

Licensing Sub-Committee
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4604

Our Ref: 17/03370/LAPREM

Date: 27 July 2017

Dear Licensing Sub-Committee Members

**Licensing Act 2003 - Application to vary premises licence
Astoria 37-39 Guildhall Walk Portsmouth PO1 2RY**

I refer to the recent application by Invincible Leisure Ltd for the variation of the premises licence in respect of Astoria, 37-39 Guildhall Walk, Portsmouth, PO1 2RY.

The applicant seeks, by way of variation to the licence:

- Extend the hours for the sale of alcohol and regulated entertainment to 03:00 hours Sunday to Thursday inclusive together with stated non-standard timings for commencement of BST and bank holidays;
- Extend the hours for the provision of late night refreshment to 03:30 Sunday to Thursday inclusive together with stated non-standard timings for commencement of BST and bank holidays;
- Extend the hours that the premises are open to the public to 03:30 Sunday to Thursday inclusive together with stated non-standard timings for commencement of BST and bank holidays;
- Delete conditions numbered 28 and 29 (Annex 3 - Conditions attached after a hearing by the licensing authority) and replace with amended wording.

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; and
- Prevention of public nuisance.

Continued/.....

This representation is made on the basis that the applicant has not demonstrated in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives should the application be granted.

Cumulative Impact

Cumulative impact is not mentioned specifically in the 2003 Act but having regard to the Statutory Guidance issued in accordance with section 182 of the Act means:

"The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area"

The guidance also identifies that in some areas, where the number, type or density of premises selling alcohol or providing late night refreshment is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. The guidance recognises the cumulative impact of such problems which generally occur as a result of large numbers of drinking being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

Further queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

The guidance establishes that there needs to be an evidential basis for the decision to include a special policy within its statement of licensing policy and that after considering the available evidence and consulting individuals and organisations listed in section 5(3) of the Act (and any others), the Licensing Authority may be satisfied that it is appropriate to include an approach to cumulative impact in its licensing policy. It may also decide to indicate in its statement that it has adopted a special policy with the effect that where it received relevant representations, **there is a rebuttable presumption that, for example, applications or variation applications which seek to extend the sale or supply of alcohol or provision of late night refreshment are refused or subject to certain limitations.**

As members will be aware, on 11 July 2017, the Licensing Authority adopted its new statement of licensing policy and considered the evidence put before the Council by the Chief Officer of Police in relation to problems associated with the cumulative impact of premises in Guildhall Walk and the surrounding area. Members voted unanimously in support of the policy and its adoption with no amendments.

Deletion/amendment of conditions 28 and 29 (Annex 3 - Conditions attached after a hearing by the Licensing Authority)

This application also proposes to delete/amend conditions currently attached to the licence.

Members are advised that the applicants previously made application in July 2016 to vary the licence so as to extend the hours for the sale of alcohol, regulated entertainment and late night refreshment to 04:00 hours on Friday and Saturday and 02:00 hours on a Sunday and to extend the hours of opening and closing for an additional 30 minutes beyond the terminal hour for licensable activities.

Following representations being made by the Chief Officer of Police, the Licensing Authority and Public Health, a Licensing Sub-Committee hearing was held on 6 September 2016 to determine the application which was subsequently granted by the Sub-Committee notwithstanding the representations by responsible authorities. In making this decision the Sub-Committee had regard to the conditions offered by the applicant as part of the application as well as imposing a further condition as part of their decision.

Members should be aware that condition 28 was offered up by the applicant as part of last year's application and condition 29 was imposed by the Licensing Sub-Committee.

I have concerns that in the space of less than 12 months, the applicant is now wishing to essentially remove a condition that enabled them to persuade the committee last year that the variation application would not have a negative cumulative effect upon the licensing objectives and indeed seek approval to remove a condition that the Committee felt appropriate to impose in order to approve the application.

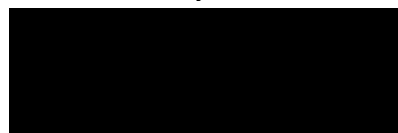
Conclusion

It is therefore clear that in considering this application, members must, by default, consider the likely cumulative effect of the proposals put forward by the applicant and the potential effect of removing the conditions previously imposed by the Licensing Sub-Committee on 6 September 2016. It is the view of both the Police and Licensing Authority that if this application were to be granted then there would undoubtedly be a negative cumulative impact on the promotion of the licensing objectives. Whilst the applicant has identified proposed preventative measures within the operating schedule, incidents of crime and disorder and public nuisance are still prevalent within the cumulative impact area and are disproportionately higher than any other part of the city, particularly in the early hours of the morning.

By increasing the opening hours and availability of alcohol during the week, I am of the view that there will be an undoubtable increase in existing problems thereby introducing additional incidents of crime, disorder and public nuisance than currently exists within the cumulative impact area.

Having regard to my comments above, the Statutory Guidance issued in accordance with section 182 of the Licensing Act 2003 and the Authority's statement of licensing policy, I would urge the Licensing Sub-Committee to refuse the application to vary the premises licence.

Yours sincerely

A black rectangular box redacting the signature of Nickii Humphreys.

Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk