

Astoria, 37 – 39 Guildhall Walk, Portsmouth
Schedule of proposed changes to licence conditions
Amended following discussions with the Police and Council following
submission of the application

Note – Existing condition in black

Comment in blue

Amended condition in red.

Further changes in green bold italic.

Mandatory conditions to remain on the licence.

Annex 2 - Conditions consistent with the operating schedule

01 CCTV

Operation and Storage.

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, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. A record shall be kept of any access made to information held on the system.

The system will be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST. Digital systems shall have sufficient storage capacity for 31 days evidential 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 and to produce images to the police for the purpose of the detection of crime as long as the request is lawful and complies with the data protection Act.

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).

A notice will be displayed at the entrance to the premises advising that CCTV is in operation.

This condition to remain

02 The rear terraced area will be covered by recording CCTV.

This condition to remain

03 On Sunday to Thursday, inclusive, between 21:00 and the closing time of the venue. a ratio of 2 SIA licensed door supervisors will be on duty for 1-100 customers and then 1 per 100 thereafter, e.g, 3 - 101-200, 4 - 201-300 etc. will be employed at the premises.

This number to include only door supervisors employed solely on door supervisor duties, i.e. safety and security.

At least one female SIA licensed door supervisor should be available if female customers are to be the subject of searches.

For promoter led events or UK Bank Holidays or days preceding UK Bank Holidays, that fall on a Sunday to Thursday inclusive, they will be treated as a Friday/Saturday for the purposes of this condition.

Delete this condition and conditions 04 and 06 below and replace with the following (but note the additional condition at the end of this at L):-

On each occasion the premises are open to the public a ratio of 2 SIA licensed door supervisors will be deployed at the premises throughout the time the premises are open at a ratio of 2 for 1-100 customers and then 1 per 100 thereafter, e.g, 3 - 101-200, 4 - 201-300 etc. will be employed at the premises. At least one female door supervisor will be employed whenever female customers are to be the subject of searches.

All door supervisors will wear a fluorescent and/or reflective orange tabard, clearly marked "door supervisor".

All door supervisors will be equipped with a body camera. The equipment will be maintained and the images will be made immediately available to the police at all times on request in line with data protection legislation. Where the equipment fails the Licensing Department of the police, will be notified immediately in writing or by e- mail. Footage obtained shall be retained for 31 days,

At the terminal hour, door supervisors shall assist in managing customers leaving the venue and those remaining in the vicinity of the venue to assist with the dispersal away from the venue,

04 On Friday and Saturday between 20:00 and the closing time of the venue a ratio of 2 SIA licensed door supervisors for 1-100 customers and then 1 per 100 thereafter e.g. 3 - 101-200, 4 - 201-300 etc, will be employed at the premises. This number to include only door supervisors employed solely on door supervisor duties, i.e. safety and security.

At least one female SIA licensed door supervisor should be available if female customers are to be the subject of searches.

Where a premises employs door supervisors for security purposes both within the venue and for the purposes of monitoring the entrance and exits, those staff shall wear a fluorescent and/or reflective orange tabard, clearly marked "door supervisor".

At the terminal hour, door supervisors shall assist in managing customers leaving the venue and those remaining in the vicinity of the venue to assist with the dispersal away from the venue,

See above under 03 – delete this condition and replace with the wording above.

05 The Licence holder shall maintain a duty register giving details of each and every person employed in the role of a security/door supervisor and shall provide upon request by any Police Officer or Council Officer the following details:-

- (i) The licence number, name, date of birth and residential address of that person:
- (ii) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;

- (iii) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;
- (iv) Any times during the period of duty when she/he was not on duty;
- (v) If that person is not an employee of the Licence holder, the name of the person by whom that person is employed or through whom the services of that person were engaged;
- (vi) The register shall be so kept that it can be readily inspected by an authorised officer of the Council or Police Officer;
- (vii) The duty register shall comprise of a bound, consecutively page-numbered book and the Licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.

This condition to remain

06 At times when a Door Supervisor who is on duty on the main entrance of the venue, they will wear and operate body worn video recording equipment at all times. The equipment will be maintained and the images will be made immediately available to the police at all times on request in line with data protection legislation. Where the equipment fails the Licensing Department of the police, will be notified immediately in writing or by e- mail. Footage obtained shall be retained for 31 days,

See above under 03 – delete this condition and replace with the wording above.

07 The Licence holder shall conduct the premises decently, soberly and in an orderly manner. Nothing contrary to sobriety, decency or good manners shall be performed, produced, exhibited or represented therein. No profanity or impropriety of language, dress, dance (including any performance involving the removal of garments), or gesture or anything which is in any way offensive to public feelings or calculated to produce a disturbance or breach of the peace shall be permitted on the premises.

