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# NOTICE OF MEETING

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## LICENSING SUB-COMMITTEE

WEDNESDAY, 1 NOVEMBER 2017 AT 9.30AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 023 9283 4060

Email: [jane.didino@portsmouthcc.gov.uk](mailto: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.

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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: Councillors Hannah Hockaday, Paul Godier and Steve Hastings  
The reserve member is Councillor Steve Pitt.

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(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](http://www.portsmouth.gov.uk)

**Licensing Sub Committee meetings are digitally recorded.**

### **A G E N D A**

- 1 **Appointment of Chair.**
- 2 **Declarations of Interest.**
- 3 **Licensing Act 2003 - Application for grant of a premises licence - Croxtons Kitchen And Tap House, 94-96 Palmerston Road, Southsea PO5 3PT. (Pages 3 - 34)**

Purpose.

The purpose of this report is for the committee to consider an application for the grant of a new premises licence pursuant to section 18 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following

receipt of relevant representations from a responsible authority Environmental Health and one local resident. Further detail about the representations received are shown at paragraph 4 of the report.

**The committee is asked to determine this application.**

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 1<sup>st</sup> NOVEMBER 2017

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: Derek Stone

**Licensing Act 2003 - Application for grant of a premises licence - Croxtons Kitchen And Tap House, 94-96 Palmerston Road, Southsea, PO5 3PT**

## 1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the grant of a new premises licence pursuant to section 18 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of a relevant representation from a responsible authority namely Environmental Health. Further detail about the representation received is shown at paragraph 4 below.

## 2. THE APPLICATION AND PROPOSED OPERATING SCHEDULE

The premises licence application has been submitted on behalf of Troika Trading Limited and relates to premises known as Croxtons Kitchen And Tap House and situated at 94-96 Palmerston Road, Southsea, PO5 3PT.

The following licensable activities have been requested:

<b>Proposed Licensable Activity</b>	<b>Days and Times of Operation</b>
Sale by retail of alcohol	Sunday 12:00 until 23:00 Monday to Thursday 12:00 until 23:30 Friday and Saturday 12:00 until 00:00
Playing of recorded music	Sunday 09:00 until 23:00 Monday to Thursday 09:00 until 23:30 Friday and Saturday 09:00 until 00:00
Late night refreshment	Monday to Thursday 23:00 until 23:30 Friday and Saturday 23:00 until 00:00

With the hours of opening and closing being:

<b>Days of the Week</b>	<b>Open</b>	<b>Close</b>
Sunday	09:00	23:00
Friday and Saturday	09:00	00:00
Monday to Thursday	09:00	23:30

The applicant has detailed in the operating schedule the steps intended to support and promote the licensing objectives. These can be found in the redacted application form attached as **appendix A**.

A plan of the premises is attached as **appendix B**.

The updated statutory guidance<sup>1</sup> gives general advice about the steps to promote the licensing objectives as follows:

**Paragraph 8.39** *"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:*

*the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate; any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."*

**Paragraph 8.40** *"Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."*

**Paragraph 8.41** *"It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."*

**Paragraph 8.44** *"Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."*

### 3. BACKGROUND INFORMATION

The provisions relating to the grant of a premises licence are contained within part 3 of the Licensing Act 2003 and associated statutory regulations.

Public notice has been given by way of press notice, a premises notice and local ward councillors have been notified of the application. There are no germane grounds for the committee to reject the application for non-compliance with the prescribed advertising requirements.

94-96 Palmerston Road is currently a convenience store housing the post office that will shortly be re-located. Located in the middle of the existing shop front is a cash machine which will be removed as part of this new business venture.

Croxtons Kitchen and Tap House is a new business created by three friends Lee Carter, Simon Gardiner and Paul Clilverd all of whom live in close proximity to the premises. Paul Clilverd will be the Designated Premises Supervisor and he has over 9 years experience working in bars and licensed venues several in Palmerston Road area. The venue will be a bar/restaurant

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<sup>1</sup> Revised Statutory Guidance April 2017

catering for vegan and gluten free dietary requirements with approximately 60 covers. There will be no live music only background recorded music. The Bi-fold doors that will be fitted to the front elevation will be closed no later than 21:00 each evening.

