage on a day to day basis and that this could lead to issues of crime and disorder going un-noticed by staff.
- The CIZ and the levels of crime and disorder in the area. It was impressed upon the applicant that any application will need to take due regard of this and ensure that conditions were offered up in order to uphold the licensing objectives.

During the course of the meeting a number of suggestions were made to the applicant around potential considerations to put in place at the premises to uphold the licensing objectives at the premises. These were:

- The use of Door staff during peak periods or periods identified as carrying risk
- A fit for purpose CCTV system covering the area
- Staff training which is documented
- An effective management team
- Utilising a scanning system
- Being a member of the local crime reduction partnership
- Being an active member of the local pub watch
- Ensuring that an effective age verification policy is adopted at the premises



- That there is a management plan around the late night refreshment side of the business to prevent crime and disorder (Nudles)

As a result of the engagement shown by the applicant, the Chief Officer of Police is satisfied that the applicant has followed the guidance from the Home Office with regards to engaging with the Police prior to the submission of any application.

Application

Following the meeting the applicant has submitted an application for the grant of a premises licence at the site. The application covers both the bar and downstairs area as well as the Noodle Bar.

The applicant wishes to sell alcohol for consumption on and off the premises until 02:00 each night. The applicant also wishes to provide Live and Recorded music until 03:00 hours. Late night refreshment until 03:00 hours is also being applied for.

The Chief Officer of Police has noted that the application makes no mention of the Cumulative Impact Zone.

The Chief Officer of Police does however note that a number of conditions have been offered up by the applicant which fit in with the advice provided to the applicant to support.

However the Chief Officer of Police notes that the applicant does not wish the majority of the conditions in relation to SIA to be applied to the Noodle Bar. The Chief Officer of Police can only deduce from this that the Applicant does not wish to utilise SIA to manage what effectively will be a late night takeaway also providing alcohol to members of the public in a CIZ area noted for having far greater incidents of crime and disorder in the Night Time Economy than the day time.

Cumulative Impact Zone

Set up in 2010 to combat the increase in violence in the NTE in the Guildhall Walk area which culminated in two tragic deaths as a direct result of violent incidents within licensed premises.

The Cumulative Impact Zone restricts the application for new licensed premises within the area and also restricts the application for an extension of hours for existing premises. It does this by putting the onus on the applicant to show that any application will not impact negatively on the licensing objectives rather than the usual process of the onus being on the person who makes the representation.

Following a successful application by another premises in the immediate area to extend their opening hours, a decision was made to revisit the figures and continue with the CIZ. This was performed in 2014 and again more recently this year, 2017.

It is also important to note that over the next two years a number of student living accommodations are to be opened within walking distance of the premises. This will undoubtedly increase the foot fall to the CIZ and potentially as a result increase the likelihood of crime and disorder.



Violence Report Portsmouth NTE areas and CIZ

This details the violent crime statistics within the CIZ and within Portsmouth and can be found attached as **Annex A** of the Police bundle.

CIZ Figures

The main points for the most recent CIZ figures found in the report in **Annex A** are as follows:

- Distinct increase in violent crimes between the day time and night time economies within the CIZ, with the NTE showing higher levels of violence. Currently the NTE contributes a figure of 471 violence incidents over a recent 10 month period. This represents 71.36% of all violence in the CIZ. This indicates that there is very real issue with violence in the NTE within the CIZ which is completely disproportionate compared to that of the day time. It must also be noted that this trend appears to be on the rise a small amount for the second time in as many years.
- The amount of violence within the CIZ is disproportionate to the rest of similar NTE areas within Portsmouth. Violence incidents over a recent 10 month period within the CIZ represent 6.56% of all violence incidents within the Portsmouth district. Other NTE areas with a much larger area, a higher proportion and density of licensed premises, do not go above contributing 2.39% of violence incidents.
- Between 19:00 – 07:00 hours, the CIZ, on a Thursday, Friday and Saturday, accounts for 67-70% of all NTE area violence within Portsmouth.
- 55.69% of the NTE violence relates to Friday and Saturdays. The other 45% being spread over the other 5 days of the week.
- It has been identified that the peak times for violence incidents are between 20:00 – 05:00 hours.

It is the belief of the Chief Officer of Police that these facts show that there is a very real and prevalent issue with violence in the CIZ, particularly during the times the applicant wishes to operate and would strongly urge the committee to be minded of this information when forming their decision.

Summary

This application is one which the Chief Officer of Police has a number of concerns with. These concerns are around the ability of the applicant to show that they will fully uphold the licensing objectives and not cause incidents of crime and disorder. They also refer to the Cumulative Impact of the granting of this licence. They are as follows:

Confusion from the applicant around what this premises is going to be?

The applicant appears to be confused as to what this premises is going to be. Is it a night club? Is it a bar? What is it? The applicant has referred to the premises in the pre meeting as a “club” but when pressed stated it was not a club. This has left the Police a little confused. Particularly as the applicant appears to be requesting the sale of alcohol until 02:00 hours and the provision of dance, live music and recorded music which would of course indicate that the intention is to operate as a night club during the night time economy hours. The applicant also has provision



for a dance floor area in the basement which again leads the Chief Officer of Police to believe that this premises will operate as a night club late into the night.

The Chief Officer of Police feels that it is vital that the committee satisfy themselves as to what the premises will be late at night. If this question is left unanswered then the committee potentially may make a decision without being in possession of the full facts and this in its self could lead to issues which will undoubtedly undermine the licensing objectives at the premises and lead to crime and disorder in the area.

Lack of any clear conditions around the noodle bar to support the licensing objectives

The application indicates that the noodle bar will operate until 03:00 hours. When discussing this matter at the pre meeting the applicant stated that the noodle bar would operate as a take away during the later hours.

The Chief Officer of Police notes that the applicant has specifically stated in the application that door staff (with Body Worn Video), an ejection policy and dispersal policy will not be required at the noodle bar.

The Chief Officer of Police provide in **Annex A** evidence which shows that violence offences within the CIZ are higher in the night time economy than the day. These figures include incidents at premises which are licensed for late night refreshment only as well as alcohol. This shows a very real risk within the CIZ of crime and disorder occurring within similar types of premises.

The Police believe that given that this application is for late night refreshment and both on and off sales of alcohol then this will only increase the risk of crime and disorder should the licence be granted as it stands with the hours requested and with the lack of appropriate measures to prevent further incidents.

The CIZ

I have evidenced in **Annex A** evidence which shows that despite a long term reduction in violent crime in the CIZ there is still a higher, disproportionate to the day time, level of violent crime at night, in the area the applicant wishes to operate.

The current Portsmouth City Council, statement of licensing policy, relating to applications within a CIZ states:

“The Licensing Authority, therefore, will normally refuse the grant of new premises licences or club premises certificates or variations whenever it receives relevant representations about the cumulative impact on the licensing objectives which it concludes after hearing those representations should lead to refusal”

The Chief Officer of Police believes that the applicant has not demonstrated enough to show that they would not have a negative cumulative impact for the grant of the premises licence as it stands.

This application is **not** an extension of hours for a premises which has been operating well. It is a new application for what appears to be a night club with a 400 person capacity and a late night take away facility with the sale of alcohol thrown into the mix with no measures to minimise the



risk of this. The granting of this application as it stands will lead to a negative cumulative impact and further crime and disorder at the premises and in the area.

Police Request to Refuse the Licence as it stands

Due to the above it is the belief of the Chief Officer of Police that the granting of the application as it stands will not only lead to a negative cumulative effect on the area but will also lead to incidents of crime and disorder at the premises itself.

As such the Chief Officer of Police requests that the **licence be refused and not be granted**.

