



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

WEDNESDAY, 10 OCTOBER 2018 AT 2.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher, Local Democracy Officer 02392 834056
Email: lisa.gallacher@Portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Committee Members Councillors David Fuller (Chair), Ian Lyon (Vice Chair), Dave Ashmore, Tom Coles, Jason Fazackarley, George Fielding, Hannah Hockaday, Leo Madden, Gemma New, Robert new, Scott Payter-Harris, Steve Pitt, Darren Sanders, Ben Swann and David Tompkins.

The panel today consists of: Councillors Ian Lyon, Tom Coles and David Tompkins

(NB This agenda should be retained for future reference with the minutes of this meeting).

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Licensing Sub Committee meetings are digitally recorded.

AGENDA

- 1 Appointment of Chair**
- 2 Declarations of Members' interests**
- 3 Licensing Act 2003 - Application for grant of a premises licence - Baffled Coffee, 77 Fawcett Road, Southsea, PO4 0DB (Pages 3 - 74)**

Purpose of report

For the committee to consider an application for the grant of a new premises licence pursuant to section 18 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from other persons namely four local residents. Further detail about the representations received are shown at within the papers.

The committee is requested to determine the application.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

9405 PLAR KM
Cepsby 13/8/18



Portsmouth
Application for a premises licence
Licensing Act 2003

For help contact
licensing@portsmouthcc.gov.uk
Telephone: 023 9283 4073

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes
- No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private limited company

Address

| | |
|-------------------------------|---|
| Building number or name | <input type="text" value="77"/> |
| Street | <input type="text" value="Fawcett Road"/> |
| District | <input type="text"/> |
| City or town | <input type="text" value="Portsmouth"/> |
| County or administrative area | <input type="text" value="Hants"/> |
| Postcode | <input type="text" value="PO4 0DB"/> |
| Country | <input type="text" value="United Kingdom"/> |

Contact Details

| | |
|------------------------|---|
| E-mail | <input type="text" value="info@baffledcoffee.co.uk"/> |
| Telephone number | <input type="text" value="02392 350164"/> |
| Other telephone number | <input type="text"/> |
| * Date of birth | <input type="text" value="dd"/> / <input type="text" value="mm"/> / <input type="text" value="yyyy"/> |
| * Nationality | <input type="text" value="British"/> Documents that demonstrate entitlement to work in the UK |

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises comprises a ground floor coffee shop serving hot and cold drinks and food. The cafe is accessed from the main street. The cafe includes an external area at the rear and a small prep kitchen situated to the rear of the building. The first floor of the building comprises the owner's private accommodation.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve - 08:00 - 00:00
New Years Eve - 08:00 - 00:30

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /

Continued from previous page...

Enter the contact's address

| | |
|--|--|
| Building number or name | <input type="text"/> |
| Street | <input type="text"/> |
| District | <input type="text"/> |
| City or town | <input type="text"/> |
| County or administrative area | <input type="text"/> |
| Postcode | <input type="text"/> |
| Country | <input type="text"/> |
| Personal Licence number (if known) | <input type="text" value="695"/> |
| Issuing licensing authority (if known) | <input type="text" value="Portsmouth City Council"/> |

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

WEDNESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

THURSDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="08:30"/> | End | <input type="text" value="22:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

Regular staff training sessions on the Licensing Act (most recent) and also carrying out and documenting regular risk assessments.

Only serve alcohol between the licensed hours

Be knowledgeable and aware of alcohol related crime.

Be in contact with and maintain a relationship with local organisations such as Portsmouth Crime Reduction Partnership and Retail Watch.

Keep a log book of any people refused alcohol (including a description, date and time and reason why refused) where staff can access it.

b) The prevention of crime and disorder

Staff to be trained and made aware not to serve alcohol to anyone who is behaving drunk and disorderly

Additional CCTV or web cams (with recording facilities) to be installed at front door and all seating areas.

Display of appropriate signage

Reduce risk of underage drinking by employing 'Challenge 25' rule.

