

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Tuesday, 5 June 2018 at 11.00 am in the executive meeting room, floor 3 of the Guildhall, Portsmouth

Present

(in the Chair)

Councillors Ian Lyon
Dave Ashmore
Leo Madden

Apologies for Absence

34. Appointment of Chair

Councillor Ian Lyon was appointed chair of this hearing.

35. Declaration of Members' Interests

No interests were declared.

36. Licensing Act 2003 - Application for grant of a premises licence - Portsbridge Service Station, Portsmouth Road, Portsmouth, PO6 2SJ

Present

Peter Baulf, Legal Advisor
Derek Stone, Principal Licensing Officer

Robert Botkai, Solicitor for the applicant
Vincent Hardy - Rontec Watford Ltd.

David Baxter, Interested Party

The hearing procedure of Licensing Act 2003 interested parties only was followed.

Decision

The Committee has carefully considered the application before it for the grant of a new licence and has also considered the representations made in relation to this application, both made orally and in writing.

Objection to the application for a grant of licence has been raised by neighbours and residents living nearby with respect to the licencing objectives of: Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance.

There have been no representations from any of the statutory responsible authorities - it is of note that the applicants' have worked with the Licensing Authority and the Police to agree a range of conditions aimed at promoting the Licensing Objectives.

The Committee is engaged in exercising its discretion as representations have been raised as stated above.

As stated above the Committee notes that the applicant and the relevant responsible authority, the Police, have been able to agree amendments with respect to the original grant application operating schedule conditions as stated below:

- The additional conditions beyond the standard licensing conditions are set out in annex D of the committee papers.

In addition to the above, evidence has been given by the operators of the premise that they propose to take the following additional steps in relation to the premises in order to uphold and promote the licensing objectives, such as steps are offered as additional conditions applicable to the grant application.

The additional conditions offered and accepted by this committee today are:

1. Appropriate signage at the entry and exit of the site to request that patrons consider and respect those local residents living in the immediate vicinity.
2. A notice will be displayed in the premises and at the night pay window notifying members of the public how to contact store management/premises licence holder.

The Committee are clear that they look to the police as an essential source of advice and information with respect to the licensing objective of crime and disorder. The police should be the Licensing Authority's main source of advice in that respect. There has been clear engagement as between the applicant and the Police which has led to no representations being laid before the Committee. This said having read the report the Committee are not constrained and may depart if appropriate having considered the case facts and looked at all matters objectively. The Committee accept that the relevant licensing objectives have been promoted. The committee have approached their consideration of this case on its own facts and merits (see paragraph 9.42 of the policy).

With respect to the objections raised by neighbours and members of the public, the Committee can confirm that they have been considered but have been rejected in that whilst clearly heartfelt, all are based upon what may occur as opposed to what has occurred that can be linked to the relevant premise - it is not enough to have a concern as to what might occur, what it required is a clear link (see paragraph 4.7 and 4.8 of the policy).

In addition to the above, the Committee has considered that the application is one that is primarily relating to retail activity and that whilst petrol and derv is sold that is not the primary usage of the site and as such section 176 of the 2003 Act is not engaged.

In addition and having considered the Statutory Guidance (section 182 of the Licensing Act as amended and enacted in April 2018) the Committee is also

aware that any Responsible Authority and indeed any other person may ask this Committee to review the licence because of any matter arising at the premises in connection with any of the licensing objectives. The Committee can find no reason to decline the licence application as sought/amended with the conditions proffered and imposed as above being proportionate and consistent with respect to the promotion of the relevant licensing objectives.

The meeting concluded at 1.30 pm.

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Chair