Further Considerations

Should however, after considering the evidence the Police have provided and all other relevant representations, the committee are not minded to refuse the licence then the Chief Officer of Police requests that the committee consider imposing the following points as a way of ensuring that the premises upholds the licensing objectives:

- Reduce the hours for the sale of alcohol at the premises and the provision of music and regulated entertainment to ensure that a 400 person capacity night club does not lead to an increase of crime and disorder.
- Add door staff conditions to the Noodle Bar area of the licence 7 days a week from 23:00 hours to include the use of BWV and 2 registered SIA licensed door supervisors Thursday, Friday and Saturday. 1 Registered SIA licensed door supervisor for all other days of the week.
- Ensure that from 23:00 hours the noodle bar is takeaway only and that alcohol cannot be sold from this part of the premises.
- Implement a condition which prevents glass being served at the premises when there is a DJ led event or live music being performed at the premises.
- Remove the off sale aspect all together with regards to alcohol.

Yours Sincerely

PC 21945 Rackham
Licensing and Alcohol Harm Reduction Team
Hampshire Constabulary



Hampshire Constabulary

RESTRICTED

Station : **Force Licensing & Alcohol Harm Reduction Team** Area : **P&N (Strategic Partnerships)**
 Department : **Force Licensing** Date : **01 February 2017**

Subject : **Hampshire Constabulary evidence to PCC consultation stages of the Statement of Licensing Policy (Cumulative Impact Policy)**

FAO:

Nickii Humphreys (Manager, PCC Licensing Dept)

Supt Schofield (Portsmouth District Commander)

Chief Inspector Pegler (Deputy District Commander)

To all

Background

Portsmouth district has a mixed use city centre surrounded by a densely populated residential areas. Operationally this imposes significant demands upon emergency services and the wider partnership

The demands of policing the Night Time Economy (NTE) within Portsmouth place a heavy demand on the police and Portsmouth City Council (PCC). This in terms of resources to minimise the effects of drink related crime and disorder and ensure public safety

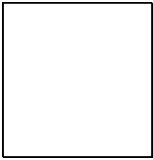
There is an ongoing campaign to cut alcohol fuelled crime and disorder in Portsmouth and reduce the burden on public health, it is supported by Portsmouth Safe City Partnership covering a wide spectrum of partners, stakeholders and voluntary services.

There are a significant number of persons who live outside the city, visiting attractions such as the Guildhall, Gunwharf, theatres, restaurants and shopping complexes beyond the NTE in Portsmouth. The city also hosts headline events such as Victorious Festival, Portsmouth Summer Show, Mutiny, Oktoberfest and the Admirals Cup to list a few

The successful and vibrant NTE in Portsmouth attracts tourists, local residents and students into the licensed venues. There are 4 distinct Night Time Economy (NTE) zones;

- *Guildhall Walk (cumulative impact policy zone)*
- *Gunwharf*
- *Central Southsea (Albert Road NTE zone)*
- *Portsmouth South (Palmerston Road NTE)*

A further area is also monitored for NTE related violence, this being North End. The principal area is a small section of London Road with a concentration of mixed use licensed premises,



these include fast food establishments, restaurants, on and off licences. The levels of residential crime is also captured, this to monitor if this is an emerging NTE hotspot

The impact of the NTE has historically imposed a disproportionately negative impact on crime and disorder levels within the Portsmouth district and those 4 NTE zones. Post 2008 a vast investment from police and partners in resources has significantly reduced these levels, including the introduction of the Cumulative Impact Policy (CIP) zone within the PCC Statement of Licensing policy.

The introduction of the CIP areas for Guildhall Walk and surrounding vicinity has had a significant impact reducing crime and disorder, helping to promote the licensing objectives within licensed premises captured within this policy

The key signal crime types are assaults, sexual offences, robberies and alcohol related ASB, however, for the purposes of this report I have focussed on purely violence offences under the HMIC tree group 9. Those that relate to both violence '*with injury*' and '*without injury*'.

I have inspected the Record Management System (RMS) used by Hampshire Constabulary to record all occurrences whether crime or non-crime. A further IT system known as 'business objects' provides a tool to analyse this data

I have used recorded crime data rather than 'calls for service' incidents reported to the Force Control Room, although demand data is valuable it will not capture all 'hidden demand'

Crime Data

[1] Geographical data (Portsmouth district)

The level of crime and disorder within Portsmouth, particularly its NTE zones has largely reduced year on year since 2008, this has mirrored local and national crime trends. There are a number of contributory factors particularly; smarter partnership approach around alcohol harm reduction, regulatory enforcement (including the CIP) and the economy recession world wide

In the period since 2008 the Hampshire Constabulary has adapted to the crime recording and classification changes introduced by the Home Office, this makes comparative interpretation of police crime data throughout this period more difficult. There has also been a greater drive to ensure crime data integrity by police forces nationally, this accounts for an increase 2015-2016 which is evident in Hampshire and across all force areas nationally ***(Refer Annexe 1 - Key guidance on crime data integrity)***

The police and Portsmouth Safe City Partnership have used data, known colloquially as LNEP. This data set was only formed of the key arterial streets and roads in the 4 NTE zones, however, failed to have the interconnecting streets (particularly the Guildhall Walk NTE zone) which fails to give a fully accurate insight into violence levels within the NTE zones

A business objects search process has been built, the intention is to provide the most accurate crime data integrity for each NTE zone. The process involved agreeing the outer perimeter and those streets and roads within the NTE zone, the existing CIP zone for Guildhall Walk was used.

The limitations of the police reporting system known as RMS does not facilitate geo post coding, at present, so will capture some residential crime (non NTE related violence offences) on certain streets that form the outer perimeter of a zone. Conversely there may be NTE related violence that occurred outside of the NTE zones but not captured in search function

Comparison of violence within Portsmouth District

HMIC Crime Tree (9 group) - Violence	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	Portsmouth District 'Total Violence' % of force violence
2014-15	4	2294	2557	4855	17.27% (4855 / 28108)
2015-16	3	3210	4118	7331	17.03% (7331 / 43047)
2016-17 (jan)	3	2910	4271	7184	17.36% (7184 / 41388)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The Portsmouth district has steadily accounted for around 17% of the whole Hampshire Constabulary 'Total Violence' for each of the last 3 performance year periods

The Portsmouth district has been transformed administratively from 4 into 3 sectors, in the last 18 months. The 4 NTE zones are predominantly in two of those sectors, an analysis of the distinct NTE zones is the focus for this report rather than those neighbourhood sectors

Comparison of violence within Portsmouth District sectors

HMIC Crime Tree (9 group) - Violence NTE related violence both DTE & NTE	Homicide	NTE Violence (with injury)	NTE Violence (w/out injury)	NTE Total Violence	NTE violence as % of Portsmouth District 'Total Violence'
Portsmouth District	0	711	833	1544	21.50% (1544 / 7184)
Portsmouth Central Sector	0	428	496	924	12.86% (924 / 7184)
Portsmouth North Sector	0	23	26	49	0.68% (49 / 7184)
Portsmouth South Sector	0	260	311	571	7.94% (571 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The NTE accounts for 21.49% of the 'Total Violence' absorbed within the whole Portsmouth district total in the last performance year, this has reduced year on year from 26.38% in 2014/15. This figure covers both DTE and NTE violence data, this proportion actually mirrors the proportion of NTE violence within Southampton District

The proportion of violence (both DTE and NTE) compared against the whole Portsmouth district is **down** year on year, whereas the number of violence offences (both DTE and NTE) has **increased** year on year

Comparison of violence within Portsmouth District NTE zones (both DTE and NTE)

NTE Zones (Portsmouth) both DTE & NTE violence	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	659	622	1281	26.38% (1281 / 4855)
2015-2016	0	821	777	1598	21.80% (1598 / 7331)
2016-2017 (Jan)	0	711	833	1544	21.49% (1544 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

In the current performance year 2016/17 (jan) the proportion of violence offences within the NTE zones (both DTE and NTE) represents 3.73% (1544 / 41388) of the whole Hampshire Constabulary 'Total Violence'

Comparison of violence within Portsmouth District NTE zones (NTE violence only)

NTE Zones (Portsmouth) NTE violence only	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	507	412	919	18.93% (919 / 4855)
2015-2016	0	655	478	1133	15.45% (1133 / 7331)
2016-2017 (Jan)	0	564	485	1047	14.57% (1047 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

A further analysis purely on NTE violence (1900 and 0700 hours) shows the actual number of crimes has increased, however, there is a downward trajectory in terms of the NTE having a less disproportionate impact on the 'Total Violence' for the Portsmouth district.,

The general trend following national changes to drive up crime data integrity and recording standards was an increase in all crime types, including violence offences.

