



Decisions by the Licensing Sub Committee

Issued by the Director of Customer and Communication

Friday, 25 August 2017

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	WARD	DECISION	OFFICER CONTACT
		<p>Licensing Sub-committee Decision Meeting - 25 August</p> <p>The Committee has made the following decisions:-</p>	<p>Joanne Wildsmith, Democratic Services Tel: 9283 4057 Joanne.Wildsmith@Portsmouthc.c.gov.uk</p>
3		<p>Licensing Act 2003 - Review Application - Melody, 229-231 Commercial Road, Portsmouth, PO1 4BJ</p> <p>DECISION:</p> <p><u>Decision to revoke premises licence</u></p> <p>The Committee heard the representations of the licence holder, the relevant Responsible Authorities and the advocate acting upon behalf of the licence holder. In addition the Committee members considered all the papers put before them along with the annexes attached to each document.</p> <p>The committee was assisted by an interpreter instructed by the Local Authority to assist the Licence holder to deal with this application.</p> <p>The Responsible Authorities (Police and Licensing) asserted that the licensee has failed in the administration of the licence and failed to promote the licensing objective with particular regard to the licensing objectives of crime and disorder, prevention of public nuisance and public safety.</p> <p>The Committee look to all the Responsible Authorities, but mainly the Police, for guidance and assistance in determining the effect of a licensing</p>	<p>Ross Lee, Licensing Officer Tel: 9283 4830</p>

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		<p>activity in terms of all the licensing objectives, but principally in terms of the Police, prevention of crime and disorder - the Committee should but are not obliged to accept all reasonable and proportionate representations made by the Police.</p> <p>The Committee take a similar view with respect to the representations made by the Licensing Department.</p> <p>The above stated, the Committee balanced within their consideration all representations made by the licence holder through their advocate and by way of comments made by the current licensee via her interpreter.</p> <p>In considering the application for review the Committee was mindful of the following facts as having been established upon a balance of probability and further that they have been specifically taken to the relevant parts of the Statutory Guidance under Section 182 of the Licensing Act 2003.</p> <p>A key function of the Committee is to review the licences that are referred to them by the relevant Responsible Authority(s) and consider through the process each case upon its own facts and merits.</p> <p>The Committee considered the Licence Holder's Human Rights and in particular Article 8 on the issue of a right to a fair hearing and were satisfied that the Licence Holder had and has sufficient support to understand and engage with the process in its totality given that an interpreter was present and that the Licence Holder has sufficient understanding of English to obtain a Personal Licence, coupled with carrying out the function of DPS.</p> <ol style="list-style-type: none"> 1. The Committee was cognisant of a range of incidents occurring in April, May and June 2017, the common theme being material breaches of the current licence with the continued inability of the licence holder to correctly adhere to the closing times set out in the original licence being evident on a number of occasions. The Licensing Committee had seen the evidential train dealing with the warnings provided by the police and was 	

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		<p>entitled to conclude that the assurance of the Licence Holder was either not adhered to or that the management in place at the establishment was lacking to the extent that breaches were not dealt with and the primary conditions of the licence complied with.</p> <p>2. The Committee had seen clear evidence that the existing licensing conditions were not adhered to, particularly with respect to CCTV and training, all of which was offered by the Police and Local Authority.</p> <p>3. The Committee could not see that the current Premises Licence Holder had the appropriate ability or experience necessary to run a licensed premises.</p> <p>4. The Committee was also clear that the above material failings undermine the promotion of the licensing objectives to the extent that they are when viewed individually, or as a range of failings (closure, sales and training conditions), all are capable of being or leading to potential crime and disorder along with a further potentiality to cause public nuisance or raising issues as to maintaining public safety.</p> <p>It is of note that the licence holder had not attended the hearing putting forward a range of conditions (or detailed comments) in an attempt to assuage the Committee, having considered the factual evidence produced by the Police when coupled with additional comments produced by the other Responsible Authority (Licensing), and having reviewed all aspects of the case, on balance and having paid due regard to all the circumstances of the case, the Committee was entitled to revoke the license with immediate effect*</p> <p>The Committee was very concerned about the current business model.</p> <p>It is only through this course of action that the licensing objectives will be maintained.</p>	

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		<p>The Committee state that each application for review shall be considered on merit and with due consideration as to the specific facts of each case being given.</p> <p>The licence holder has the right to appeal this decision.</p> <p>*The decision to revoke will not come into effect for a period of 21 days from the date of the hearing.</p>	