#### 4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

Relevant representation has been received from Michael Thorne PCC Environmental Health Officer who has concerns regarding noise, both internally and externally and the potential for public nuisance from customers outside the venue.

The statutory guidance states:

***Paragraph 9.11** "Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so."*

***Paragraph 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 representations can withstand the scrutiny to which they would be subject at a hearing."*

Copies of the redacted representations received are attached as **appendix C**.

#### 5. POLICY AND STATUTORY CONSIDERATIONS

When determining the application, 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;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this

become necessary);

- The current statutory guidance<sup>2</sup> 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 4.7 and 4.8 which are reproduced below:

**4.7** *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.*

**4.8** *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 7.5 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 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:

**Paragraph 9.37** *"As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation."*

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<sup>2</sup> Revised statutory guidance April 2017

**Paragraph 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 representations made by the applicant or premises user as the case may be."*

**Paragraph 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."*

**Paragraph 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. While 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."*

**Paragraph 10.8** *"The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."*

**Paragraph 10.9** *"It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."*

Members are reminded about the review provisions contained in chapter 11 of the guidance and, in particular:

**Paragraph 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."*



**Paragraph 11.2** *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any 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."*

### **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.

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

**Paragraph 13.10** *"It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."*

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

## **6. APPEALS**

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:

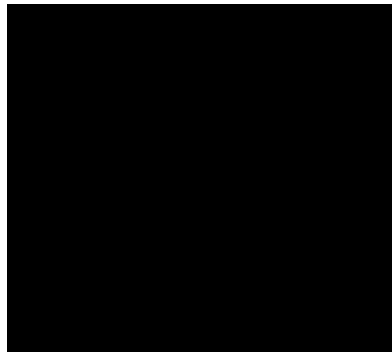
- a) that the licence ought not to have been granted, or
- b) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded activities and/or the premises supervisor,

He may appeal against the decision.

## **7. APPENDICES**

- A.** Copy of the redacted application for the grant of a premises licence together with any supporting document(s)
- B.** Plan of premises
- C.** Copy of the relevant representation received

## **THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION**



For Licensing Manager  
And on behalf of Head of Service

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**Portsmouth**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[Licensing@portsmouthcc.gov.uk](mailto: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 you would prefer not to be contacted by telephone

Are you:

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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant 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.

**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 Ltd 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.

The premises, currently the Palmerston Road Convenience Store and Post Office (94-96 Palmerston Road) will (planning pending) become Croxton's Kitchen – an 80-cover restaurant. Planning has been submitted for a change of use from A1 (retail) to A3 (café / restaurant). Based within the designated Southsea Town Centre Area Action Plan (STCAAP) "Restaurant Quarter".

The vision for the Southsea Town Centre as set out in the STCAAP is to create a safe, thriving and attractive town centre where people want to come to visit, shop, live and work. To create a town centre that has a unique character and lively atmosphere.

Policy STC4 in the STCAAP encourages new restaurants and cafes to be located within the area to the south of the pedestrian precinct including the part of Palmerston Road South that includes the application property.

**Continued from previous page...**

Croxton's Kitchen will be fully independently owned, managed and run by a team of 3 friends who were born and raised in Southsea. 2 of the team live within 300 yards of the unit, the third lives half a mile away. We are approachable, easy to contact and very keen to work with the Authority, the Police and other community stakeholders to ensure we are adhering to and promoting their policies and objectives. The DPS has vast experience of running restaurants within Southsea. Paul Clilverd was the inaugural manager of both the Belle Isle and Meat & Barrel. We will take our responsibility very seriously and enforce a strict staff training procedure. More detail about our commitment to the licensing objectives can be found on section 18 of this application.

