

## Di Dino, Jane

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**From:** P.Day@laceyssolicitors.co.uk  
**Sent:** 23 August 2016 16:16  
**To:** Licensing Shared Email  
**Cc:** Stone, Derek; Anderson-Weaver, Robert; Rackham, Peter (Police); portsmouth.licensing@hampshire.pnn.police.uk  
**Subject:** Astoria - Premises Licence Variation Application  
**Attachments:** Draft Zone Plans.pdf

Dear Ms Humphreys, PC Rackham and Mr Anderson-Weaver (and Mr Stone for information)

I am writing to you as representatives of the three Responsible Authorities that have made representations with regard to the application to vary the premises licence for the Astoria in Guildhall Walk, Portsmouth.

Firstly, can I thank Miss Humphreys and the Police in particular for the extremely detailed representations that have been made – in all of the years that I have been dealing with licensing applications, these two representations are by far and away the most comprehensive I have ever seen and have proved to be particularly useful.

Regarding the Public Health team representation, I note that Mr Anderson-Weaver is awaiting a break down of ambulance call-out data and hospital admissions from the CIP area. I would ask please that I am sent a copy of this additional information at least a week before the hearing to give me sufficient time to consider the same, take instructions and to respond if necessary. In that regard, my clients are very anxious that this matter should proceed on the 6<sup>th</sup> September, without being adjourned.

With regard to the representations from the Licensing Authority and the Police, my purpose is to try to narrow down the issues by way of mediation if at all possible. In that regard, I had a long meeting with my clients on site yesterday and I am instructed to make a series of proposals which are set out below. Before I do that however, I trust that each of you has seen the representation made by the other two Responsible Authorities but if not, by copy to Mr Stone, I wonder if those could be made available in un-redacted form?

Turning then if I may to specific issues, new plans are in the process of being prepared but for the moment and for information only, please find attached copies of the drawings for each floor and the external area showing the location of fire safety equipment and what we choose to call Zone 1 and Zone 2.

Both the Police and Licensing Authority have commented regarding proposed condition L 1 which currently reads “Whenever the premises are open beyond 02:00 hours, only one room within the premises shall be open for the provision of regulated entertainment.”

We are proposing that that condition be amended to read as follows:- “Whenever the premises are open beyond 02:00 hours either Zone 1 or Zone 2 as identified on the approved plans (but not both) shall be open for the provision of any licensable activity. The Zone to be closed shall be cleared of all customers no later than 02:30 hours.

Miss Humphreys on behalf of the Licensing Authority deals with a number of specific conditions. Regarding proposed condition D, it is suggested that the wording “Before commencing their duties” be amended to read “Before the commencement of their employment”. We have a difficulty in agreeing this. If the condition were to read as proposed, then new staff would have to receive their training before becoming employed and it follows that they could not then be paid for the time taken up in training them. This would clearly be unacceptable and quite possibly in breach of the provisions relating to minimum pay. As drafted, as soon as a new member of staff has been employed, they would undergo their induction training which they would have to complete before actually starting to work.

Miss Humphreys next proposes that condition E be amended to delete the words “When the venue is open past 02:00 hours” so that it begins “At the terminal hour...”

I am instructed to agree this amendment but please see further below because the Police have also made comments regarding this condition.

(Miss Humphreys also then refers to proposed condition L 1 – see above).

Miss Humphreys then suggests that condition L 3 be amended to increase the level of door supervision in the smoking area to a minimum of 2 supervisors at any one time and to extend their role to addressing any public safety/crime and disorder issues instead of merely monitoring noise levels. I am instructed to agree that amendment.

Finally (for present purposes), Miss Humphreys proposes deleting existing condition 14 and again, I am instructed to agree that.

If I may then turn to the very long representation from the Police. Under the heading “Summary” on page 5 of the representation, PC Rackham refers to the condition relating to taxi marshals which is proposed new condition E. PC Rackham asserts that the Police “Do not believe that the condition relating to taxi marshals adequately details how the applicant will effectively manage this matter.” We are more than happy to discuss the specific wording of this condition but the proposed condition was based on the similar condition contained within the premises licence for Lyberry which appears to have operated successfully for some time. If the Police would like to suggest an alternative wording, we would be more than happy to take that on board but please note as above, we are already prepared to agree that this condition should take effect whenever the premises are open rather than only on occasions when the premises are open beyond 2 am.

The Police then refer to the new proposed condition G to the effect that there should be no new entry or re-entry from 03:00 hours. We are prepared to amend that condition so that it refers to 02:00 hours instead of 03:00 hours. Coupled with the amendment to the condition relating to only one room being in operation after 2 am for the provision of any licensable activity, we trust that the Police (and indeed the Licensing Officer) can be satisfied that the proposals taken together would prevent migration from a different venue to the Astoria (bearing in mind that Lyberry is already licensed until 4 am on Friday and Saturday nights) and would lead to a more gradual dispersal of customers from Astoria than at present.

For your information, I am in the process of trying to analyse the detailed crime and incidents statistics that the Police have so helpfully provided and more will follow with regard to that in due course (along with properly drawn/coloured plans).

Assuming that we will be unable to reach complete agreement with regard to the application, proposed conditions etc and that a hearing remains necessary, I also intend to prepare a written submission but it would be very helpful to have your response to this email as quickly as possible, bearing in mind that there is now only a fortnight before the hearing itself and there is an intervening Bank Holiday.

I look forward to hearing from you.

Kind regards

Philip Day

**Philip Day** | Partner  
on behalf of

**LACEYS SOLICITORS**  
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