A further trend evident just in the figures above show the proportion of NTE violence offences 'with injury' are increasing, as are those 'without injury' are increasing

[2] NTE Zones (Portsmouth district)**Comparison of violence within Guildhall NTE****Guildhall Square**

NTE Zones Location Grouping (violence only)	Count Occ_Ref	Count NTE	NTE %	Count DTE	DTE %	% of district Violence (NTE only)
2014-2015	544	420	77.21%	122	22.43%	8.65% (420 / 4855)
2015-2016	647	499	77.13%	148	22.87%	6.80% (499 / 7331)
2016-17 (Jan)	660	471	71.36%	187	28.33%	6.56% (471 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The NTE for the Guildhall Walk covers the surrounding vicinity, including commercial road and streets where prominent nightclubs and licensed premises are located. This is the principal NTE zone and has the highest footfall, it has a 'Cumulative Impact Policy' in place.

The general trend for the last 3 years shows the proportion of NTE violence offences occurring in this zone from 1900 to 0700 hours has reduced, likewise it represents a reducing proportion (currently at 6.56%) of the 'Total Violence' for the Portsmouth district

The actual occurrence count reference spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards

Comparison of NTE violence only within Guildhall NTE

Guildhall Square (incl Commercial Rd) NTE violence only	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	232	188	420	8.65% (420 / 4855)
2015-2016	0	295	204	499	6.80% (499 / 7331)
2016-2017 (Jan)	0	269	204	471	6.56% (471 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

An emerging trend evident is the number of violence offences '*with injury*' are increasing in this zone, as are those '*without injury*'. This suggests that although the proportion of violence offences are reducing, the severity of the **violence is increasing**

Comparison of other NTE zones within Portsmouth District

Central Southsea (Albert Road NTE) <i>NTE violence only</i>	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	68	79	147	3.01% (147 / 4855)
2015-2016	0	75	73	148	2.01% (148 / 7331)
2016-2017 (Jan)	0	84	83	167	2.32% (167 / 7184)
Gunwharf <i>NTE violence only</i>	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	75	37	112	2.30% (112 / 4855)
2015-2016	0	141	70	211	2.88% (211 / 7331)
2016-2017 (Jan)	0	68	55	123	1.71% (123 / 7184)
North End / London Road <i>NTE & residential violence</i>	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	73	56	129	2.66% (129 / 4855)
2015-2016	0	72	79	151	2.06% (151 / 7331)
2016-2017 (Jan)	0	89	83	172	2.39% (172 / 7184)
Portsmouth South (Palmerston Road NTE) <i>NTE violence only</i>	Homicide	Violence (with injury)	Violence (w/out injury)	Total Violence	% of Portsmouth District 'Total Violence'
2014-2015	0	58	51	109	2.25% (109 / 4855)
2015-2016	0	71	49	120	1.64% (120 / 7331)
2016-2017 (Jan)	0	54	60	114	1.59% (114 / 7184)

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

The data for the last 3 years shows all the NTE zones have shown a slight increase in number of violence offences, this increase is mirrored for all relating to violence '*without injury*' offences.

Conversely, despite this numerical increase, there is a universal downward trend in the proportion as measured against 'Total Violence' for the Portsmouth district.

The number of more serious violence 'with injury' offences has increased in Albert Road and North End, the latter is not an NTE zone and its figures cover NTE and other residential location violence offences.

The NTE zones of Gunwharf and Palmerston Road (and surrounding areas) have shown a slight decrease in this classification of offences

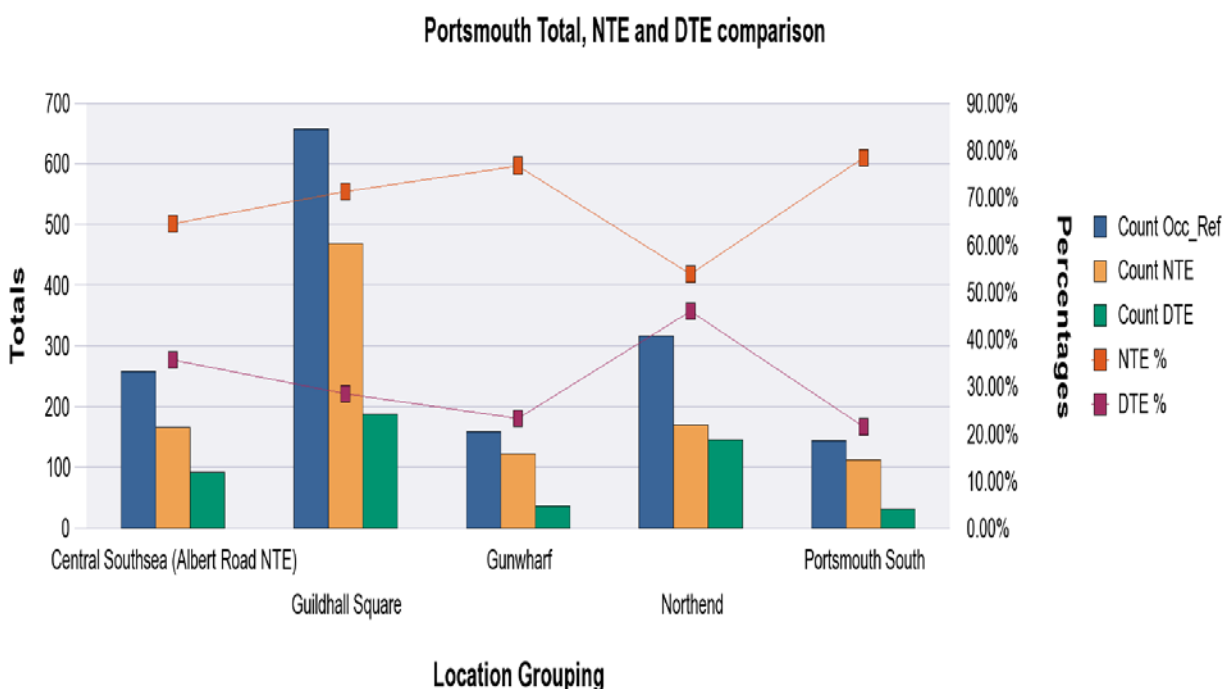
The Guildhall Walk NTE zone accounts for more NTE violence offences than the other 3 NTE zones (Albert Road, Palmerston Road and Gunwharf) combined, both in numerical terms and as a proportion of NTE violence in the NTE Zones

The actual occurrence count reference spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards

This proportion and number of DTE crime compared to the NTE have both increased (refer below). The data set measured the times the offence occurred, rather than when it was recorded.

