

Stone, Derek

From: Wallsgrove, Jon [REDACTED]
Sent: 31 May 2017 15:28
To: Stone, Derek
Subject: Study and Nudles

Dear Derek,

Further to the application for a new premises licence I am instructed to amend the application to address the principle concerns raised in the letters of representation. I also provide some additional comments which I hope people will find useful.

1. Remove "off sales" entirely from the application i.e. the sale of alcohol will only be permitted for consumption on the premises.
2. No alcohol will be sold from Nudles nor regulated entertainment permitted i.e. the only licensable activity in Nudles will be late night refreshment.
3. Revise the times for all licensable activities in both The Study and Nudles to 2am all week with the premises closing at 2.30am.
4. One SIA door person in Nudles each day from 11pm until close.

In relation to the provision of security, in addition to the conditions offered for SIA security in both The Study and Nudles, there is also a 24 hour security guard on duty who has responsibility for the whole building. The security guards office "on site" (which is at the rear of Nudles) has access to the CCTV images for both The Study and Nudles. They will be in radio contact with the SIA security personnel working within the licensed premises. The premises has CCTV coverage of the entire public space. This is a significant security premises as I do not believe any other licensed premise in Portsmouth has someone monitoring the CCTV images whilst their licensed premises are open.

Addressing the experience of the DPS I am able to confirm that Mark Way is one of the owners of the business. He took the view, after advice from me, it was better for him to be named as the DPS as not only will he have day to day control but also have the decision making authority as the premises licence holder. He is a co-director of Nudles Portsmouth Limited with Grant Murphy. Mark was involved in the management of a nightclub in Bognor Regis in the early 1990's called Bentleys, which later changed its name to Empire. More recently he ran the Tangiers Pub in Baffins with his wife. He was involved in the management of those premises for over a year. He is a successful businessman in Portsmouth starting his career at the age of 17 in the building trade and shortly thereafter setting up his own plastering company. He has significant experience in training and managing staff. Whilst that experience is in a different industry the skill set is entirely transferable to the licensed trade and so whilst he has not been in the licensed trade for a number of years he is more than capable of being the DPS for these premises.

In addition they have recruited an experienced manager to work at the premises – Nicky Harbridge. She has nearly 30 years' experience working in licensed premises in Hampshire. She has worked as the DPS/manager of The Surrey Arms Portsmouth for the last 3 years but has also worked at Wetherspoons, The Castle Tavern Somers Road, Red Lion Horndean and the Centurian and Woodpecker, both in Waterlooville.

I can confirm that there is no access for members of the public between Nudles and the Study, they are entirely separate buildings with separate access. The connection between the two parts of the premises is for staff only. As the Study and Nudles is operated by the same company, the venues are both within the same building and the utility bills cover the whole premises, it was considered appropriate to only have one premises licence. There is of course an obvious cost saving in only having one premises licence.

The concept of the premises is therefore not confused. The confusion arises out of a misconception that a licensed premises should be "labelled" as a nightclub, a restaurant, a bar or similar. Nudles will provide Asian cuisine which will have seating for customers to enjoy their food on site, or they can take it away. Given there was an existing premises licence covering the entire premises for late night refreshment and the sale of alcohol for consumption on and off the premises, the application mirrored the licensable activities and hours which were on that licence. The Wetherspoon's licence could and should have been transferred but was in fact surrendered by Wetherspoon's despite an agreement with them that the licence would be transferred following the sale of the property to my clients. Had the licence been transferred the application would have been to vary the premises licence to approve a change to the layout of the premises. The licensed area has decreased by over 75% and the occupancy for that part of the premises it is proposed to sell alcohol from has decreased by circa 50%.

The Study will offer different things at different times of the day and different days of the week in the hope that it will provide a more stable level of customers throughout the trading period. During the day the focus will be on a coffee shop/café style on the ground floor to attract shoppers, students and city workers. The emphasis will very much be on the food offer. My clients have just employed one of Jamie Oliver's chefs as their Head Chef and he is currently refining the menu. The basement of the Study is likely to remain closed during the day at least during the initial few months unless my clients café style business proves so successful that the basement needs to be used to accommodate additional customers. During the day if the basement is open it would operate in the same way as the ground floor. The décor in the basement will be very similar to that on the ground floor providing continuity to ensure that customers do not feel they have entered a different environment.

During the course of the evening the atmosphere in the premises will change. There will still be an emphasis on food on the ground floor but there will be a higher proportion of people who come to the venue to enjoy a drink with friends and listen to the music. On the ground floor the music will only be played at a level whereby customers can still hold a conversation without having to raise their voices. The basement will have DJ events but not on every evening. It may also have live music but that is not intended at the moment. When there is a DJ, then the music in the basement will be louder and there will be a dance floor. The basement will also be available for private hire for functions. So either the entire premises will be operated as an upmarket bar with good food or at weekends and other nights when a DJ is playing the ground floor will be an ideal space to relax and chill out with friends with the basement providing a higher energy level with music and dancing.

My client is creating a more relaxed premises than a nightclub and at the same time a more upmarket environment than other bars in Portsmouth. It is also going to be competing with the likes of Costa Coffee for their trade. There is a very clear vision/strategy but it is not a premises which is a round peg to fit in a round hole which can then be labelled a bar, a restaurant, or a Nightclub.

I can confirm that my client has instructed an acoustic expert who is currently preparing a report which we will serve on the Environmental Health Officer. We are also arranging for the officer to attend the premises in the next week or so to meet my client and their acoustic expert and evaluate the quality of the sound system and the levels at which music will be played.

I am grateful to you for confirming that this email will be passed to the other responsible authorities and would of course be happy to clarify or provide any further information if anyone requires it. Please also include this communication in the agenda papers. I will forward the acoustic report in due course also for inclusion along with some photographs of the venue. The ground floor is entirely complete and if a licence is granted the intention is to open the ground floor straight away. Work continues with Nudles and the basement which is several weeks away from completion.

Kind Regards

Jon

Jon Wallsgrove

Partner

For and on behalf of Blake Morgan LLP

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