

Licensing Sub-Committee
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Licensing Service

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Our Ref: 17/02466/LAPREM

Date: 4 May 2017

Dear Licensing Sub-Committee Members

**Licensing Act 2003 - Application for the grant of a premises licence
The Study and Nudles Trafalgar House 16 Edinburgh Road Portsmouth PO1 1RL**

I refer to the recent application by Nudles Portsmouth Ltd for the grant of a premises licence in respect of the premises to be known as Study and Nudles, situated at Trafalgar House, 16 Edinburgh Road, Portsmouth, PO1 1RL.

On behalf of the Licensing Authority I would wish to make formal representations in respect of this application on the following grounds:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

This representation has been made on the basis that the applicant has failed to adequately demonstrate that the grant of a premises licence will not have a negative cumulative impact on the promotion of the licensing objectives.

As members will be aware, the Licensing Authority has adopted a special policy in relation to cumulative impact and these premises are located within that specific area. As the Statutory Guidance issued by the Home Office under section 182 of the Licensing Act 2003 states; ***the effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations.***

I have given careful consideration to the circumstances of this particular application on behalf of the Licensing Authority, and, specifically whether there is any justification for departure from the special policy presumption in this case.

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I have also had regard to the observations submitted by the Chief Officer of Police, Director of Public Health and Head of Environmental Health who have also made representations in respect of this particular application and share the concerns that they have individually raised.

I also have taken into account that, despite the premises being located in the cumulative impact policy area, the applicant has made no reference to this policy in the application (including the operating schedule) and has provided no information to demonstrate how the grant of the application will not add to the existing cumulative impact in this area.

Whilst I have reviewed the measures that the applicant has put forward as part of the operating schedule, I am not satisfied that the proposals are sufficient to negate any cumulative impact. In fact there are a number of matters that give rise to concerns in relation to this application which I have highlighted below:

1. Lack of experience of applicant and designated premises supervisor

I have concerns that the applicant and the designated premises supervisor have little or no experience of operating and managing licensed premises, particularly a late night venue located within a cumulative impact area.

The applicant - Nudles Portsmouth Ltd was incorporated as a company only as recently as 25 November 2016. Both Directors of the company, namely Mr Grant Murphy and Mr Mark Way do not appear to have had previous experience of operating and managing a licensed premises in Portsmouth.

Additionally, Mr Way, as proposed designated premises supervisor, only obtained a personal licence to authorise the sale of alcohol on 27 April 2017.

It is the view of the licensing authority that such a lack of experience combined with proposing to run a late night licensed premises in a cumulative impact area could have a significant detrimental effect upon the promotion of the licensing objectives.

2. Lack of clarity in terms of proposed use of premises

At meetings held with the applicant, police and licensing authority staff it appears that the applicants have no established business plan at this time for how the premises are intended to operate. This lack of clarity combined with the applicants lack of experience and no reference to how this application will not have a negative impact on the licensing objectives highlights concerns that this approach will have a detrimental effect and will add to the existing cumulative impact in the area.

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3. Lack of sufficient proposed controls in relation to supervision of premises

It is proposed that **all** areas of the premises will be licensed for the sale of alcohol until 02:00 hours and the provision of regulated entertainment and late night refreshment until 03:00 hours every day (subject to seasonal variations on New Year's Eve and the end of British Summer Time).

However, the proposed operating schedule identifies that despite approval being sought for the whole premises for the sale of alcohol on and off the premises the use of licensed SIA staff is reserved to the area identified as "The Study" and this is only limited to Fridays and Saturdays or on any other day when there is a DJ lead event.

I have concerns that the application seeks to licence the area identified as "Nudles" for the sale of alcohol, provision of regulated entertainment and late night refreshment until 03:00 hours every day but with insufficient supervision proposed within the operating schedule compared to other areas of the premises.

4. Potential for public nuisance in nearby residential accommodation

Given the location of the premises and its close proximity to residential accommodation, both above and directly adjacent, I have concerns that the applicant has made no reference whatsoever as to what measures will be taken for the prevention of public nuisance. There is a real risk that because of the nature of the entertainment requested and the proposed terminal hour, these activities will give rise to public nuisance.

5. Insufficient detail on submitted plans

The plans submitted as part of the application appear to have been drawn up for building regulation purposes and not for the purposes of this licensing application. As a result, any detail in relation to any fixed structures (including furniture) or similar objects, stages or raised areas, location and type of any fire safety and any other safety equipment and indeed the location of bars are not present on these plans and therefore are not compliant with the premises licence regulations.

In particular, the basement area which has been identified in discussions between the Police and Licensing Authority to form part of the licensed premises, is showing on the submitted plans as a cellar storage area. This is wholly unsatisfactory as responsible authorities have not had the opportunity to review the proposals having regard to the intended layout of the premises and make comment if necessary. This reinforces the concerns that there is currently a lack of clarity in terms of the applicants intentions with regard to the use of the premises.

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In summary, I do not consider that the applicant has satisfactorily demonstrated in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives and that they have not given sufficient consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

Therefore, having regard to the representations submitted by other responsible authorities and the concerns raised above, I would strongly recommend that the Licensing Sub-Committee refuse this application.

Yours sincerely



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Licensing Manager

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