This would tend to support the hypothesis that generally NTE crime levels are falling, rather than DTE crime levels escalating or due to recording anomalies. This is an area to monitor and analyse in greater depth if the trends remain

Comparison of NTE & DTE violence in the Portsmouth District NTE zones 2016/17 (Jan)



Figures and graph from Hampshire Constabulary RMS business objects 01/04/2016-31/01/2017

[3] Temporal trends within the NTE Zones (Portsmouth district)**Temporal comparison of NTE violence only within Portsmouth District (weekends)**

2014-15

NTE	19	20	21	22	23	0	1	2	3	4	5	6	Total
Mon/Tue	5	3	4	4	11	10	9	16	3				65
Tues/Wed	5	2	7	8	3	14	9	8		1	1	1	59
Wed/Thur	7	4	5	8	13	14	18	8	1	2	2		82
Thur/Fri	5	5	5	13	12	17	12	17	6	2	5	1	100
Fri/Sat	4	11	13	18	31	55	55	49	24	19	4		283
Sat/Sun	8	7	11	19	26	55	49	49	23	5	2		254
Sun/Mon	3	4	3	14	8	16	11	6	3	1		2	71
Blank						1							1
Total	37	36	48	84	104	182	163	153	60	30	14	4	915

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2015

2015-16

NTE	19	20	21	22	23	0	1	2	3	4	5	6	Total
Mon/Tue	3	3	5	11	8	15	11	13	5	2		1	77
Tues/Wed	4	6	11	4	8	7	9	13	4		3	1	70
Wed/Thur	9	3	13	3	12	18	16	6		3		4	87
Thur/Fri	7	9	6	17	11	18	22	34	6	6	3		139
Fri/Sat	8	7	9	14	29	52	48	60	52	17	3	3	302
Sat/Sun	10	14	19	29	61	87	53	43	33	9	2		360
Sun/Mon	8	9	7	4	17	24	11	5	1	1	2	2	91
Total	49	51	70	82	146	221	170	174	101	38	13	11	1126

Figures from Hampshire Constabulary RMS business objects 01/04/2015-31/01/2016

2016-17 (Jan)

NTE	19	20	21	22	23	0	1	2	3	4	5	6	Total
Mon/Tue	12	8	13	9	2	12	7	10	5	3	2	4	87
Tues/Wed	6	12	1	8	8	18	8	8	2		2	1	74
Wed/Thur	7	5	4	10	6	11	10	6	9	3	1		72
Thur/Fri	5	11	4	10	10	20	14	20	17	8		2	121
Fri/Sat	4	10	17	13	37	39	47	34	19	7	3	2	232
Sat/Sun	8	12	13	36	36	64	65	41	46	19	2	4	346
Sun/Mon	8	11	12	10	16	19	12	10	2	1	3		104
Blank						2							2
Total	50	69	64	96	115	185	163	129	100	41	13	13	1038

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

2014/15

- 58.69% of NTE Violence data relates to purely Fridays and Saturdays (537/915)
- Friday data (283) represents 30.93% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0500 hours
- Saturday data (254) represents 27.76% of total occurring between 1900 to 0700 hrs, peak times being 2100 to 0400 hours
- Thursday data (100) represents 10.93% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0300 hours
- Wednesday data (82) represents 8.96% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0300 hours (student society day)
- Small peaks on Sunday (2200 to 0200 hours) and Monday (2300 to 0300 hours) were apparent, without further research these are likely to align to student led promotion nights or events

2015/16

- 58.79% of NTE Violence data relates to purely Fridays and Saturdays (662 / 1126)
- Friday data (302) represents 26.82% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0500 hours
- Saturday data (360) represents 31.97% of total occurring between 1900 to 0700 hrs, peak times being 1900 to 0500 hours
- Thursday data (139) represents 12.34% of total occurring between 1900 to 0700 hrs, peak times being 2200 to 0300 hours
- Small peaks on Sunday (2300 to 0200 hours) and Monday (2200 to 0300 hours) were apparent, without further research these are likely to align to student led promotion nights or events

2016/17 (Jan)

- 55.69% of NTE Violence data relates to purely Fridays and Saturdays (578 / 1038).
- Friday data (232) represents 22.35% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0500 hours
- Saturday data (346) represents 33.33% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0500 hours
- Thursday data (121) represents 11.61% of total occurring between 1900 to 0700 hrs, peak times being 2000 to 0400 hours
- Small peaks on Sunday (2000 to 0300 hours) and Monday (1900 to 0300 hours) were apparent, without further research these are likely to align to student led promotion nights or events

Trends

- The NTE violence spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards, this represented a 23% increase from 2014/15 (915 to 1126)

- The NTE violence has slightly reduced in 2016-17, at present it is 7.83% reduction than the previous year (1126 down to 1038). However there are still 2 months of the reporting year that **will** change this aspect
- Comparing the years 2014/15 and just this current incomplete year 2016/17 (Jan) shows a 13.44% increase in NTE violence (915 up to 1038), the greater crime data integrity will have a factor in this increase but the true extent is not easy to determine
- The proportion of NTE violence from Friday and Saturday evenings has reduced slightly in the last reporting year by 3.10%, when measured against whole NTE violence when the previous 2 years it was a constant proportion at 58-59.%
- The trends have remained; Thursday (11.61%) and Sunday (10.02%) are the next busiest nights for NTE violence. There is a vibrant student population in the NTE, this does account for peaks on Sundays, including spikes on Monday nights
- The peak night is Saturday night, the proportion of NTE violence occurring on this night has risen year on year from 27% to 33 % , a concerning trend is that the peak times have widened from 2100 to 0400 hours. This is now 2000 to 0500 hours
- The second busiest night is Friday, however, proportion of NTE violence occurring on this night has reduced year on year from 30% to 22 % , its peak times being 2000 to 0500 hours have remained constant throughout

Comparison of the proportion of NTE violence on weekends

NTE	2014/15 (%) of NTE violence that year)	2014/15 (%) of NTE violence that year)	2014/15 (%) of NTE violence that year)
Thu	10.93%	12.34%	11.61%
Fri	30.93%	26.82%	22.35%
Sat	27.76%	31.97%	33.33%
Yr Total	915	1128	1038
	Variance	(+) 23%	(-) 7.83%

Figures from Hampshire Constabulary RMS business objects 01/04/2014-31/01/2017

[4] Zones, venues & locations (Portsmouth district)

There are a number of premises that recorded more than 10 violence offences linked to their venue incidents in the calendar year, the majority of incidents that occurred between nights of Thursday and Sunday

The scope of this report is not to drill into those key venues, ongoing licensing engagement with those venues is 'business as usual' as part of a partnership approach. Where any venue experiences higher levels of violence or disorder linked to that venue, there is proportionate, graduated escalation with enforcement the ultimate action

Conclusion

The presence of 4 NTE zones, in Portsmouth, places a disproportionate burden on police and partnership resources. This despite there being a downward trend in NTE related violence within Portsmouth since 2008, a trend replicated across Hampshire and Nationally

The main body of this report demonstrates that the analytical data shows the peak impact times for demand on the Night Time Economy of Portsmouth, the statistics clearly show that there are definite peaks in crime at these times linked to the licensed venues operating in the city centre beyond midnight and also linked to NTE zones

The actual violent crime occurrence count spiked in 2015-16, as previously mentioned this was in line with more rigorous national crime recording standards. This was evident in Hampshire and across all forces nationally. This current year has witnessed a recalibration, the enhanced crime reporting standards are becoming embedded. Accordingly any comparison of the last 3 years violence performance data must account for these factors

The final key point is that the geography of Portsmouth is densely populated within a 2 square mile area. The ease of mobility (whether on foot or vehicle) occasionally makes it difficult to discern whether alcohol related violence or disorder, on any given road or street, is directly attributable to a NTE zone let alone individual venues. Notwithstanding improving standards of crime recording, the existing crime data methods and technology need to be assessed against these constraints

[A] Existing CIP area Guildhall Walk NTE (and surrounding vicinity)

The NTE continues to draw Police resources into the city centre (Guildhall Walk NTE and surrounding vicinity) to deal with violence and alcohol related disorder, this is evidenced within the geographical, temporal and location trends.

These show that Portsmouth Guildhall Walk NTE (and surrounding vicinity) has the highest 'total violence' levels. The Portsmouth Central sector contains this NTE and Gunwharf NTE zone, consequently it suffers 'total violence' levels in excess of other sectors within the Portsmouth district

The Portsmouth South sector contains the NTE zones of Albert Road and Palmerston Road so also experiences relative increased levels of 'total violence', **in direct contrast** to the Portsmouth North sector which has no discernible NTE zones so benefits from lower levels of 'total violence'

While the NTE continues to exist, there will remain a need for police to resource the crime and disorder that results, the introduction of a cumulative impact policy has clearly helped to sustain the existing partnership resources that underpin the NTE infrastructure.