Prevention and vigilance of illegal drug use on the premises

c) Public safety

Report any anti-social behavior to the Police.

Always have a minimum of two employees on shift at any one time.

Offer free water to all customers

Ensure that the premises still complies with all fire safety controls

Provide customers with details of nearby parking.

d) The prevention of public nuisance

Effectively manage any refuse waste

Prevent large groups of customers from congregating outside at any one time.

Display appropriate signage advising customers to be quiet when leaving the building

Have details of public transport and taxi phone numbers to hand.

Limit noise from within cafe by keeping front door closed.

No bins to be left outside the front of the building during licensed hours .

e) The protection of children from harm

Employ 'Challenge 25' and 'Drinkaware' policies with all staff being trained in these objectives.

Staff to be made aware to request to see ID if necessary and to refuse the sale of alcohol if no valid ID can be produced.

Ensure all children visiting the premises are with a responsible adult.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

| | |
|-------------------------------|---|
| Building number or name | <input type="text"/> |
| Street | <input type="text"/> |
| District | <input type="text"/> |
| City or town | <input type="text"/> |
| County or administrative area | <input type="text"/> |
| Postcode | <input type="text"/> |
| Country | <input type="text" value="United Kingdom"/> |

DECLARATION

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my * licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

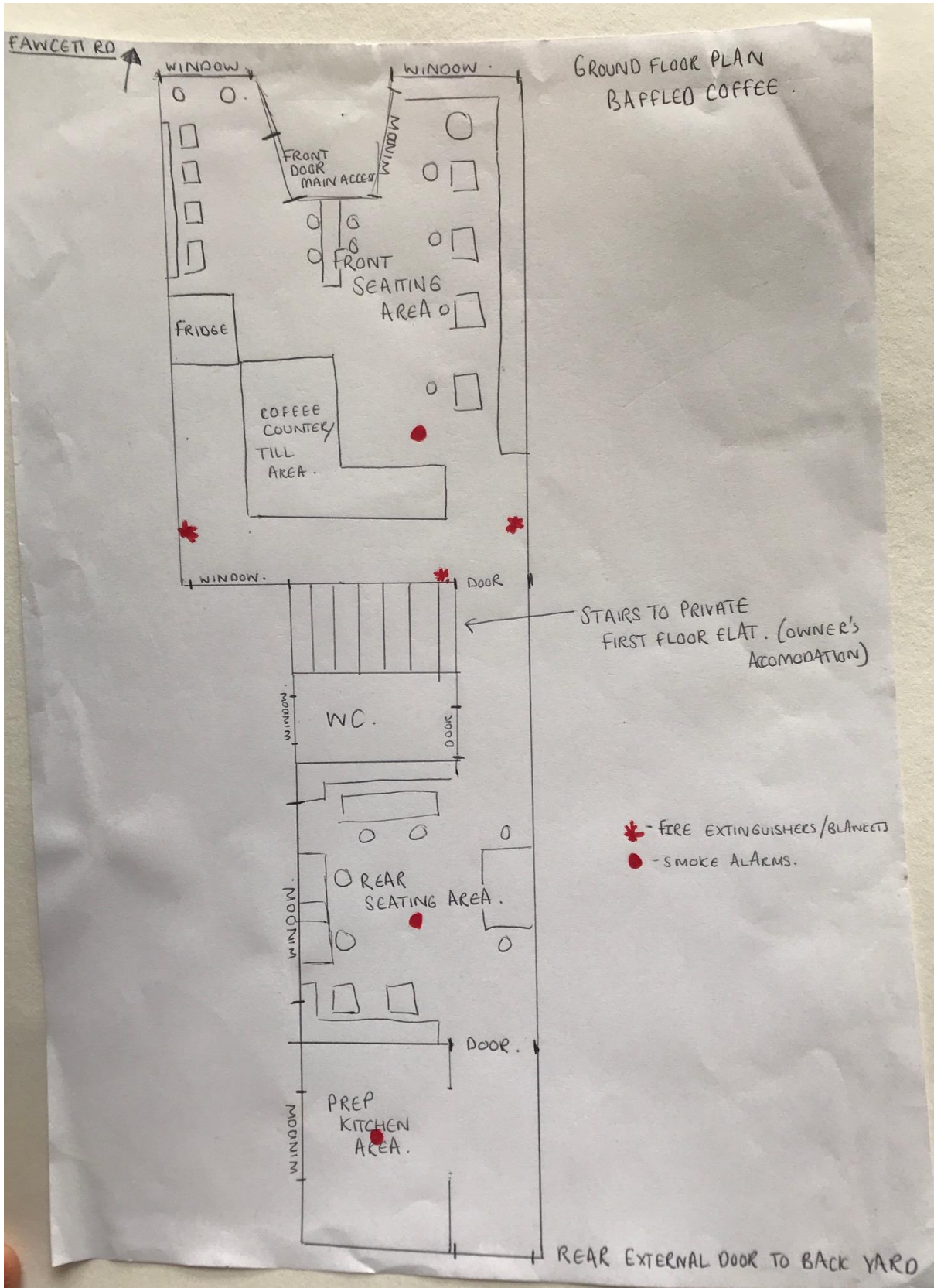
| | |
|-------------------|----------------------|
| * Full name | <input type="text"/> |
| * Capacity | <input type="text"/> |
| Date (dd/mm/yyyy) | <input type="text"/> |