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

**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

**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

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Standard Days And Timings**



Continued from previous page...

MONDAY

Start 09:00

End 23:30

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 09:00

End 23:30

Start

End

WEDNESDAY

Start 09:00

End 23:30

Start

End

THURSDAY

Start 09:00

End 23:30

Start

End

FRIDAY

Start 09:00

End 00:00

Start

End

SATURDAY

Start 09:00

End 00:00

Start

End

SUNDAY

Start 09:00

End 23:00

Start

End

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

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

- Indoors       Outdoors       Both

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.

We intend to play amplified background music into the restaurant through a speaker system.

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.

n/a

Continued from previous page...

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.

Maundy Thursday, Good Friday, Easter Sunday, Easter Monday. The Sunday prior to the first Monday in May, the Sunday prior to the last Monday in May, the Friday, Saturday and Sunday that make up the August bank holiday weekend. Christmas Eve and New Year's Eve.

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**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

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

TIMINGS AS PER SALE OF ALCOHOL AND CLOSING

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start 12:00

End 23:30

Start

End

TUESDAY

Start 12:00

End 23:30

Start

End

WEDNESDAY

Start 12:00

End 23:30

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...

THURSDAY

Start 12:00

End 23:30

Start

End

FRIDAY

Start 12:00

End 00:00

Start

End

SATURDAY

Start 12:00

End 00:00

Start

End

SUNDAY

Start 12:00

End 23:00

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.

n/a

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

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

Maundy Thursday, Good Friday, Easter Sunday, Easter Monday. The Sunday prior to the first Monday in May, the Sunday prior to the last Monday in May, the Friday, Saturday and Sunday that make up the August bank holiday weekend. Christmas Eve and 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

Paul

Family name

Clilverd

Continued from previous page...

**Enter the contact's address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text" value="Portsmouth City Council"/>

**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

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.

NONE

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start   
Start

End   
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

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

n/a

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.

Maundy Thursday, Good Friday, Easter Sunday, Easter Monday. The Sunday prior to the first Monday in May, the Sunday prior to the last Monday in May, the Friday, Saturday and Sunday that make up the August bank holiday weekend. Christmas Eve and 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)

*Continued from previous page...*

List here steps you will take to promote all four licensing objectives together.

1 - The 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 30 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 including the entrance to the premises.

2 - All staff must receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell 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.

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 signage shall be visible within the premises to customers.

#### b) The prevention of crime and disorder

Please see Box A - General

#### c) Public safety

Please see Box A - General

Continued from previous page...

d) The prevention of public nuisance

Please see Box A - General

e) The protection of children from harm

Please see Box A - General

## 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](http://www.voa.gov.uk/business_rates/index.htm)

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 you 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



Continued from previous page...

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

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

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed



Consent of individual to being specified as premises supervisor

PAUL STANLEY CULVERD

Field Code Changed

[full name of prospective premises supervisor]

of

[REDACTED]

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence

[type of application]

by

Troika Trading Ltd

[name of applicant]

relating to a premises licence

n/a

[number of existing licence, if any]

for

Croxton's Kitchen and Tap House (currently Palmerston Road Convenience Store) - 94-96 Palmerston Road, Southsea, PO5 3PT

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

—Troika Trading Ltd

*[name of applicant]*

concerning the supply of alcohol at

Croxton's Kitchen and Tap House (currently Palmerston Road Convenience Store)  
- 94-96 Palmerston Road, Southsea, PO5 3PT

*[name and address of premises to which application relates]*

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

— [REDACTED]

*[insert personal licence number, if any]*

Personal licence issuing authority

—Portsmouth City Council

*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

[REDACTED SIGNATURE]