The venues within the Guildhall Walk NTE have clearly worked in unison with this partnership approach. They have raised their compliance with the licensing objectives, the influence and benefits of the CIP zone is a significant, contributory factor to this success

The retention of the existing CIP will sustain improved standards of compliance and encourage best practice, in the last 12 months there have been occasions where the police have objected to applications for later hours.

The merits of each application have to be judged, however, the determination to grant later hours did not support the Portsmouth City Council own CIP policy. The extent of these determinations on NTE related violence and disorder levels will need to be monitored accordingly

The headline trends from this report for Guildhall Walk NTE in the last 3 years show;

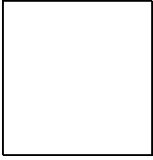
- The number of violence offences (purely NTE violence) has **increased** year on year
- The proportion of violence (purely NTE violence) compared against the whole Portsmouth district 'total violence' is **down** year on year
- The number of violence offences 'with injury' (purely NTE violence) has **increased** year on year
- The number of violence offences 'without injury' (purely NTE violence) has **increased** year on year
- The proportion of violence (both DTE and NTE) compared against the whole Portsmouth district is **down** year on year
- The number of violence offences (both DTE and NTE) has **increased** year on year
- Saturday remains the peak evening, the proportion of NTE violence that occurs on this day has increased year on year compared to other nights
- Friday remains the second busiest evening, the proportion of NTE violence that occurs on this day has actually decreased year on year (*the decrease appears to correlate to same amounts as the increase to Saturday's proportion of NTE violence*)
- The proportion of Guildhall Walk NTE violence on Thursday, Friday and Saturday nights across all NTE zones accounts for 67-70% of all the NTE violence occurring within 1900 to 0700 hours
- The Guildhall Walk NTE zone accounts for more NTE violence offences than the other 3 NTE zones (Albert Road, Palmerston Road and Gunwharf) combined, both in numerical terms and as a proportion of NTE violence in the NTE Zones

Recommend: This is persuasive argument to justify the existing CIP areas being maintained

[2] Other NTE Zones

The body of this report demonstrates that the impact of the other NTE zones within the Portsmouth district in terms of NTE violence is not as disproportionate as Guildhall NTE, this strengthens the persuasive argument to maintain the existing CIP in that zone

There are natural levels of displacement based around the diversity of venues and NTE zones across the whole Portsmouth district. The benefits of a vibrant, Multiple, smaller and widespread NTE zones should be encouraged



The proportion of NTE violence on Thursday, Friday and Saturday nights across all NTE zones accounts for 67-70% of all the NTE violence occurring within 1900 to 0700 hours

Recommend: This is persuasive argument to justify retaining the existing CIP

This will support wider strategic objectives to encourage a safe, vibrant, diverse and financially successful DTE and NTE across the whole Portsmouth district.

This will benefit those living, working and visiting the city

Submitted for your consideration



Dated 03/02/2017

Inspector 2841 Justin Roberts,

Force Licensing & Alcohol Harm Reduction Team, Hampshire Constabulary

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Appendix C

Premises Licence Application

Trafalgar House 16 Edinburgh Road.

Representation from Environmental Health Portsmouth City Council

Presenting Officer: Richard Maidment (Environmental Protection Officer)

As a responsible authority I wish to make representations regarding this application on the basis of prevention of public nuisance primarily due to the following operations.

- Noise nuisance from amplified live and recorded music
- Noise nuisance from patrons loitering outside the premises
- Noise nuisance from deliveries and servicing the premises
- Light nuisance from any proposed external lighting

The submitted operating schedule proposes performances of live and recorded amplified music until 03:00hrs seven days a week.

The venue is located within Spring Street, which is a cul de sac, effectively screened from any road traffic noise, consequently night time ambient noise levels are otherwise very low.

The premises are also directly opposite Aggie Weston House, which is a 6 storey block of social housing with windows serving 6 flats within a plan distance of 8 metres from the main entrance to the venue. (See IMAGE 1 below).



The front façade of the venue is 75% glazed, which is a potential weak point in the structure in terms of sound insulation, particularly where low frequency bass music is concerned and measurements carried out by our officers have revealed typical music noise levels within similar venues in the city to be in the range of 96 - 102dB(A) with significant bass content in excess of 100dB.

The venue will also share a separating floor with student accommodation, which will result in 12 bedrooms being located directly above and structurally attached to the trading area. (see IMAGE 2 below).



Section 27.20 of the licensing policy states that where an application is made in relation to premises where residential or other noise sensitive premises are structurally attached, the Licensing Authority will expect the applicant to demonstrate that all reasonable steps have been taken to ensure that adequate protection against noise nuisance can be achieved.

It also states in section 27.22 that applicants should identify and assess the potential risks of public nuisance and set out measures they intend to take to minimise the risk to an acceptable level.

However the submitted operating schedule for the prevention of public nuisance has been left blank indicating that no risks of public nuisance have been identified and no mitigation measures are necessary.

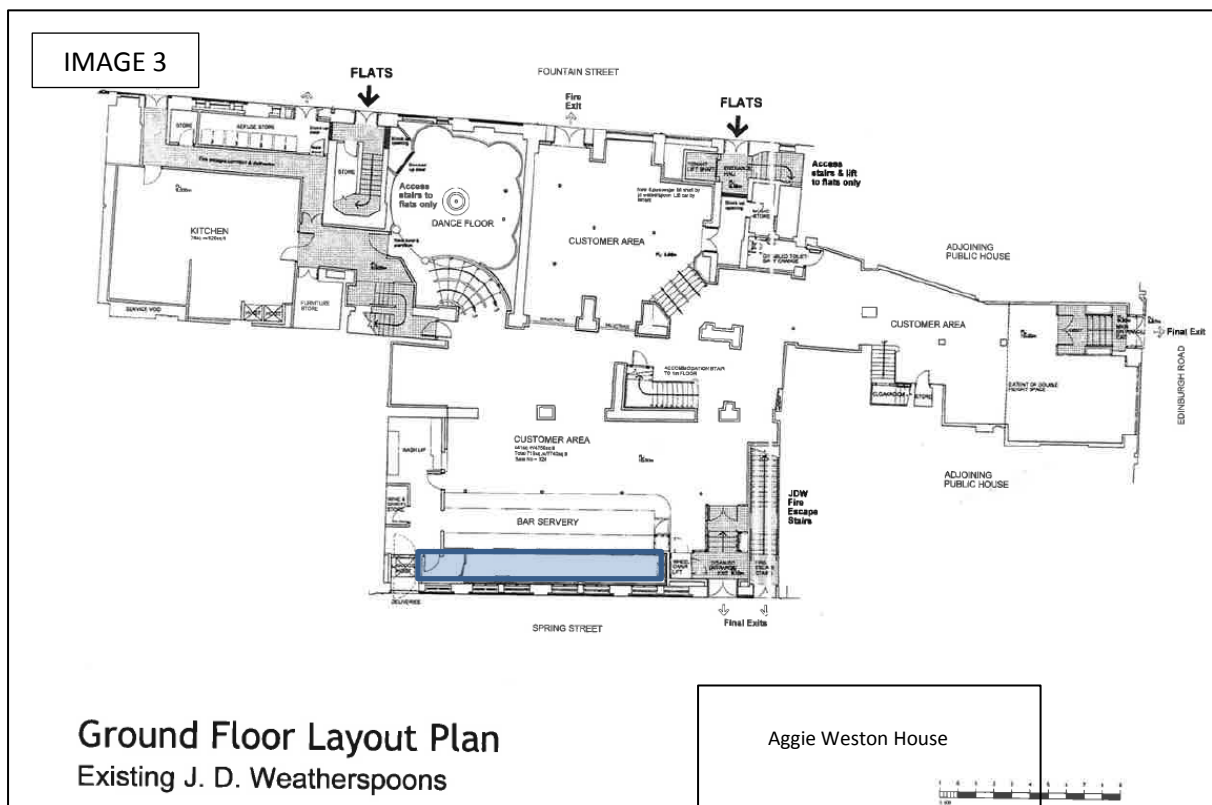
Owing to the proximity of residential dwellings and the presence of bedrooms directly above the venue we consider this to be a high risk location and the building is likely to require substantial improvements to the sound insulation both to the facade and the separating floor in order to contain the music noise levels generally associated with such venues.

