

## LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Wednesday, 10 October 2018 at 2.00 pm in the executive meeting room, floor 3 of the Guildhall, Portsmouth

### Present

Councillors Ian Lyon  
Tom Coles  
David Tompkins

#### 57. Appointment of Chair

Councillor Ian Lyon was elected to chair this meeting.

#### 58. Declarations of Members' interests

There were no declarations of members' interests.

#### 59. Licensing Act 2003 - Application for grant of a premises licence - Baffled Coffee, 77 Fawcett Road, Southsea, PO4 0DB

##### Present

Peter Baulf, Legal Advisor  
Derek Stone, Principal Licensing Officer

Mr Fergus McMurray and Mrs Rachael McMurray - Applicants

Mr Bob Smith and Ms Charlotte Batten, Interested Parties

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

##### Decision

**That the premises licence be granted with the conditions previously agreed between the police and the applicant as set out in appendix C of the papers.**

##### Reasons:

##### Application:

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

##### Responsible Authority:

There have been no representations made by any of the relevant Statutory Responsible Authorities. It is noted that the application has engaged with the

Police and accepted by way of variation to the original application a number of conditions reflected in the operating schedule.

The Committee has heard and received 4 objections from local residents particularly pertaining to the issue of noise and potential anti-social behaviour, these complaints are in respect to two potential licensing objectives, firstly Public Nuisance and secondly Crime and Disorder.

#### Representations:

The complaints as made have been generic in nature about the consideration of noise being a potential public nuisance rather than specifically relating to specific incidents linked to the licenced premises. In addition the comments about the potentiality of alcohol sales being causative of future Public Disorder and potential Crime and Disorder are not made out upon the evidence before the Committee.

#### Standard Conditions:

The above said the Committee has looked at the relevant Statutory guidance (April 2018) and are entitled to rely upon any proportionate and reasonable representations made by the police, and are mindful that the applicants have engaged with the police and that no representations have been made by the police to this Committee. Indeed the applicants have accepted without demure the range of conditions sought thereby promoting the licensing objectives.

The Committee note that the suggested conditions requested by the police (page 30 of the bundle) are accepted by the applicants and will form part of the relevant operating schedule.

The Committee adds by way of observation that it would be appropriate for the applicants to:

- (a) Consider at all times of trading the direct impact of noise as it effects with respect to neighbours properties and occupiers.
- (b) To consider the positioning of all CCTV cameras to avoid any filming of neighbours thereby safeguarding their privacy.

The Committee having read the relevant paperwork (and heard the representations) and having concluded its discretion is engaged by reason of representations having been received is not satisfied that any additional conditions need to be imposed to promote one or more of the licensing objectives.

#### Statutory review:

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 is aware that other statutory agencies may be required to be engaged beyond Section 182 of the Licensing Act 2003.

#### Committee decision:

The Committee can find no reason to decline the licence application as sought with the conditions proffered and imposed as above being proportionate and consistent with respect to the promotion of the relevant licensing objectives.

Appeal provisions:

Schedule 5, part 1 of the Licensing Act 2003 sets out the appeal provisions in relation to the determination of this application, as such the Licensing Department can provide information about that process.

The meeting concluded at 3.44 pm.

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Chair