



Notification of decisions the Licensing Sub Committee 20 June 2017

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		<p>Licensing Sub-committee Decision Meeting - 20 June</p> <p>The Licensing Sub Committee has made the following decisions:-</p>	<p>Joanne Wildsmith Democratic Services Tel: 9283 4057 Democratic@Portsmouthcc.gov.uk</p> <p>& Derek Stone Principal Licensing Officer Tel: 9268 8462</p>
3		<p>Licensing Act 2003 - Application for grant of a premises licence - South Parade Pier Limited for South parade Pier, South Parade, Southsea PO4 0SW</p> <p>DECISIONS:</p> <p>In the matter of the Licensing Act 2003, in the application for a grant of premises license South Parade Pier, South Parade, Southsea Portsmouth PO4 0SW, the application was granted as amended and subject to conditions imposed by this Committee.</p> <p>The Committee carefully considered the application before it for a grant of a licence and had also considered the representations made in relation to this application, both made orally and in writing. The Committee also heard the comments of the applicant's advocate and the expert from the Responsible Authority, that being Environmental Health at Portsmouth City Council. In addition to the information given to the Committee has included in excess of 150 representations from members of the public.</p> <p>The hearing was required by reason of the objections being received from the Responsible Authority and</p>	

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		<p>members of the public, by reason of objections being received from the Responsible Authority and members of the public, by reason of this fact the discretion of the Licensing Committee is engaged to consider all matters.</p> <p>This hearing was the first hearing of the application, the previous hearing being postponed from 31st May 2017.</p> <p>The Committee had been informed that the original operating schedule had been amended with the applicants now confirming that they would propose a closing time of 02.30 with live music stopping at 23.00 with all other regulated entertainment to stop at 02.00(am).</p> <p>The Committee was able to conclude that having heard and read all matters before them that the principle Licensing Objectives that are in issue pertain to: prevention of public nuisance and the prevention of crime and disorder. There was a disconnect between what was sought by the applicants and what was objected to by the Responsible Authority and the members of the public who have made representations. Evidence had been tendered and examined as to how noise emanating from the premises may be managed in the sense of mitigation. In respect to the issue of noise which of itself is capable of being a public nuisance, the Committee found on a balance of probabilities the following to be established:</p> <ul style="list-style-type: none"> • That the current condition as to noise (as attached*) and agreed will be sufficient to assuage current concerns as to the noise level within the structure and emanating to the adjacent properties. • It was noted that the operators through their expert (his report) accept that the current measures to avoid noise are being reviewed and improved. The condition is the minimum that is sufficient at this point. <p>Having reached to above findings the Committee was satisfied that the current level of mitigation is not such as to ameliorate the risk of noise nuisance emanating from the premise when people exit, as such and whilst balancing the evidence and the statutory guidance it is deemed appropriate to limit the provision of live music throughout the week with</p>	

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		<p>the operators being responsible for maintaining the noise at no higher than the agreed condition as stated later in these reasons.</p> <p>With respect to the remaining elements of the application the Committee noted that there have been no representation from any of the remaining Responsible Authorities and notably the police who as the statutory guidance informs this Committee are an essential source of advice and information. Given the amendment and additional conditions imposed by the Committee they were left to consider what steps have been taken to promote the relevant licensing objectives in the context of all other regulated entertainment as set out upon the applicant's operation schedule.</p> <p>The Committee had read and heard objections from a large number of local residents, all from residents living within the immediate vicinity of the premises, the objections largely pertain to noise and potential anti-social behaviour of a generic description as such in terms of the licensing objectives the two potentially relevant ones are firstly the prevention of public nuisance and secondly crime and disorder. Whilst several of the complaints focussed upon the potential for public nuisance rather than specifically relating to specific incidents linked to the premises or vicinity it is acknowledged that the current operating schedule is extensive. This stated the Committee was able to take comfort from the fact that with respect to any failure on the part of the operators to promote the licensing objective the following can be dealt with:</p> <ul style="list-style-type: none"> • Any Responsible Authority can exercise the right to ask the Committee to review a licence (Section 182 of the Licensing Act 2003) as can any member of the public • Members of the public are able to report matters to the Environmental Health Department at Portsmouth City Council who in addition to being a Responsible Authority have their own statutory regime of measures in existence to deal with noise. <p>In the circumstances the Committee was prepared to grant the application as follows:</p> <ol style="list-style-type: none"> 1. The Licence (Licensable Activities) will not be granted to any areas of the premises save: the chip-shop, restaurant and function room. The committee 	

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		<p>were not persuaded that the other units were such that could reasonably require license given that one is a kiosk, a proposed ice-cream parlour and a convenience shop/newsagents.</p> <p>2. With respect to the Function Room, chip-shop and restaurant the following is granted:</p> <ul style="list-style-type: none"> • Performance of live music from 11.00 to 23.00, with Friday and Saturday from 11.00 to 23.30 • Recorded music from 11.00am to 00.00 hours (midnight) with Friday and Saturday 11.00 to 00.30 hours • The above to be subject to the agreed condition as previously stated as agreed by Portsmouth City Council Environmental Health Officer and the applicant • All other licensing activities to be permissible from 11.00 to 00.30 with Friday and Saturday 11.00am to 01.00am save off-sales which will be 11.00am to 23.30 with Friday and Saturday 11.00am to 00.30 hours. • The premises to be closed by 01.30 hours • There to be a minimum of 3 doors to and from the clearly designated smoking area with respect to the Function Room • No smoking to be permitted to the designated and marked area beyond 00.00 save Friday and Saturday to 00.30 hours <p>The above is based upon having attempted to balance the submissions from all parties and is a genuine attempt to promote the relevant licensing objectives within the area paying due regard to the guidance and facts specific to this case.</p> <p>*Agreed noise condition A volume limiting /sound suppression system shall be installed and used to control music noise levels associated with all performances of amplified live and recorded music on the premises. The trigger threshold of the device shall be calibrated and set to ensure compliance with the following criteria:</p> <ul style="list-style-type: none"> • The LAeq of the entertainment noise should not exceed the representative background noise level LA90 (without entertainment noise) 2 metres from the facade of any noise sensitive premises. • The L10 of the entertainment noise should not exceed the representative background noise level L90 (without entertainment noise) in the 63Hz and 125Hz octave bands 2 metres from the façade of any 	

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		<p>noise sensitive premises.</p> <p>Once calibrated the equipment shall be fitted with seals provided by the Local Authority to prevent tampering. If at any time the seals are broken the Local Authority must be notified immediately and there shall be no amplified entertainment until the seals have been replaced.</p>	