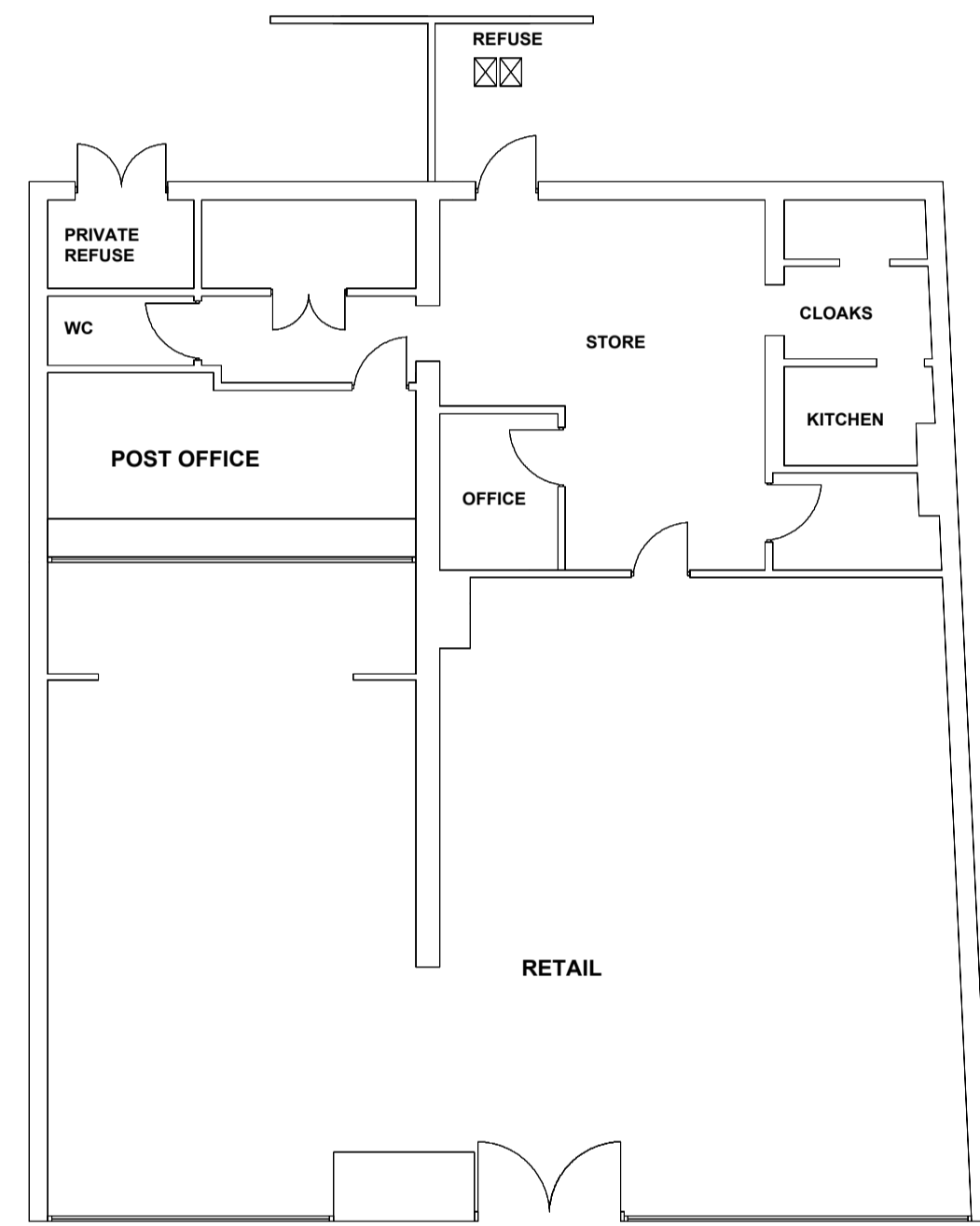
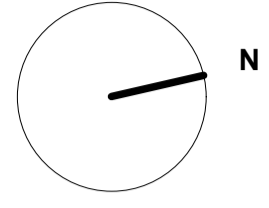
Name (please print)