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/portsmouth/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED



This page is intentionally left blank

REPORT TO: LICENSING SUB-COMMITTEE 10th OCTOBER 2018

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

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

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the grant of a new premises licence pursuant to section 18 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from other persons namely four local residents. Further detail about the representations received is shown at paragraph 4 below.

2. THE APPLICATION AND PROPOSED OPERATING SCHEDULE

The premises licence application has been submitted on behalf of Baffled Coffee Limited and relates to premises known as Baffled Coffee, 77 Fawcett Road, Southsea. The applicant is the owner Fergus McMurray. Initially Mr McMurray applied for permission to supply alcohol from 08:00 until 23:00 Monday to Saturday and 08:30 to 22:30 on Sunday. This was outside of the permitted hours authorised under planning consent for these premises which are from 08:00 to 18:00 Monday to Saturday and 08:30 to 16:30 on Sundays and on any recognised bank or public holiday. The applicant has since requested to reduce the hours to mirror the times permitted under the planning permission.

The following amended licensable activities have been requested:

| Proposed Licensable Activity | Days and Times of Operation |
|-------------------------------------|--|
| Sale by retail of alcohol | Sunday 08:30 until 16:30 and on any recognised bank or public holiday Monday to Saturday 08:00 until 18:00 |

With the hours of opening and closing as above.

The applicant has detailed in the operating schedule the steps intended to support and promote the licensing objectives. These can be found in the redacted application form attached as **appendix A**. A plan of the premises is attached as **appendix B**.

The updated statutory guidance¹ gives general advice about the steps to promote the licensing objectives as follows:

¹ Revised Statutory Guidance issued by the Home Office

Paragraph 8.42 "Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand: the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate; any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."

Paragraph 8.43 "Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."

Paragraph 8.44 "It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."

Paragraph 8.47 "Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."

3. BACKGROUND INFORMATION

The provisions relating to the grant of a premises licence are contained within part 3 of the Licensing Act 2003 and associated statutory regulations.

Public notice has been given by way of press notice, a premises notice and local ward councillors have been notified of the application. There are no germane grounds for the committee to reject the application for non-compliance with the prescribed advertising requirements.

