

## LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Wednesday, 14 February 2018 at 10.00 am in the Executive Meeting Room, floor 3 of the Guildhall, Portsmouth

### Present

Councillor Lee Mason (in the Chair)

Councillors Hannah Hockaday  
David Fuller

#### 11. Election of Chair

Councillor Lee Mason was elected to chair this meeting.

#### 12. Declaration of Members' Interests

There were no declarations of members' interests.

#### 13. Licensing Act 2003 - Application for grant of a premises licence - Southsea Lounge, 36-38 Palmerston Road, Southsea, PO5 3QH

Mr Stone, the Principal Licensing Officer, presented his report. This had been brought to the committee due to the representation of a local resident (whose objection was set out in Appendix C). The resident had been invited to attend but had declined but wished this matter to be considered. The Responsible Authorities had been notified and there had been agreement with the Police, Environmental Health and Trading Standards for there to be permission granted, with agreed conditions.

There was the opportunity for questions to be raised.

The applicant Mr Ramandeep Walia presented his case, outlining the history of the Lounges continental coffee bars which are family friendly, with the majority of sales being non-alcoholic with food being the main attraction, and they had a community ethos. After questions he was given the opportunity to sum up his case.

#### Decision - Granting of Premises Licence

The Committee had heard from the Licensing Officer presenting the report and the representations of the applicant.

In addition the Committee considered all the papers put before them along with the annexes attached to each document and the Committee have read

the written submission made by the objector which is included within the papers (at Appendix C).

This Committee was engaged by reason of referral to the Committee following receipt of a relevant representation from a local resident objecting to the grant of this premises licence.

The licensing objectives that were said by the objector not to be promoted are: the prevention of crime and disorder; the prevention of public nuisance and public safety.

The Committee look to all the Responsible Authorities including the Police and Licensing Authority for guidance and assistance in determining the effect of a licensing activity in terms of all the licensing objectives. In this case, no objections had been raised by the Responsible Authorities.

The above stated the Committee members had balanced within their consideration the representations made by the applicant at the hearing and the objector's written submission. This Committee look at each case upon its own merits and within the context of its own facts. The Committee is not bound by earlier decisions made by any alternative Committee.

In considering the application for a grant of a premises licence the Committee was mindful of the following facts as having been established upon a balance of probability and further that they have been specifically taken to the relevant parts of the Statutory Guidance under section 182 of the Licensing Act 2003:

1. That none of the relevant Responsible Authorities had made objections to any aspect of the application.
2. The premises is not in an area of special policy or cumulative impact and there is no evidence that the application sought would be inconsistent with the Licensing Act 2003, the statutory guidance or the applicable policy considerations.
3. It was further noted that the Act assumes a grant of an application absent the finding of relevant premises specific evidence to rebut this presumption.
4. The Committee was in addition satisfied that the applicant's model of business is consistent with considering safety promotion with respect to patrons and residents.
5. The grounds for objection are not evidence based and are generic.

Whilst the Committee took note of the objector's concerns and fears in relation to principally three of the statutory licensing objectives: potentially prevention of public nuisance; potentially the prevention of crime and disorder and the promotion of public safety; the committee heard no direct evidence that the grant of a premises licence would cause any of the licensing objectives to be undermined and the mere likelihood of such behaviour occurring in the future is not such as to enable the application to be rejected. The objector's

concerns in relation to issues with parking were not matters which this committee was able to take account of.

The committee considered that the imposition of the comprehensive conditions agreed between the Relevant Authorities and the Applicant together with the general power of review under the Licensing Act 2003 sections 51-53 are consistent in promoting the licensing objectives.

The Licensing Committee was further aware that any Responsible Authority, indeed anyone, can ask that the Committee review the licence currently held which would of course engage the Committee in being able to consider the full range of evidence including matters that are currently being considered.

**RESOLVED - the application for the grant of a premises licence in the terms sought was therefore granted.**

The meeting concluded at 10.45 am.

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Councillor Lee Mason  
Chair