

THE ASTORIA APPLICATION TO VARY THE LICENCE SUBMISSION ON BEHALF OF THE APPLICANT

The application is in essence to extend end time of the permitted hours for regulated entertainment and the sale of alcohol from 2 a.m. on Sundays to Thursdays until 3 a.m. (with a further 30 minutes for late night refreshment) and to amend conditions (see further below).

The application for longer hours has come about following a recent decision of the Licensing Sub-Committee with regard to premises known as “Pryzm” (formerly “Liquid and Envy”).

Those premises were originally licensed to sell alcohol until 2 a.m. on Sundays to Thursdays but their application (which included other matters) to extend the terminal hour until 3 a.m. on those days was granted on 27th June 2017. Copies of the report to that sub-committee and the decision notice are attached.

In short, the application has been made (as is set out in section M (a)) because this recent grant put the application premises at a commercial disadvantage (although we recognise that this is not a matter that will be of relevance in determining the application).

On that occasion, both the police and the licensing department had objected, as indeed is the case with regard to this application and, to a large extent, what was produced in support of those representations is the same as is now said. In particular, the statistical information about crime and disorder appears to be the same.

There are however two significant differences. Pryzm (in its former incarnation) had previously been the subject of a review which resulted in the imposition of a host of conditions – Astoria has never been the subject of a review. Secondly, Pryzm (according to the police) had not generally been open on weekdays and when it had been for special events, incidents had occurred outside the venue. By contrast and particularly during term time, Astoria has been open on weekdays and there have been no specific complaints from the police about incidents occurring on those days. Indeed, the incidents that are referred to in the schedule produced by the police largely demonstrate that staff, particularly door supervisors working at Astoria respond properly to incidents that inevitably occur at any on-licensed premises operating in the night time economy and that includes noting suspicious behaviour resulting in the detention and arrest of suspected drug dealers on 2 occasions.

That said, we recognise that each case must be considered on its own merits and whilst we invite the sub-committee to have due regard to the decision made in the Pryzm application, we accept that it cannot and should not be regarded as a binding precedent.

Reference has been made in the representations, particularly that from the Licensing Officer to the earlier application for an extension of hours. We attach a copy of the site notice regarding that application which summarises what was requested (and subsequently granted). Prior to that application, a number of temporary event notices had been given to effectively extend the trading hours at weekends, this in order to gauge whether or not the longer hours had any negative effect in terms of the licensing objectives. In short, we were able to demonstrate that there was no such effect.

On this occasion, we have not undertaken a similar exercise, largely because to do so would have had little evidential value. This is because Astoria caters principally for the student market and any TEN would have had effect in July when the students would have been at home.

Regarding the application itself, the applicants have consulted and engaged with the police in particular and did so before the application was submitted. Further, in making that application, a thorough review of the conditions (of which there are a great many) was undertaken, against the backdrop of the premises being situated in a cumulative impact area. Specifically, it was noted that the taxi marshall service does not operate at weekends, hence the proposed condition that two door supervisors be deployed outside the premises at specific locations from 01:00 hours onwards. (In this regard, it should be noted that Astoria invariably operates with more SIA staff deployed than is required by the existing conditions and that each and every one is equipped with Body Worn Video cameras which are worn at all times. This has proved invaluable in assisting the police and other agencies in investigating allegations of criminality, more often than not proving that complaints against door staff are unfounded). It should perhaps also be noted in passing that the application in respect of Pryzm by contrast made no reference to the CIZ and no additional conditions were originally offered although some were later agreed during the application process).

Considering the overall picture, it has been noted in the representations that the student population in the immediate area is likely to increase in the near future with the construction of additional substantial accommodation, particularly in the area immediately to the north of the Guildhall and in close proximity to Pryzm. (Note that it is understood that the total number of students in Portsmouth is unlikely to increase). Unlike the general populace who tend to frequent late night venues mostly at the weekend, students are just as likely to venture out on weekday nights. Logic dictates that if there is but one venue in a locality that caters for that market, those who wish to avail themselves of the facility will all congregate at that establishment. If however there is more than one such venue, it is probable that those wishing to enjoy a night out will divide themselves between all of the available venues.

This in turn means that there would be fewer people at any particular venue and that in turn reduces the risk of conflict and therefore of crime, disorder and anti-social behaviour. Given that at any one time, the number of students is fixed and given that students almost invariably have limited budgets, the provision of an alternative venue is unlikely to result in an overall increase in the number of people (students) availing themselves of the available facilities at any given time.

Put another way, in these specific circumstances, the provision of additional facilities for drinking in particular is unlikely to lead to an increase in crime and disorder, particularly as the two venues in question (Pryzm and Astoria) are some distance apart (either side of the Guildhall Square) but both within easy walking distance for their intended market.

We now turn to the changes that are requested in the licence conditions. There are two. The first relates to the interaction between Astoria and the venue immediately next door – Lyberry. The second relates to dispersal from different parts of Astoria.

Dealing with the first, the current condition was attached to the licence when it was last varied. With respect to the sub-committee, we have some difficulty in understanding why it was felt appropriate to have this condition in order to promote any of the licensing objectives, particularly as it was not offered by the applicant in its operating schedule nor was it requested by those who made

representations namely the police and the licensing officer. In practice, its enforcement has caused difficulty and the reasons for that are set out in the body of the application at section M (a) which we will not repeat here. An alternative condition is proposed.

Regarding the phased closure of one of the two zones within Astoria, experience suggests that with the longer hours that have already been granted on weekends, patrons do indeed tend to leave over a longer period of time than was previously the case but some do migrate from the zone to be closed to the other in any event. The applicants have concluded that the purposes intended to be served by the original condition (which was volunteered) will be just as well served if one zone closes 15 minutes before the other and this would apply no matter what time the management chose to close the venue – it would not simply apply on those Fridays and Saturdays when the premises are open beyond 2 a.m.

The other proposed condition relates to an enhancement of the CCTV system which has already been implemented following consultation with the police and is part of the venue's ongoing commitment to continually review its policies and procedures primarily to ensure the safety of its customers by acting pro-actively to reduce crime, disorder and anti-social behaviour.

On behalf of the applicants, we therefore request that the application be granted as requested.

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Ref PJD(IN78/1)/Astoria

Enclosures in separate bundle:-

Pryzm – report to Licensing sub-committee	Pages 1 – 7
Decision notice – Pryzm	Pages 8 – 10
Police representation Pryzm (relevant parts highlighted)	Pages 11 – 15
Extract from Pryzm application – section M	Page 16