Baffled Coffee is located on the East side of Fawcett Road between the junctions of Manners Road and Percy Road. The premises are small with a maximum of 30 covers internally utilising the front and a room close to the rear of the premises. Located in the enclosed rear garden are trestle tables and benches that would cater for a maximum of 20 covers.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

There have been no representations from any responsible authorities. Conditions have been agreed between the applicant and the police which will be added to the premises licence if approved. These are attached at **appendix C**

Relevant representations have been received from four local residents concerned

with the initial times applied for and the significant change in use from an approved café with planning permission. The concerns were public nuisance with late night noise from patrons and general anti-social behaviour. The applicant has altered his application to minimise the concerns raised even agreeing to prohibiting alcohol to be consumed at the front of the premises and only served with food in the rear garden therefore fulfilling the main use of the café as a café/restaurant and not a drinking establishment. Copies of the redacted representations received and supporting documents are attached at **appendix D**

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the application, the committee must have regard to:

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance² issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

Statement of Licensing Policy

The Statement of Licensing Policy lays down a general approach to the determination of licensing applications and any such application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Committee will have those representations considered on their individual merit.

The Committee should consider the fundamental principles set out in its policy, particularly paragraphs 4.7 and 4.8 which are reproduced below:

- 4.7** *Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.*

² Revised statutory guidance issued by the Home Office

4.8 *Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the evening and night-time economy in town and city centres.*

The Committee should also have regard to paragraphs 7.1 to 7.5 in relation to such circumstances where it may be appropriate to consider the imposition of conditions on a premises licence.

Statutory Guidance

The updated statutory guidance issued by the Home Secretary in accordance with section 182 of the Act refers to the consideration of applications for the grant or variation of premises licences in Chapter 9.

Members may wish to consider the following extracts from the statutory guidance when determining this application:

Paragraph 9.37 *"As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits".*

Paragraph 9.42 *"Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be."*

Paragraph 9.43 *"The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."*

Paragraph 9.44 *"Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the*

objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

Paragraph 10.8 *"The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."*

Paragraph 10.9 "It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."

Members are reminded about the review provisions contained in chapter 11 of the guidance and, in particular:

Paragraph 11.1 *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."*

Paragraph 11.2 *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."*

Determination of an application

Where an application to grant a premises licence has been made in accordance with section 17 of the Act and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant, each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:

- **grant** the licence subject to such conditions as are consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions.
- **exclude** from the licence any of the licensable activities applied for.

- **refuse** to specify a person in the licence as the premises supervisor (if the application relates to the sale of alcohol).
- **reject** the application.

In discharging its duty in accordance with the above, the Committee may grant a premises licence so that it has effect subject to different conditions in respect of:

- different parts of the premises concerned;
- different licensable activities.

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

***Paragraph 13.10** "It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."*

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to grant a premises licence.

Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence. Equally appeal provisions apply against the exclusion of licensable activities and/or refusal to specify a person as a premises supervisor.

Where a person who made relevant representations in relation to the application contends that:

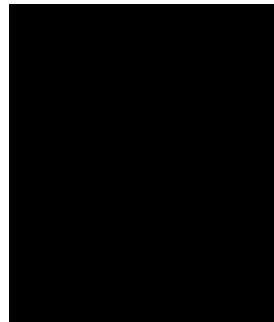
- a) that the licence ought not to have been granted, or
- b) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded activities and/or the premises supervisor,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the grant of a premises licence.
- B.** Plan of premises
- C.** Copy of Premises Licence conditions agreed between applicant and Police
- D.** Copies of the redacted relevant representations received and supporting correspondence / e mail exchange between PCC Licensing and applicant
- E.** Photographs showing front and rear of premises.

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



For Licensing Manager
And on behalf of Head of Service

This page is intentionally left blank

Appendix C

From: Rackham, Peter [REDACTED]
Sent: 28 August 2018 09:30
To: Licensing Shared Email
Cc: 'info@baffledcoffee.co.uk'
Subject: FW: Application for the grant of a premises licence - Baffled Coffee - Fawcett Road - Police Licensing

Dear Sir/Madam

Please can you note the below email trail which shows the Chief officer of Police and the applicant agreeing conditions for the grant of a premises licence at Baffled Coffee, Fawcett Road.