PAUL STANLEY CLILVERD

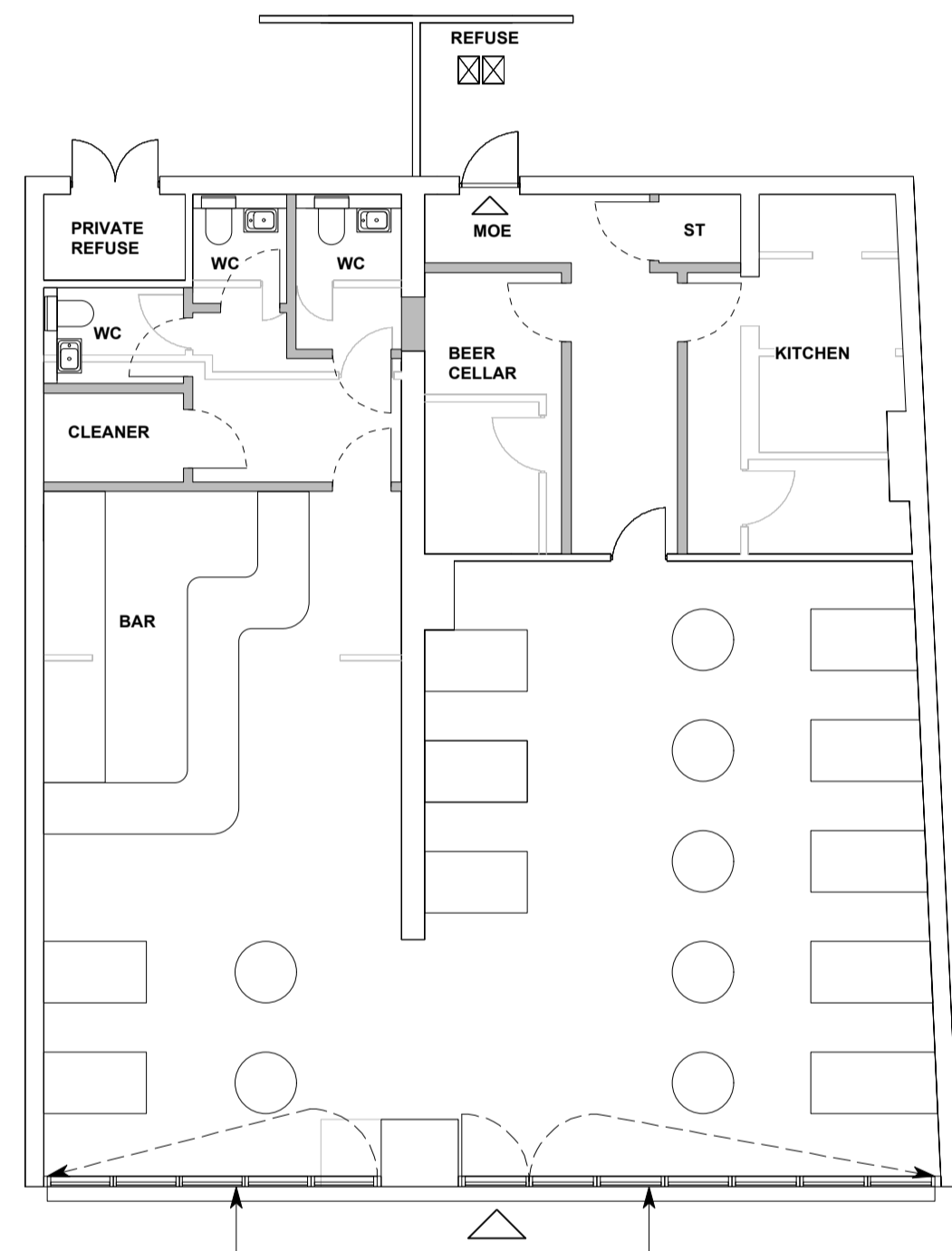
Date

—08/08/2017

# Appendix B



EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

EXISTING SHOP FRONT REMOVED AND REPLACED WITH BI-FOLD DOORS