Additionally as there is no designated smoking area there are potential issues with disturbance due to customers loitering outside the premises directly below bedroom windows and the rowdy behaviour of persons entering and leaving the premises until 03:00hrs. Whilst improvements can be made to the sound insulation of the structure to contain internal noise it is difficult to manage individual's behaviour outside the premises other than by reducing the amount of time they are likely to spend outside the building.

The loading area servicing the premises is also located within Spring Street. Owing to the proximity of residential properties there could be issues due to noise associated with

deliveries and waste collections and it is suggested that the times of these activities be restricted by way of condition.

The premises were previously operated by JD Wetherspoons and I can confirm we had no complaints regarding their operation. However the main entrance to the premises was then located on Edinburgh Road not Spring Street and the internal layout of the building was such that the windows on the Spring Street façade were separated from the trading area by a store room behind the servery therefore providing a buffer zone for effective sound insulation (see highlighted area in IMAGE 3 below).



Consequently I would respectfully recommend that:

- a) There should be no performances of regulated entertainment other than those allowed as a right under The Live Music Act 2012.
- b) The venue should close at midnight.
- c) The following conditions be applied to the licence:
 - 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.
 - No glasses, bottles or drinking receptacles of any kind shall be taken outside of the premises.
 - Bottle bins shall not be emptied outside the premises between the hours of 21:00 and 07:00.

- Any external floodlight fittings shall be angled below the horizontal plane or provided with shields to ensure there is no spillage of light or visible glare to residents beyond the boundary of the licensed premises.
- Deliveries and waste collections for the premises shall only take place between 07:00 - 21:00hrs.

Licensing Sub-Committee
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: [REDACTED]

Our Ref: 17/02466/LAPREM

Date: 4 May 2017

Dear Licensing Sub-Committee Members

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

I refer to the recent application by Nudles Portsmouth Ltd for the grant of a premises licence in respect of the premises to be known as Study and Nudles, situated at Trafalgar House, 16 Edinburgh Road, Portsmouth, PO1 1RL.

On behalf of the Licensing Authority I would wish to make formal representations in respect of this application on the following grounds:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

This representation has been made on the basis that the applicant has failed to adequately demonstrate that the grant of a premises licence will not have a negative cumulative impact on the promotion of the licensing objectives.

As members will be aware, the Licensing Authority has adopted a special policy in relation to cumulative impact and these premises are located within that specific area. As the Statutory Guidance issued by the Home Office under section 182 of the Licensing Act 2003 states; ***the effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations.***

I have given careful consideration to the circumstances of this particular application on behalf of the Licensing Authority, and, specifically whether there is any justification for departure from the special policy presumption in this case.

Continued/.....

I have also had regard to the observations submitted by the Chief Officer of Police, Director of Public Health and Head of Environmental Health who have also made representations in respect of this particular application and share the concerns that they have individually raised.

I also have taken into account that, despite the premises being located in the cumulative impact policy area, the applicant has made no reference to this policy in the application (including the operating schedule) and has provided no information to demonstrate how the grant of the application will not add to the existing cumulative impact in this area.

Whilst I have reviewed the measures that the applicant has put forward as part of the operating schedule, I am not satisfied that the proposals are sufficient to negate any cumulative impact. In fact there are a number of matters that give rise to concerns in relation to this application which I have highlighted below:

1. Lack of experience of applicant and designated premises supervisor

I have concerns that the applicant and the designated premises supervisor have little or no experience of operating and managing licensed premises, particularly a late night venue located within a cumulative impact area.

The applicant - Nudles Portsmouth Ltd was incorporated as a company only as recently as 25 November 2016. Both Directors of the company, namely Mr Grant Murphy and Mr Mark Way do not appear to have had previous experience of operating and managing a licensed premises in Portsmouth.

Additionally, Mr Way, as proposed designated premises supervisor, only obtained a personal licence to authorise the sale of alcohol on 27 April 2017.

It is the view of the licensing authority that such a lack of experience combined with proposing to run a late night licensed premises in a cumulative impact area could have a significant detrimental effect upon the promotion of the licensing objectives.

2. Lack of clarity in terms of proposed use of premises

At meetings held with the applicant, police and licensing authority staff it appears that the applicants have no established business plan at this time for how the premises are intended to operate. This lack of clarity combined with the applicants lack of experience and no reference to how this application will not have a negative impact on the licensing objectives highlights concerns that this approach will have a detrimental effect and will add to the existing cumulative impact in the area.

Continued/.....

3. Lack of sufficient proposed controls in relation to supervision of premises

It is proposed that **all** areas of the premises will be licensed for the sale of alcohol until 02:00 hours and the provision of regulated entertainment and late night refreshment until 03:00 hours every day (subject to seasonal variations on New Year's Eve and the end of British Summer Time).

However, the proposed operating schedule identifies that despite approval being sought for the whole premises for the sale of alcohol on and off the premises the use of licensed SIA staff is reserved to the area identified as "The Study" and this is only limited to Fridays and Saturdays or on any other day when there is a DJ lead event.

I have concerns that the application seeks to licence the area identified as "Nudles" for the sale of alcohol, provision of regulated entertainment and late night refreshment until 03:00 hours every day but with insufficient supervision proposed within the operating schedule compared to other areas of the premises.

4. Potential for public nuisance in nearby residential accommodation

Given the location of the premises and its close proximity to residential accommodation, both above and directly adjacent, I have concerns that the applicant has made no reference whatsoever as to what measures will be taken for the prevention of public nuisance. There is a real risk that because of the nature of the entertainment requested and the proposed terminal hour, these activities will give rise to public nuisance.

5. Insufficient detail on submitted plans

The plans submitted as part of the application appear to have been drawn up for building regulation purposes and not for the purposes of this licensing application. As a result, any detail in relation to any fixed structures (including furniture) or similar objects, stages or raised areas, location and type of any fire safety and any other safety equipment and indeed the location of bars are not present on these plans and therefore are not compliant with the premises licence regulations.

In particular, the basement area which has been identified in discussions between the Police and Licensing Authority to form part of the licensed premises, is showing on the submitted plans as a cellar storage area. This is wholly unsatisfactory as responsible authorities have not had the opportunity to review the proposals having regard to the intended layout of the premises and make comment if necessary. This reinforces the concerns that there is currently a lack of clarity in terms of the applicants intentions with regard to the use of the premises.

Continued/.....

In summary, I do not consider that the applicant has satisfactorily demonstrated in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives and that they have not given sufficient consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

Therefore, having regard to the representations submitted by other responsible authorities and the concerns raised above, I would strongly recommend that the Licensing Sub-Committee refuse this application.

Yours sincerely



Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk

Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

13 April 2017

Public Health

Portsmouth City Council,
Civic Offices
Floor 2 Core ¾
PO1 2AL

Phone: [REDACTED]

Ref: Nudles/The Study/Trafalgar

Dear Licensing Committee

Re: Representation against the granting of a premises licence for Nudles/The Study/Trafalgar 16 Edinburgh Road, Trafalgar House PO1 1RL

This representation is made on behalf of the Director for Public Health for Portsmouth and concerns the licensing objectives

- Prevention of Crime and Disorder
- Public Safety
- Prevention of a public nuisance

It also concerns the cumulative impact zone (CIZ) in the City Centre where the applicant proposes to open these new licensed premises.

The application for the licence suffers from what I believe to be a confused identity; in essence the venue is divided into two different units, one a restaurant and the other a bar - however the hours and conditions stated in the application are for one coverall licence.