Should the licence be granted then please can the agreed conditions be placed onto the premises licence.

Kind Regards

Pete

PC 21945 Rackham
Force Licensing Team
Portsmouth
[REDACTED]

From: Fergus McMurray [mailto:info@baffledcoffee.co.uk]
Sent: 27 August 2018 17:52
To: Rackham, Peter [REDACTED]
Subject: RE: Application for the grant of a premises licence - Baffled Coffee - Fawcett Road - Police Licensing

Dear Pete

Thank for your email and apologies for the delay in this response.

I confirm that I am in agreement with all of the conditions set out in your email dated 22/8/2018.

Please let me know if you require any further information.

Kind regards

Fergus
Baffled Coffee

From: peter.rackham@
Sent: 22 August 2018 11:09
To: Fergus McMurray <info@baffledcoffee.co.uk>
Cc: jason

Baffled Coffee - Fawcett Road - Police Licensing

Dear Fergus

I can confirm that the Chief Officer of Police has received the application for a premises licence at Baffled Coffee in Fawcett Road.

I have looked at the application submitted and noted its contents. As such, should the application be granted then would you agree to the following conditions being placed onto the premises licence?

01 The CCTV system must be fully operational whilst the venue is open to the public. The recording equipment shall be stored and operated in a secure environment with limited access.

The system shall be regularly maintained and serviced. The system clock shall be checked regularly for accuracy taking account of GMT and BST. Digital systems shall have sufficient storage capacity for 31 days good quality pictures. The images produced will be date and time stamped.

Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made for someone to have access to the secure area and also be able to operate the equipment. Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

At all times that the premises is open for trade a person shall be on site that is able to work the CCTV system and provide a copy of any footage to the Police or officers of the Licensing Authority on request.

CCTV shall cover the full licensable area, including the entrances and exits to the premises

02 All staff involved in the sale of alcohol must receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training. Training shall cover:

- 1. Sale of alcohol to persons under 18*
- 2. Challenge 25 and acceptable forms of Identification*
- 3. Signs of Drunkenness*
- 4. Refusal register and when/how to use*
- 5. The Licensing Objectives*

This training shall be documented and records kept on the premises. Police and the Licensing Authority shall have access to an individuals training records upon request.

03 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance.

04 A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local authority.

05 The premises shall operate a challenge 25 policy and shall ensure that Challenge 25 signage is displayed prominently at the bar.

06 The premises shall be a member of a local Business Crime Reduction Partnership so long as such a scheme is in place, active and membership of the premises is welcome by the partnership.

Should you have any issues then please do not hesitate to contact me. I look forward to hearing from your response.

Kind Regards

Pete

PC 21945 Pete Rackham
Force Licensing Team



This page is intentionally left blank

TOWN AND COUNTRY PLANNING ACTS



Reference No: 16/00006/PACOU

Mrs Rachael McMurray

AMENDED DECISION NOTICE

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED) - SCHEDULE 2, PART 3, CLASS C**

**PROPOSAL: Application for prior approval relating to the change of use from retail
(Class A1) to cafe (Class A3),**

LOCATION: Ground Floor, 77 Fawcett Road, Southsea, PO4 0DB

I refer to your application valid on 12th April 2016 and my letter of acknowledgement dated 12th April 2016 concerning the above development.

I hereby confirm that the City Council, as Local Planning Authority hereby give notice that an application for prior approval of this proposal, as shown on your drawing No's: Application Form, Location Plan and Block Plan, is required and hereby **Approved** subject also to compliance with the following conditions:-

- 1) No cooking processes other than the preparation of hot beverages, toasting of bread or heating of food in a microwave oven, domestic oven or domestic cooking device shall be undertaken within Class A3 premises hereby permitted (unless a suitable kitchen extract ventilation system shall have been installed and operated to suppress cooking fumes and odours).
- 2) Prior to the commencement of any other cooking operation than those described in condition 1 (as limited to preparation of hot beverages, toasting of bread or heating of food in a microwave oven, domestic oven or domestic cooking device) a kitchen extraction system shall be installed to suppress and disperse odour and fumes emitted from cooking operations arising from this use. Prior to installation of the kitchen extraction system, details of the proposed equipment shall be submitted to and approved in writing by the local planning authority; and such approved equipment shall thereafter be operated for as long as the Class A3 continues.
- 3) The use hereby permitted shall not operate outside of the hours of 08:00 and 18:00 Monday to Saturday, 08:30 and 16:30 on Sundays and on any recognised bank or public holiday.