EXISTING EAST ELEVATION



PROPOSED EAST ELEVATION

EXISTING SHOP FRONT REMOVED AND REPLACED WITH BI-FOLD DOORS

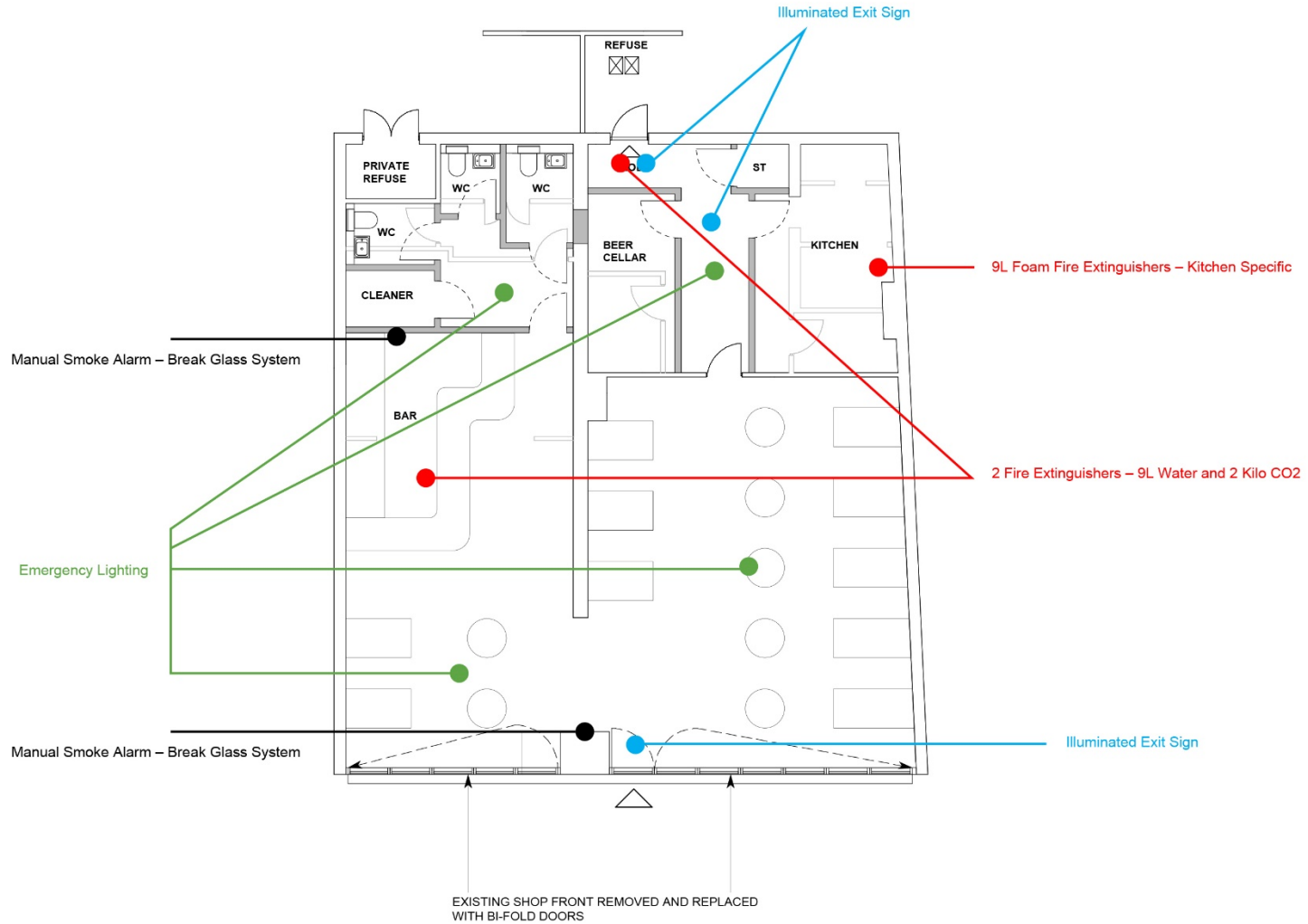
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# Appendix B



