

LICENSING SUB COMMITTEE

MINUTES OF A MEETING of the Licensing Sub Committee held on Wednesday 24 September 2008 at 9.30am in the Executive Meeting Room of the Guildhall, Portsmouth.

Present

Councillors Lee Mason (in the chair)
David Fuller
April Windebank

61. Appointment of Chair (AI 1)

Councillor Lee Mason was appointed chair for the meeting.

62. Declaration of Members' Interests in Accordance with Standing Order No 14 (AI 2)

Councillor Fuller declared a personal but non-prejudicial interest in that he has regular dealings with Stokes Solicitors but not Mr Wellings direct.

63. Licensing Act 2003 – Application for the variation of a premises licence – 17 Albert Road, Southsea, Portsmouth, PO5 2SE (AI 3)

(TAKE IN REPORT BY THE LICENSING MANAGER)

Mr Oliver Wellings (barrister representing the applicant), a representative from Stokes Solicitors, and Mr Nazirh Ahmed and Mr Babul Ahmed, the applicants were in attendance.

There were no interested parties in attendance.

The Deputy Licensing Manager, Richard Chalmers, introduced his report and said that the premises were previously known as 'Katarins' which operated as a bar/dance facility. The current applicants intend to operate the premises primarily as a restaurant. The only representations for consideration were from the interested parties, which were attached to the report. The Police had initially made representations regarding CCTV, the number of tables and late night refreshment but as an agreement had been reached they had withdrawn their representations.

Mr Wellings made the following points during his representations;

- ❖ The previous use of the premises was primarily for drink/dance; this is fundamentally a restaurant use.
- ❖ There will be at least 11 tables available for diners.
- ❖ Assurance has been given to the Police that the bar will be available but it will be mainly for diners to use whilst waiting for tables.
- ❖ The opening hours will be later but noise will be far less as the use has changed from bar/dance to a restaurant.
- ❖ Take concerns from the interested parties very seriously.
- ❖ Area has a very mixed use with many late night refreshment houses.
- ❖ Hope to reduce and allay residents' fears in terms of use of the premises.
- ❖ The extractor fan has been replaced with a modern fan.
- ❖ The vent, which had caused previous concern to local residents, had been installed many years ago and was out of date.

- ❖ The vent cannot be moved due to the structure of the rear of the building.
- ❖ 3 CCTV cameras have been installed, on the ground floor, on the 1st floor and one near the bar area.
- ❖ Arrangements have been made for the refuse to be collected twice a week.
- ❖ The bin store has been revamped and tidied.
- ❖ There will be no need to have the rear door of the premises open because of the installation of the new extractor system and the air conditioning.
- ❖ The applicant agreed to remove the reference to recorded music from the application.
- ❖ Only back ground music would be provided.

The Deputy Licensing Manager, in the absence of the interested parties, circulated a further letter and photographs from Mr Moon, of 27A Albert Road, which the applicant had looked at before the commencement of the meeting.

In summing up, Mr Wellings reiterated the points as above and added the following;

- ❖ The use as a restaurant will reduce the impact on residential amenity.
- ❖ The rubbish has to be stored at the rear of the premises but with twice weekly collections there will no longer be a build-up of rubbish, which was of particular concern to Mr Moon.

DECISION: the application to vary the premises licence at 17 Albert Road, Southsea was granted so as follows, with the additional conditions as set out below;

- a) amend the hours the premises are open to the public on Monday to Saturday 1800-0200 hours and on Sunday 1800-2400 hours.
- b) amend the hours for the sale of alcohol to Monday to Saturday 1800-0200 hours and on Sunday 1800-2400 hours on the premises only.
- c) remove the provision of regulated entertainment consisting of the playing of live music, entertainment similar to live or recorded music, provision of facilities for making music and the provision of facilities for dancing.
- d) amend the hours for late night refreshment Monday to Saturday from 2300 hours to 0200 hours and on Sunday from 2300 hours to 2400 hours.
- e) remove those conditions relating to the use of CCTV, door supervisors, restrictions relating to air conditioning and noise attenuation measures.

Additional conditions:

- ❖ that point 2d) of the application be removed.
- ❖ that the smoking area at the rear of the premises to be for staff only and not be available to the public.
- ❖ that the rear door not to be left after 2300 hours daily.

REASONS: The committee had regard to its statement of Licensing Policy and Statutory Guidance. The committee also had regard to the representations submitted both attached to the report and heard at the meeting. The committee imposed additional conditions relating to the rear smoking area and the rear door, which they felt to be reasonable, proportionate and necessary. The committee was also content with the actions undertaken by the applicant in relation to CCTV, rubbish and the extractor fan. The human rights of the applicant and the interested parties were taken into consideration whilst making this decision.

The Deputy Licensing Manager advised that all parties have the right of appeal to the Magistrate's Court within 21 days of the notice of decision being received by them.

The meeting concluded at 10.20am.

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Signed by the chair of the meeting.