The reasons for the conditions are:-

- 1) In order to protect users of the surrounding area from nuisance caused by excessive cooking odours, fumes and noise, in accordance with policy PCS23 of the Portsmouth Plan.
- 2) In order to protect users of the surrounding area from nuisance caused by excessive cooking odours, fumes and noise, in accordance with policy PCS23 of the Portsmouth Plan.
- 3) In the interests of protecting residential amenity from excessive noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan.

City Development and Cultural Services
Civic Offices
Guildhall Square
Portsmouth PO1 2AU
Telephone (023) 9282 2251



Assistant Director of Culture & City Development
14 June 2016

planning@portsmouthcc.gov.uk
Web: www.portsmouth.gov.uk

Appendix D

Stone, Derek

From: Fergus McMurray <info@baffledcoffee.co.uk>
Sent: 17 September 2018 08:58
To: Robson, Debra
Subject: Re: Baffled Coffee

Hi Debbie,

Further to our conversation on Friday, we have had a think over the weekend.

Our thoughts are that whilst we're more than happy to have a condition to restrict any drinks being consumed at the front of the premises, we feel this would be too complicated to enforce in the garden area due to the main offering being food and therefore difficult to manage, say if a customer were to buy food, Coffee and an alcoholic drink but then wouldn't be able to sit in the garden.

However we understand the concern of our neighbours and are willing to accept a condition for any alcohol to only be served with food, therefore fulfilling the main use of the cafe as a cafe/restaurant and not drinking establishment.

This is also in addition to amending the application to only operating the license in our current opening hours.

I very much hope on this basis that the license can now be granted with the relevant conditions attached.

I look forward to hearing from you,

Kind regards,

Fergus

[REDACTED]

[REDACTED]

On 14 Sep 2018, at 10:53, Robson, Debra [REDACTED] wrote:

Hi Fergus

Apologies for the delay in getting back to you but I have only had one response to my email to the residents who have made representations to your application.

The resident does not want to withdraw his representation because he is concerned about drinking outside of the premises and in the garden. However if you were to accept a condition on the licence that no drinks will be consumed outside the premises, both front and back, he said he would withdraw his representation. This is the resident who lives in Manners Road so maybe his garden is close to yours.

If you do agree I will need this in writing by replying to my email.

Thanks.

Debbie Robson

This page is intentionally left blank

Appendix D

Stone, Derek

From: Robson, Debra
Sent: 19 September 2018 16:53
To: Robson, Debra
Subject: FW: 77 Fawcett Road
Attachments: 77 Fawcett Road Decsion.pdf

From: McAteer, Niall
Sent: 19 September 2018 07:28
To: Robson, Debra
Subject: RE: 77 Fawcett Road

Morning Debra

I have attached the decision notice for Cllr. Pitt's consideration.

As far as planning is concerned there are no restrictions on the use of the rear yard as per the latest planning permission on the site.


Hope this helps.

Niall

Niall Mc Ateer
Senior Planning Officer (Development Management)
Directorate of Regeneration
City Development - Development Management
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth PO1 2AU

From: Robson, Debra
Sent: 18 September 2018 15:56
To: McAteer, Niall
Subject: 77 Fawcett Road

Hi Niall

 Can you check to see if there are any restrictions on using the garden. Cllr Steve Pitt seems to think there is.

Thanks.