Delete this condition. It is almost certainly unenforceable and in any event, if there were to be (for example) disorder or indecency, the licence could be made the subject of a review application.

08 After 2200 hours on Thursday, Friday and Saturday evenings no glass bottles (with the exception of wine bottles and champagne bottles) shall be dispensed to customers. It shall be at the discretion of the premises licence holder to decide whether the products that would otherwise be served in glass bottles will be served in plastic bottles and/or decanted from the glass bottle. Should the premises licence holder provide licensable activities after midnight on any other day of the week, then the this condition would apply as it the premises was trading on a Thursday, Friday or Saturday night.

This condition to be deleted and replaced as follows:-

After 2200 hours on Thursday, Friday and Saturday evenings no glass bottles (with the exception of wine bottles, champagne bottles and bottles of premium spirits) shall be dispensed to customers and then only in the VIP area on the upper (atrium) level of the premises. It shall be at the discretion of the premises licence holder to decide whether the

products that would otherwise be served in glass bottles will be served in plastic bottles and/or decanted from the glass bottle. Should the premises licence holder provide licensable activities after midnight on any other day of the week, then this condition would apply as if the premises was trading on a Thursday, Friday or Saturday night.

09 The premises licence holder shall use toughened glassware.

This condition to be deleted and replaced as follows:-

No glass drinking vessels will be permitted in the premises at any time (including toughened glass).

10 The premises licence holder will act on the reasonable request of Hampshire Constabulary to use plastic bottles and polycarbonate drinking vessels on any occasion where that is considered necessary to promote the licensing objectives, for example, during the televising of major sporting events at the premises, such as international football matches.

Delete this condition in the light of the amendments to conditions 08 and 09 above.

11 Jugs and pitchers that contain measures of alcohol must be accompanied with at least two drinking vessels that are able to contain at least 70zi200 ml of liquid.

This condition to remain

12 Alcohol shall only be supplied from the fixed bars shown on the plan deposited with the Licensing Authority as part of the premises licence.

This condition is to remain but please note that revised plans accompany this application.

13 All lavatories, WC's and urinals in the premises shall at all times be kept in good order and repair and be properly cleaned, ventilated, disinfected and supplied with water (hot and cold) and the doors leading into these facilities shall be suitably marked.

This condition is probably a condition that appeared on the Public Entertainment Licence when the same was converted. It is of no real relevance and should be deleted but please note condition 35 below.

~~**14** All noise arising from regulated entertainment at the premises shall be inaudible one metre outside any noise sensitive premises.~~

This condition to be deleted at the request of the Licensing Manager – please refer to her representation

15 It shall be the responsibility of the licence holder to ensure that a door steward undertakes

an inspection of all emergency routes every 30 minutes to ensure that they are free from obstruction and shall deter persons from congregating in these areas.

This is something that should be covered by the Fire Risk Assessment required by the Regulatory Reform (Fire Safety) Order. Pursuant to that Order, the condition is of no effect and should therefore be deleted.

16 Alcohol shall not be sold or supplied on Christmas Day except during permitted hours. In this condition permitted hours means:

Christmas Day from 12:00 until 15:00 and 19:00 until 22:30 hours.

Delete this condition as the hours on Christmas Day have been included as Non- standard timings in the body of the application (licence).

17 The permitted hours for the provision of licensable activities as authorised by this licence are:

on New Year's Eve, except on a Sunday from 10:00 until 23:00 hours or on New Year's Eve on a Sunday from 12:00 until 22:30 hours and;

On New Year's Eve from the end of permitted hours on New Year's Eve to the start at permitted hours on the following day, which would be 10:00 hours if New Year's Day falls on a weekday or 12:00 hours on a Sunday.

Delete this condition as the hours on New Year's Eve into New Year's Day have been included as Non- standard timings in the body of the application (licence).

18 (1) Subject to the following paragraphs, the permitted hours on weekdays shall extend until 02:00 hours the following morning or, if an earlier hour is specified in the licence, that hour, except that:-

a) the permitted hours shall end at 23:59 hours on any day on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight; and

b) on any day that music and dancing end (or, in the case of casino premises, gaming ends) between 23:59 and 02:00 hours the following morning, the permitted hours shall end when the music and dancing end or, as the case may be, when the gaming ends;

(2) In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect:

a) with the substitution of references to 03:00 hours the following morning for references to 02:00 hours the following morning or one hour following the hour actually specified in the licence where it currently requires closure between 01 :00 and 02:00 hours.

