

Appendix E

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Wednesday, 12 August 2015 at 9.30 am in the Guildhall, Portsmouth

Present

Councillors Jennie Brent
Stephen Hastings
Phil Smith

72. Appointment of Chair

Councillor Phil Smith was appointed Chair.

73. Declaration of Members' Interests

No interests were declared.

74. Licensing Act 2003 - Application for the variation of a premises licence at HUIS, 62 Elm Grove, Southsea, PO5 1JG

In attendance.

- Simon Docker, owner of Travelling Flem Ltd and DPS.
- Justine Leitarte, Weekend Manager.

The Principal Licensing Officer introduced the report and added that three of the people who submitted written representations indicated that they were not planning to attend the hearing. The other three did not reply.

In response to questions, he clarified the following points:

- No representations had been made before the hearing was published.
- It is for the committee to decide how much weight to put on these representations.
- Elm Grove is in a busy area. All the side roads lead to other areas of the city. Many people use Woodpath as a shortcut.
- There is no evidence of any problems linked to this premises.

Mr Docker included the following points in his representation:

- The premises had been open for four month and on eight Friday and Saturday nights he opened until 02:00. He received no complaints from the police or Environmental Health.
- Parking is not a consideration for the licensing committee.
- Most clients exit onto Elm Grove.
- They do not serve people who are intoxicated.
- It is not a takeaway therefore there would be no litter.
- They have a nice client base; there is rarely any swearing or shouting.
- He made two attempts to contact the resident at 10 Woodpath regarding the original application. When he spoke to her she said that she had no objections but did not withdraw her representation.
- A mobile number is given to local residents in case of problems.
- A sign on the wall asks clients to order taxis from Elm Grove and not Woodpath (a copy was circulated to the committee).

- Door staff ask customers to leave quietly late at night.
- One noise complaint at 22:55 and was rectified within 15 minutes.
- The kitchen closes at 21:30 and the back door is shut at 23:00.
- No bottles are put into crates after 23:00.
- Deliveries are during the day.
- He arranged for a noisy fan belonging to a nearby shop to be decommissioned.
- A fence was put up to contain the storage area. The vermin are under very good control.
- It has capacity for 60 customers; most of whom are diners.
- Staff ask clients not to smoke on Woodpath.
- He carries out regular walks around the premises to check outside noise levels.
- He would accept a condition regarding limiting off sales to the day time if the committee felt that it was necessary.

In response to questions, he added that:

- An off sales licence was requested to allow flexibility if customers wanted to buy another bottle of wine or beer after the meal to take home.
- If necessary, staff would approach customers outside and ask them not to smoke on Woodpath.
- As he understands it, a licence would be required for recorded music.
- Door staff are now on duty from 21:30 until 02:30am as he did not want the bar staff alone.
- He attends fortnightly Pubwatch meetings where information is shared regarding known troublemakers.
- He is considering signing to the Portsmouth Safeguarding Group in Elm Grove which also shares information.
- He reviews CCTV footage when necessary.
- A refusals log is kept.

In summing up, Mr Docker added that he would accept a condition on the licence to prohibit entry half an hour prior to closing if the committee were to deem it necessary.

DECISION

Licensing Act 2003 - The application for variation of a premises licence Huis, 62 Elm Grove, Portsmouth PO5 1JG was granted with following condition: All doors are to remain closed (other than for access or egress) whilst regulated entertainment is being provided.

REASONS

The committee carefully considered the application before it for a variation to an existing premises licence and the written representations.

Whilst the committee noted the objectors' concerns and fears in relation to principally two of the statutory licensing objectives, they being prevention of public nuisance and potentially the prevention of crime and disorder, the committee heard no direct evidence that the grant of a variation would cause any of the licensing objectives to be undermined.

The committee noted that none of the relevant responsible authorities made objections the variation application.

The premises is not in an area of special policy or cumulative impact and there is no evidence that the variation sought would be inconsistent with the Licensing Act 2003, statutory guidance or the applicable policy considerations. It was also noted that the Act assumes a grant of an application in the absence of finding of relevant premises specific evidence to rebut this presumption.

Fears and concerns are not sufficient to deny the application. This said the committee recognised that it would be appropriate to enhance the current conditions attached to the current licence to include: All doors are to remain closed (other than for access or egress) whilst regulated entertainment is being provided.

The committee considered that the imposition of the appropriate condition and the general power of review under the Licensing Act 2003 coupled with the current licence conditions as already in place are consistent in promoting the licensing objectives.

The meeting concluded at 10:30am.