Debbie Robson
Senior Licensing Officer
Directorate of Culture and City Development

Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

T: 023 9283 4607



Appendix D

Stone, Derek

From: Bob Smith [REDACTED]
Sent: 07 September 2018 15:42
To: Robson, Debra
Subject: Re: Objection to license application

Thank you very much for your reply. I will try again to add the comment online and hopefully be able to post my concerns so they can be included or addressed during any decision making.

Kind regards

On Fri, 7 Sep 2018 at 13:08 Robson, Debra [REDACTED] wrote:

Dear Mr Smith

I confirm receipt of your email. I understand that you have been having problems with submitting your comments on line. IT are trying to resolve this. That said I believe they have resolved this as my IT colleague has just managed to send a rep.

Anyway whilst writing the applicant is aware that he needs to make an application to change the closing time on his planning permission. He still wanted to go ahead with the application for a premises licence despite me advising him not to do this. If the licence is granted he will not be able to use it if he does not have planning permission.

Regards.

Debbie Robson

Senior Licensing Officer

[REDACTED]

From: Robson, Debra
Sent: 06 September 2018 13:55
To: Robson, Debra
Subject: FW: Objection to license application
Importance: High

From: Bob Smith [REDACTED]
Sent: 04 September 2018 13:20
To: Licensing Shared Email
Subject: Objection to license application

Hello, I have been trying to add a comment to a license application using the online system however it is not allowing me to even though I am logged in correctly and have filled out all the details.

Please could my objection and comments below be added to the application prior to it being reviewed. If you could please confirm receipt of this email and if you require any further information please feel free to contact me.

My details;

Mr Bob Smith

[2 Manners Road, Southsea, PO4 0BB](#)

Application Reference: 18/03405/LAPREM

Address: [77 Fawcett Road Southsea PO4 0DB](#)

Licence Category: Premises Licence

Objection;

The application represents a significant change of use from the current classification of a cafe.

Sale of alcohol and extension of opening times until 11pm (later on key holidays) will have a significant negative impact on the local residents, especially those directly adjacent. These impacts include noise, privacy and security concerns.

The original change of use from retail to cafe was only approved with restrictions to opening times to protect local residents from these negative impacts, this application appears to wish these restrictions overturned.

Extract from Reference No: 16/00006/PACOU Re. PROPOSAL: Application for prior approval relating to the change of use from retail (Class A1) to cafe (Class A3)

3) The use hereby permitted shall not operate outside of the hours of 08:00 and 18:00 Monday to Saturday, 08:30 and 16:30 on Sundays and on any recognised bank or public holiday.

Another serious concern relates to the areas where alcohol will be served.

The supplied plan does not show the garden area which has recently been opened up to customers for use during full opening hours and backs directly onto and adjacent to other residential gardens. The use of this area is of primary concern, especially if sale of alcohol is permitted and hours extended. It will impact and make the use of private residential gardens and rear of properties in the vicinity extremely undesirable without being overlooked, overheard and impacted by increased noise levels from those consuming alcohol.

The final objection relates to future use of the property and the precedent a licensed venue would set in the area which has limited licensed venues (Pubs) for good reason due to the high concentration of residential properties. There are no other eateries of which I am aware serving alcohol in the nearby area and granting this license would potentially open the floodgates for others to apply and dramatically change the demographic, negatively impacting the local community.

Get information on what matters to you delivered straight to your inbox - sign up for My Portsmouth Updates today.

Visit www.portsmouth.gov.uk/updates-sign-up today

This email is for the intended recipient(s) only.

If you have received this email due to an error in addressing, transmission or for any other reason, please reply to it and let the author know. If you are not the intended recipient, you must not use, disclose, distribute, copy or print it.

This email may be monitored, read, recorded and/or kept by Portsmouth City Council. Email monitoring and blocking software may be used.

This page is intentionally left blank

Comments for Licensing Application 18/03405/LAPREM

Application Summary

Application Number: 18/03405/LAPREM

Address: 77 Fawcett Road Southsea PO4 0DB

Proposal: Premises Licence

Case Officer: Ms Debra Robson

Customer Details

Name: Mr Bob Smith

Address: 2 Manners Road, Southsea PO4 0BB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 2:29 PM on 11 Sep 2018 I do not believe that proper consideration has been given to the impact providing this license would have on the local residents and surrounding community.