(3) Except on Sundays immediately before bank holidays, the permitted hours on Sundays shall extend until thirty minutes past midnight in the morning following or, if an earlier hour is specified in the Licence, that hour, except that:

a) the permitted hours shall end at 23:59 hours on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after 23:59 hours;

b) where music and dancing end (or, in the case of casino premises, gaming ends) between 23:59 hours on any Sunday and 00:30 hours, the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends.

(4) On Sundays immediately before bank holidays, other than Easter Sunday, the permitted hours shall extend until 02:00 hours the following morning, except that:

a) the permitted hours shall end at 23:59 hours on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after 23:59 hours; b) where music and dancing end (or, in the case of casino premises, gaming ends) between 23:59 hours on any Sunday and 02:00 hours, the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends.

Delete this condition in its entirety. It appears that this again is a condition that was imposed on conversion of the Justices Licence, the section 77 (special hours) certificate and Public Entertainment Licence that would have been converted back in 2005. The premises operate as a night club and not as a casino and music entertainment to which customers can dance is provided whenever the premises are open. In addition, the hours permitted for each licensable activity is specified on the face of the licence.

19 An additional hour can be applied to the closing time and all licensable activities on the hour when British Summertime commences.

Delete this condition – the permitted hours are set out in the body of the licence and this is therefore duplication.

20 The premises licence holder shall ensure that a representative of the premises (whenever possible the DPS) attends regular pub watch meetings or meetings of any similar scheme, so long as such a scheme is in existence and welcomes participation by the premises licence holder.

This condition to remain

21 On Thursday, Friday and Saturday from 2100 hours until the closing time of the venue on floor walkers will be on duty in the venue. Whilst on duty they will be employed in that role and no other role. They will be identifiable by wearing a shirt with floor supervisor written on it in white stencilling. On a daily basis the identity of the floor walkers will be logged in a register and the register signed by the floor walkers at the commencement of their duty. This register will be available on request to Police and Licensing Authority officers.

This condition to remain but with typing errors corrected as above

Note – Conditions 22 to 30 inclusive all relate to a scanning system. We propose that for clarity, the condition is headed “Scanning System” and renumbered and reordered as below in red with other amendments as shown in red to take into account changes to other conditions.

22 Scanning System

(i) The premises will operate and maintain in good working order, on all occasions that **the premises are open to the public, an** ~~door staff are on duty after 2000 hours,~~ An electronic identification scanning system such as "Scan net" or similar electronic document scanning device if commercially available.

23 (ii) Whenever ~~In the hours that~~ the electronic scanning device is required to be in operation, ~~the~~ customers entering the premises will be asked to produce photographic identification (passport, UK driving licence, PASS card) and agree to the said identification being used for scanning **unless it is obvious from the physical appearance of the customer that he or she is at least 25 years of age and can produce some form of confirmation of their name (such as a valid debit or credit card).** Customers who do not agree to this will be refused entry. All identification provided by customers shall be scanned electronically on the device.

To explain, it sometimes occurs that a group of young people such as a hen party might be accompanied by a much older person (e.g. the mother of the bride to be) who is not in the habit of carrying identification. The applicant seeks limited latitude to allow admission to such persons provided that they can at least produce some evidence to prove their identity.

22 (iii) The only exception to this will be when the venue is hosting a student event in conjunction with the nearby premises currently named as "Lyberrry, Guildhall Walk and the rear service area behind the two venues is being utilised to link the venues for pedestrian access. This added from below.

~~24 The premises licence holder they representative will notify the Police Licensing Department responsible for the area in writing or by e-mail as soon as reasonably practicable if any issues arise in respect of the operation of the scanning system or the internet service accompanying it. This condition removed to the end of this section as it makes more sense to have it there~~

~~25 The only exception to this will be when the venue is hosting a student event in conjunction with the nearby premises currently named as "Lyberrry, Guildhall Walk and the rear service area behind the two venues is being utilised to link the venues for pedestrian access. All timings shall remain the same. Delete this clause – added after condition 22 (ii) as it makes more sense if re-ordered in this way.~~

26 (iv) The police licensing department responsible for the area must be notified either in writing or by email, at least 14 days in advance of **any the event to which condition 22 (iii) applies.** ~~Only 32 events of this type can be held each calendar year.~~

27 An operating policy for **each such** the event, signed by each venues' DPS, shall be supplied to the Police Licensing Department responsible for the area.

28 On these occasions, any person entering "Lyberrry" and then attempting to gain entrance to "Astoria" must have been subject to the same identification scanning requirements that are embedded on this premises licence at "Lyberrry".

29 Customers who do not agree for their identification to be scanned at "Lyberrry" and then attempt to gain entrance to "Astoria" will be refused entry.

30 Any failure of the scanning equipment or internet service accompanying it at "Lyberry" "Astoria" will result in this exception becoming invalid.

Note – surely the reference to Astoria should be Lyberry?