The applicant requests provision for live music, recorded music, performance of dance, late night refreshment and even adult entertainment - despite not necessarily planning for this use.

My concern is that if granted this 'confused' licence would impact on the licensing objectives and the CIZ, it would also potentially be open to exploitation in the future or by a different operator after a transfer.

The applicant offers a raft of conditions but nothing more than we would expect from a new licence application in any other part of the night time economy. As it stands the application gives no mention to the CIZ and offers no extra measures to mitigate the impact it will have in the area.

Impact in CIZ

As previously mentioned the licence is confused in its nature, it essentially will have the capability to:

- Make off sales of alcohol until 2am - There is no off-licence in the CIZ that can vend to this time, allowing this new business the ability to make these sales could draw people into or back into the CIZ and has the potential to fuel nuisance and disorder in the area. There is also added potential for 'Drunk Sales' or violent incidents if and when people are refused service
- Provide a take away service for hot food and drink until 3am - This will draw people to the venue from the surrounding areas (all within the CIZ) and has the potential to fuel nuisance and disorder in the area. A nearby premises that provides late night refreshment was the scene of six violent incidents in three months late last year, these incidents and a lack of engagement led to a revocation by the Police Licensing Unit
- Run as a two room club rather than a separate bar and eatery - Whilst the applicant claims there will be no access between the venues I find this difficult to accept especially if the application is for one licence. The venue will be divided into three 'distinct' areas according to the applicant; however none of these areas will have a designated smoking area so there will potentially be three public highway obstructions and the need to marshal these areas to prevent nuisance and disorder.
- Stay open till 3am - The previous premises was managed by JD Weatherspoon's and had a licence till 3am, however this terminal hour was only used briefly when the licence was granted and after the company identified that these hours were tempestuous and volatile they unofficially reduced them down to 2am and eventually 1am towards the end of trading. A new operator cannot be relied upon to do the same.
- Impact on existing services - At present the Portsmouth Clinical Commissioning Group (CCG) fund 'Safe Space' Safe Space is currently delivered by South Central Ambulance Service (SCAS) and is located within the Guildhall walk area near to the City Centre. The service is open from 10pm to 3am Friday and Saturday nights and other key dates in the calendar year including New Year's Eve. Safe Space acts as a hub for multi-agency services to use and provides a one stop shop in the City Centre to support vulnerable people and deflect any minor injuries away from the ambulance service, unnecessary attendances at the A&E department and subsequent admissions. Safe Space is staffed by three paid staff.

In 2015 a total of 473 people were seen by Safe Space, this number grew to 494 in 2016 and In the first quarter of 2017 (Jan - Mar) Safe Space treated 106 people for a wide range of injuries or conditions. It is worth noting that these people were seen over only 23 dates in the three month period - on average 5 people a session.

The most common complaint or reason for attendance was 'Injury' (38) and the second most common 'In Drink' (31). It is worth noting that attendance is going up whilst the number of licensed premises goes down, the addition of new licensed premises of this size can only add to the demand for and number of attendees.

Conclusion & Recommendation

The CIZ that covers the Guildhall Walk and surrounding roads was put in place to prevent the area from creating further impact on emergency services and those living and working in and around the area. Whilst the number of licensed premises in the area of the CIZ has decreased from 20 to 12, the number of incidents attributed to the area has decreased disproportionately alongside it. Levels of crime and disorder in the area are still unacceptably high and compared to the day time economy in the area incredibly disproportionate. According to Police figures the Guildhall Walk NTE zone accounts for more NTE violence offences than the other three NTE zones (Albert Road, Palmerston Road and Gunwharf) combined, both in numerical terms and as a proportion of NTE violence in the NTE Zones.

It is with this in mind that I would ask the committee to consider the following

- Rejecting the application out right as the applicant has failed to mention the CIZ in their application and failed to show how they would prevent an impact on the licensing objectives
- Rejecting the application in its current format due to its confused nature and asking the applicant to think again about the way three businesses will operate under one licence without creating cumulative impact in the CIZ
- Grant the licence but limit the activities and licensable hours to 1am initially, letting the venue prove that its operation will not exasperate the condition in the CIZ further.

Portsmouth's current Statement of Licensing Policy (SLP) makes the following statement regarding new applications in the CIZ

13.6 The Licensing Authority, therefore, will normally refuse the grant of new premises licences or club premises certificates or variations whenever it receives relevant representations about the cumulative impact on the licensing objectives which it concludes after hearing those representations should lead to refusal.

I believe that this representation is relevant and the potential for cumulative impact on one or more of the licensing objectives is apparent with the licence in its current incarnation, therefore I leave the decision firmly in the hands of the committee.

Yours sincerely

Rob Anderson-Weaver (Public Health) PCC

**On behalf of Dr Jason Horsley
(Joint Director of Public Health for Portsmouth & Southampton City Councils)**

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Stone, Derek

From: Christie, Gary
Sent: 04 May 2017 17:04
To: Robson, Debra
Cc: McAteer, Niall; Ormella, Ruth
Subject: RE: Application for premises licence - Trafalgar House, Edinburgh Road

Good Afternoon Debra

In regards to the proposed variation of license application, the Local Planning Authority would wish to raise an objection in principle.

The site was previously occupied by a larger premises (Wetherspoons) which was granted planning permission for a public house/restaurant in 2001 (A*11811/AB). In 2006 the opening hours were varied by application A*11811/AL. The resultant planning condition relating to operating hours read as follows:

'The premises shall be closed and vacated by members of the public outside the hours of-

- *7am to 2:30am (the following day) 7 days a week*
- *7am to 3am (the following day) on Maundy Thursday (Easter) and Sundays preceding bank holiday Monday;*
- *7am to 3:30am (the following day) on Burns Night (25th January), Australia Day (26 January), St Davids Day (1 March), St Patricks Day (17 March), St Georges Day (23 April) and St Andrews Day (30 November), Christmas Eve (24 December), Boxing Day (26 December) and New Years Eve (31 December)'*

Since this decision, part of the upper floors of the building have been converted to form a student halls of residence (83 study bedrooms - 15/01240/FUL). A current planning application seeks to reduce the remaining public house/restaurant to form a smaller public house, a separate restaurant with the remaining areas becoming further student accommodation (circa:65 study units) (16/02097/FUL). This application is currently under consideration and no final decision has been made on the recommendation or any likely planning conditions which would include restrictions to the operating hours of the public house and restaurant.

However, since the original application for the public house (2001) and the subsequent variation to the opening times detailed above (2006) were approved, there have been a number of material changes at the application site and the adjoining properties. This would include:

- The introduction of residential accommodation in the form of a Student Halls of Residence within the same building at upper floors, and now proposed above and adjacent by planning application 16/02097/FUL;
- The introduction/intensification of residential uses immediately to the west of Spring Street;
- The removal of an internal storage area along the western elevation of the public house which would have previously provided some noise attenuation. The proposed layout of the public house with single glazed windows along its western elevation and its main entrance directly onto Spring Street (previously to Edinburgh Road) would greatly increase opportunities for noise and disturbance through general noise/music etc. escaping the building, from increased coming and goings on Spring Street and the likely inclusion of external smoking areas on Spring Street.

Therefore, the Local Planning Authority is of the view that whilst the previous planning conditions would have been reasonable when imposed, the material changes in circumstance detailed above will require the imposition of amended operating hours to address concerns in respect of noise and disturbance. Whilst the precise hours of operation have not been formally agreed as part of the current planning application in consultation with the City Council's Environmental Health Team, I would suggest that these would be reduced from that previously imposed.

For the reasons outlined, the LPA would wish to raise an objection in principle to this application based on the potential impact on the amenity of adjoining occupiers. Should you have any questions, please feel free to contact myself or Niall.