## PROPOSED GROUND FLOOR PLAN

### Croxton's - Fire Regulation Detail





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## Appendix C

**From:** Thorne, Michael  
**Sent:** 04 October 2017 09:50  
**To:** Licensing Shared Email  
**Cc:** Lee, Richard  
**Subject:** Premises Licence Application 94-96 Palmerston Road

Good morning,

With regard to the above premises licence application, Regulatory Services, as a Responsible Authority, make representations in respect to the licensing objective, prevention of public nuisance.

Whilst we are aware that the two regimes are entirely separate, we have also been consulted by our colleagues in Planning in respect to an application for a change of use of these premises from A1 to A3 and the installation of a new shop front and ventilation grills. The reason for this consultation relates to the potential impact on the neighbouring sensitive uses from both noise and odour from the proposed use. Although irrelevant in respect to the concurrent but separate nature of the applications we advise you that our comments in regard to both regimes are consistent in respect to the protection of nearby and adjoining premises and their residents.

Specifically concerning this premises licence application we are concerned that both noise and odour has the potential to cause public nuisance.

### **Noise**

We raise concern about noise from the following sources:

1. kitchen extraction system
2. internal customer and entertainment
3. external customers

The application as submitted is clear in that no supportive information or proposals have been provided in respect to the control of either noise inside or outside to prevent public noise nuisance to the adjoining or nearby residential accommodation. Consequently, we have no material to assist us in the determination of the potential for impact of the applied for uses on the adjoining or nearby residential premises or be satisfied that the prevention of public nuisance licensing objective has been considered by the applicant during the application process. In the absence of such information and in light of the extremely close proximity of residential accommodation we therefore have no alternative but to raise representation in respect to these concerns.

Additionally, it is noted that the applicants have proposed that the front façade of 94-96 be largely replaced by bi-folding doors. The installation of such will acoustically weaken the front façade, most obviously when the doors are in the open position but even when closed as a result of the joins between each of the doors. This façade configuration will limit the noise levels that can be produced within the building prior to public nuisance occurring. As the doors have been designed in this manner, it is not unreasonable to expect that the doors will be utilised for the purpose of opening up the front façade of the premises. This being the case, it is noted that no regard has been given by the applicant to the potential of this design to cause public nuisance or whether measures that may be necessary to prevent noise nuisance from occurring in the first instance. We therefore feel that we have no alternative but to raise representations in respect to these concerns.

### **Odour**

The proposed kitchen extraction system has the potential to cause public nuisance as a result of odour from cooking. Proposals have been made to limit odour from cooking through the planning process but as of yet these are not of sufficient detail to convince this service that odour emissions will not cause public nuisance. No information in respect to the prevention of public nuisance from odour have been made in respect to this application. Accordingly, we raise representations in respect to the applicants obligations and ability to the prevent odours from causing a public nuisance as part of the application process.

### **Promotion of the Licensing Objective, Prevention of Public Nuisance**

No measures have been proposed in Section 18 of the application to promote the licensing objective of preventing public nuisance.

In both our response to Planning dated 23<sup>rd</sup> August and our recent meeting with the applicants and their planning consultant on 14<sup>th</sup> September we have raised these issues. To date, we have not had any further proposals as to how the above impacts can be mitigated. In the absence of further information, as a result of a complete lack of information being provided within the premises licence application in respect to the prevention of public nuisance and as necessitated by the deadline date to make representations, we have no alternative but to formally raise representations as a Responsible Authority in support of the licensing objective the prevention of public nuisance and ask you to consider this summary of our concerns a demonstration of such.

Regards,

**Michael Thorne**  
**Environmental Protection Officer**

Environmental Health  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL

Tel: 02392 834835  
Fax: 02392 834244