

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Monday, 22 September 2014 at 9.30 am in the executive meeting room, floor 3 of the Guildhall, Portsmouth

Present

Councillors Hannah Hockaday (in the Chair)
Julie Swan
Eleanor Scott

1. **Appointment of Chair.**
Councillor Hannah Hockaday was appointed Chair.
2. **Declarations of Interest.**
No interests were declared.
3. **Licensing Act 2003 – Application for variation of a premises licence for Hampshire Boulevard Hampshire Terrace PO1 2QN**
The Licensing Manager informed the committee that the applicant had withdrawn their application.
4. **Licensing Act 2003 – Application for the grant of a premises licence for The Travelling Flem, 62 Elm Grove Southsea Portsmouth PO5 1JG**
Simon Docker, the applicant was in attendance.

The Licensing Manager introduced her report and informed the committee that:

- The applicant had withdrawn his application for a licence to play recorded music and the Public Protection Department had consequently withdrawn its objection to the application.
- The applicant had liaised with the four other persons who had raised objections and three of them had subsequently withdrawn their objections subject to the conditions agreed with the applicant. A list of these had been submitted to the committee.

The Legal Advisor asked the committee to note that:

- Any conditions relating to activities that are not licensable would be excluded from that list.
- The one remaining representation does not provide evidence linked directly to the premises that one or more of the Licensing Objectives would be undermined by the granting of this licence.
- As this premises is not in an area of special policy or a Cumulative Impact Area and there is no evidence that the granting of the licence would undermine the granting of the premises, the Licensing Act assumes that the committee would grant the licence unless there is premises specific evidence

In response to a question from the committee, the Licensing Manager explained that the application had requested a licence for the provision of background recorded music but when the applicant learnt that this was not licensable, it was withdrawn.

Mr Docker included the following points in his representation:

- From 1997 until 2012 he ran satellite TV retail stores then he opened the Pie and Vinyl with his friend.
- He has a lot of support from people who run pubs in the area.
- The premises would be a Flemish/ Belgian restaurant.
- Woodpath is not really a shortcut to anywhere; he therefore did not see that there would be more people using it.
- The premises would not cause an increase in traffic along this road.
- Suggested conditions for inclusion on the licence would deal with waste, including locked bins. As he does not plan to offer take away food, he does not know what litter increased litter there could be.
- Other conditions include having an allocated smoking area on Elm Grove only, not emptying of bottle bins between 21:30 and 08:00 hours, a notice being displayed reminding customers that it is a residential area and requesting they keep quiet on leaving the premises and that any taxis picking up from the premises do so on Elm Grove, not Woodpath.
- Planning permission was refused because of an issue with the sign. An application has been resubmitted.

The Legal Advisor explained that the concerns raised in the representation regarding the possible transfer of the licence at a future date and parking on yellow lines were not matters that the Licensing committee could lawfully take into consideration; parking is a planning consideration and the application before the committee must be judged on its own merits.

In response to a question from the committee, Mr Docker explained that there would be three menus: all day; evening and a smorgasbord. Food would be served until one hour prior to closing time. Alcohol would be served until the time the licence extends.

The Legal Advisor explained that there is no legal requirement for a drinking-up time between the time when alcohol is no longer served and closing time.

DECISION

Licensing Act 2003 - The application for the grant of a premises licence for the Travelling Flem, 62 Elm Grove, Southsea PO4 1JG was granted subject to the conditions agreed and proposed.

REASONS

The committee carefully considered the application before it, including the written representation.

The area is not an area of cumulative impact or one of special policy and as such the evidence must be premises specific and fact-based. Fears and concerns are not sufficient evidence in themselves.

The meeting concluded at 10:15am.