Regards

Gary Christie
Senior Planning Officer

Directorate of Culture and City Development
City Development - Development Management
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth, PO1 2AU

From: McAteer, Niall
Sent: 04 May 2017 12:50
To: Christie, Gary
Subject: RE: Application for premises licence - Trafalgar House, Edinburgh Road

Good Afternoon Debra

In regards to the proposed variation of license application, the Planning Department would wish to raise an objection in principle to this application.

There is currently a live application being considered by Gary Christie under planning application reference: 16/02097/FUL. Whilst the pub had previously been restricted (by planning condition) to allow opening hours until 02:30am, circumstances have changed quite considerably in the area with a number of residential units now located in close proximity to the site.

Please do not hesitate to contact me should you wish to discuss this further.

Kind regards

Niall

Niall Mc Ateer
Planning Officer (Development Management)
Directorate of Culture and City Development
City Development - Development Management
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth PO1 2AU

[REDACTED]

From: Planning CHD Referrals (CPL)
Sent: 07 April 2017 12:47
To: McAteer, Niall
Subject: FW: Application for premises licence - Trafalgar House, Edinburgh Road

Hi Niall

Sorry, another licencing request.

I would suggest speaking to Gary about this one.

Kind regards

Phil Shuker
Planning Officer (Development Monitoring)

Directorate of Culture and City Development
City Development - Development Management
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AU

[REDACTED]

From: Robson, Debra
Sent: 07 April 2017 11:19
To: Anderson-Weaver, Robert; Greaves, Tracey; Rackham, Pete; Jackie Cherry
[REDACTED]; Walker, Emma; Turner, Mark; Fire Officer
[REDACTED]; Planning CHD Referrals (CPL);
Community Safety; Public Protection; Safeguarding Children Notifications; Trading Standards
Cc: Ellam, Jason
Subject: Application for premises licence - Trafalgar House, Edinburgh Road

Dear all

Please find attached application for premises licence for the above premises.

Reps by 4 May 2017.

Jason can you check the notice uniform ref: 17/02466/LAPREM

Thanks.

Debbie Robson
Senior Licensing Officer
Directorate of Culture and City Development
Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth

PO1 2AL



Stone, Derek

From: Wallsgrove, Jon [REDACTED]
Sent: 31 May 2017 15:28
To: Stone, Derek
Subject: Study and Nudles

Dear Derek,

Further to the application for a new premises licence I am instructed to amend the application to address the principle concerns raised in the letters of representation. I also provide some additional comments which I hope people will find useful.

1. Remove "off sales" entirely from the application i.e. the sale of alcohol will only be permitted for consumption on the premises.
2. No alcohol will be sold from Nudles nor regulated entertainment permitted i.e. the only licensable activity in Nudles will be late night refreshment.
3. Revise the times for all licensable activities in both The Study and Nudles to 2am all week with the premises closing at 2.30am.
4. One SIA door person in Nudles each day from 11pm until close.

In relation to the provision of security, in addition to the conditions offered for SIA security in both The Study and Nudles, there is also a 24 hour security guard on duty who has responsibility for the whole building. The security guards office "on site" (which is at the rear of Nudles) has access to the CCTV images for both The Study and Nudles. They will be in radio contact with the SIA security personnel working within the licensed premises. The premises has CCTV coverage of the entire public space. This is a significant security premises as I do not believe any other licensed premise in Portsmouth has someone monitoring the CCTV images whilst their licensed premises are open.

Addressing the experience of the DPS I am able to confirm that Mark Way is one of the owners of the business. He took the view, after advice from me, it was better for him to be named as the DPS as not only will he have day to day control but also have the decision making authority as the premises licence holder. He is a co-director of Nudles Portsmouth Limited with Grant Murphy. Mark was involved in the management of a nightclub in Bognor Regis in the early 1990's called Bentleys, which later changed its name to Empire. More recently he ran the Tangiers Pub in Baffins with his wife. He was involved in the management of those premises for over a year. He is a successful businessman in Portsmouth starting his career at the age of 17 in the building trade and shortly thereafter setting up his own plastering company. He has significant experience in training and managing staff. Whilst that experience is in a different industry the skill set is entirely transferable to the licensed trade and so whilst he has not been in the licensed trade for a number of years he is more than capable of being the DPS for these premises.

In addition they have recruited an experienced manager to work at the premises – Nicky Harbridge. She has nearly 30 years' experience working in licensed premises in Hampshire. She has worked as the DPS/manager of The Surrey Arms Portsmouth for the last 3 years but has also worked at Wetherspoons, The Castle Tavern Somers Road, Red Lion Horndean and the Centurian and Woodpecker, both in Waterlooville.

I can confirm that there is no access for members of the public between Nudles and the Study, they are entirely separate buildings with separate access. The connection between the two parts of the premises is for staff only. As the Study and Nudles is operated by the same company, the venues are both within the same building and the utility bills cover the whole premises, it was considered appropriate to only have one premises licence. There is of course an obvious cost saving in only having one premises licence.

The concept of the premises is therefore not confused. The confusion arises out of a misconception that a licensed premises should be "labelled" as a nightclub, a restaurant, a bar or similar. Nudles will provide Asian cuisine which will have seating for customers to enjoy their food on site, or they can take it away. Given there was an existing premises licence covering the entire premises for late night refreshment and the sale of alcohol for consumption on and off the premises, the application mirrored the licensable activities and hours which were on that licence. The Wetherspoon's licence could and should have been transferred but was in fact surrendered by Wetherspoon's despite an agreement with them that the licence would be transferred following the sale of the property to my clients. Had the licence been transferred the application would have been to vary the premises licence to approve a change to the layout of the premises. The licensed area has decreased by over 75% and the occupancy for that part of the premises it is proposed to sell alcohol from has decreased by circa 50%.

The Study will offer different things at different times of the day and different days of the week in the hope that it will provide a more stable level of customers throughout the trading period. During the day the focus will be on a coffee shop/café style on the ground floor to attract shoppers, students and city workers. The emphasis will very much be on the food offer. My clients have just employed one of Jamie Oliver's chefs as their Head Chef and he is currently refining the menu. The basement of the Study is likely to remain closed during the day at least during the initial few months unless my clients café style business proves so successful that the basement needs to be used to accommodate additional customers. During the day if the basement is open it would operate in the same way as the ground floor. The décor in the basement will be very similar to that on the ground floor providing continuity to ensure that customers do not feel they have entered a different environment.

During the course of the evening the atmosphere in the premises will change. There will still be an emphasis on food on the ground floor but there will be a higher proportion of people who come to the venue to enjoy a drink with friends and listen to the music. On the ground floor the music will only be played at a level whereby customers can still hold a conversation without having to raise their voices. The basement will have DJ events but not on every evening. It may also have live music but that is not intended at the moment. When there is a DJ, then the music in the basement will be louder and there will be a dance floor. The basement will also be available for private hire for functions. So either the entire premises will be operated as an upmarket bar with good food or at weekends and other nights when a DJ is playing the ground floor will be an ideal space to relax and chill out with friends with the basement providing a higher energy level with music and dancing.

My client is creating a more relaxed premises than a nightclub and at the same time a more upmarket environment than other bars in Portsmouth. It is also going to be competing with the likes of Costa Coffee for their trade. There is a very clear vision/strategy but it is not a premises which is a round peg to fit in a round hole which can then be labelled a bar, a restaurant, or a Nightclub.

I can confirm that my client has instructed an acoustic expert who is currently preparing a report which we will serve on the Environmental Health Officer. We are also arranging for the officer to attend the premises in the next week or so to meet my client and their acoustic expert and evaluate the quality of the sound system and the levels at which music will be played.

I am grateful to you for confirming that this email will be passed to the other responsible authorities and would of course be happy to clarify or provide any further information if anyone requires it. Please also include this communication in the agenda papers. I will forward the acoustic report in due course also for inclusion along with some photographs of the venue. The ground floor is entirely complete and if a licence is granted the intention is to open the ground floor straight away. Work continues with Nudles and the basement which is several weeks away from completion.

Kind Regards

Jon

Jon Wallsgrove

Partner

For and on behalf of Blake Morgan LLP

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