Note – what were separate condition 26, 27, 28, 29 and 30 should all form part of sub-clause (iv) of this condition.

24 (v) The premises licence holder ~~or its~~ ~~they~~ representative will notify the Police Licensing Department responsible for the area in writing or by e-mail as soon as reasonably practicable if any issues arise in respect of the operation of the scanning system or the internet service accompanying it.

Note – this was condition 24 and has been moved to the end of this section for clarity.

31 The premises licence holder will ensure that the pub management team use the radio net communication system (or any other communication system recommended by Hampshire Police) whenever the system is in good working order or commercially available. The premises licence holder will notify the Portsmouth Police Licensing Department responsible for the area as soon as reasonably practicable if any issues arise in respect of the operation of the communication system.

This condition to remain.

32 Written policies on the ejection of customers and the refusal of entry of customers shall be implemented following agreement with the Police.

This condition to remain

33 A written policy on how the venue will tackle and deal with drugs and drug prevention shall be implemented following agreement with the Police.

This condition to remain

34 The holder of a current BII NCPLH (National Certificate for Personal Licence Holders) will be on the premises at all times that alcohol is being sold or supplied.

This condition to be deleted and replaced as follows:-

At least one person holding a valid personal licence which has not been suspended shall be on duty and physically present at the premises at all times the premises are open to the public.

35 The toilet facilities will be checked hourly and these checks shall be recorded in a bound log which shall be kept on the premises at all times and made available on request to police officers.

This condition to remain

IN ADDITION – ADD THE FOLLOWING CONDITIONS:

- A. The premises licence holder shall display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
- B. The placing of bottles into receptacles outside the premises will take place between the hours of 09:00 and 21:00 hours only.
- C. The age verification policy required by the mandatory conditions shall specify that any person appearing to be under the age of 25 shall be required to produce photographic identification before being admitted to the premises and/or served alcohol. Notices advertising the Challenge 25 policy shall be displayed at the entrance to the premises and at all bars.
- D. ~~Before commencing their duties, all staff concerned with the sale of alcohol must receive information and training regarding the sale of age restricted products (including “proxy sales”) and the refusal of service to persons who are drunk. Records of such training, signed by the member of staff will be maintained and made available for inspection by authorised officers of request. Refresher training shall take place at least annually.~~
Immediately after being employed but before commencing their duties, all staff concerned with the sale of alcohol must induction training to include information and training regarding the sale of age restricted products (including “proxy sales”) and the refusal of service to persons who are drunk. Records of such training, signed by the member of staff will be maintained and made available for inspection by authorised officers of request. Refresher training shall take place at least annually.
- E. ~~When the venue is open past 02:00 hours, at~~ ***At*** the terminal hour door supervisors shall assist in managing customers leaving the venue and those remaining in the vicinity of the venue. This shall include active management of those persons queuing at the designated taxi stands appointed by the city council and located within the cumulative impact area of Guildhall Walk and White Swan Road, in support of or in place of designated Taxi Marshalls.
Note that PC Rackham has asserted that this condition “does not adequately detail how the applicant will effectively manage this matter”. We have made it clear that we are more than happy to discuss an amended wording and have invited the police to suggest something that they consider more appropriate. At the time of preparation of this note, we await a further response. The indicated change was suggested by the Ms. Humphreys and we are content to accept that.
- F. When the Lyberry Bar situated at 29 – 33 Guildhall Walk and the licensed premises are being used concurrently there shall be a minimum of two door supervisors and two Welfare officers to monitor any queue and ensure the safety of persons in the queue.
- G. There shall be no new entry to the venue to customers and no re-entry to customers from ~~03:00~~ ***02:00*** hours unless at the discretion of the duty manager in exceptional circumstances. Any re-entry outside of these times shall be documented in the door log by the manager detailing the number of people allowed into the premises and the reason(s) why.
- H. Any drinks promotion being run when licensable activities extend beyond 02:00 hours shall cease at 02:00 hours.
- I. When trading in the hours of darkness the venue must ensure that the vicinity outside of the premises is well lit.
- J. The premises licence holder shall use drug dogs on a random basis once a month to further enforce an anti-drugs message. All results will be disclosed to the police in writing by a method agreed with the police.
- K. The premises licence holder shall support and display on the premises any public health messages or campaigns when materials are made available by the Director of Public Health.

L Whenever the premises are open beyond 02:00 hours:-

~~L.1 Only one room within the premises shall be open for the provision of regulated entertainment;~~

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.

L.2 No DJ shall perform in the smoking area

L.3 At least ~~one door supervisor~~ ***two door supervisors*** shall be deployed in the smoking area to keep customers quiet and monitor noise levels ***and to address any public safety or crime and disorder issues that might arise.***

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