I have a number of serious concerns and the full details of my objection have been emailed to the licensing department after being unable to post them as a comment using this facility.

This page is intentionally left blank

Appendix D

Stone, Derek

From: Bob Smith [REDACTED]
Sent: 13 September 2018 15:26
To: Robson, Debra
Subject: Re: Baffled Coffee

Hi Debbie, just to clarify. By inside the premises my meaning was inside the actual building, not outside the front or rear of the property even if within it's land boundaries (so premises is not really the correct wording). The condition I would consider would be alcohol to be served and consumed indoors only, not outside.

Kind regards

On Thu, 13 Sep 2018 at 15:20 Bob Smith [REDACTED] wrote:
Hi Debbie,

I would still like my objection to stand and feel the main reasons given are still valid. Sale of alcohol is still likely to lead to increased noise levels which is a serious concern. If a condition was set that alcohol can only be consumed inside the premises that is a condition where I may consider withdrawing my objection.

I do still have a concern that there are no other licensed premises in the local area and providing this license is likely to encourage others to also apply and more likely to be successful, significantly changing the demographic of local area business from retail to bars and restaurants much more suited to other areas of the city where these are already established.

Kind regards

On Wed, 12 Sep 2018 at 16:57 Robson, Debra [REDACTED] wrote:

Hi Bob

The applicant has amended his application to sell alcohol in line with his planning hours which is Monday to Saturday from 08:00 and 18:00 and Sunday from 08:30 and 16:30 and any recognised bank or public holiday.

With this in mind are you prepared to withdraw your representation. If you do withdraw then a premises licence will be granted with these timings.

Regards.

Debbie Robson

Senior Licensing Officer

This page is intentionally left blank

Appendix D

Stone, Derek

From: Robson, Debra
Sent: 21 September 2018 11:26
To: Bob Smith
Subject: RE: FW: Baffled Coffee

Hi Bob

The application will now be referred to a Hearing, date to be arranged and my colleague will write to you in due course with the date and you can speak if you wish and then you can explain the situation with the garden and it may be that a condition could be placed on the licence that the garden cannot be used at all.

Debbie

From: Bob Smith [REDACTED]
Sent: 20 September 2018 20:07
To: Robson, Debra
Subject: Re: FW: Baffled Coffee

Dear Debra,

I would like my objection to stand so the matter can be properly reviewed at a hearing. Stating it would be too complicated to enforce is not a good enough reason as far as I am concerned.

Kind regards

On Thu, 20 Sep 2018, 08:48 Robson, Debra, [REDACTED] wrote:

Good morning

Please see below the latest comments from the applicant for a premises licence for Baffled Coffee, 77 Fawcett Road:-

"Our thoughts are that whilst we're more than happy to have a condition to restrict any drinks being consumed at the front of the premises, we feel this would be too complicated to enforce in the garden area due to the main offering being food and therefore difficult to manage, say if a customer were to buy food, Coffee and an alcoholic drink but then wouldn't be able to sit in the garden.

However we understand the concern of our neighbours and are willing to accept a condition for any alcohol to only be served with food, therefore fulfilling the main use of the cafe as a cafe/restaurant and not drinking establishment.

This is also in addition to amending the application to only operating the licence in our current opening hours".

It has been brought to my attention that there are benches outside the front of the premises but this is private land so whilst I cannot ask them to be removed the applicant says he is willing not to serve alcohol outside the front.

Can you let me know by close of business on Friday if you are prepared to withdraw your representation. I obviously need to know as soon as reasonably possible because if the representations still stand then the matter will be referred to a Hearing and we are limited for time by the regulations. That said I am on leave next week but I will have access to my emails so at the very latest you have until Sunday afternoon.

Thank you and regards.

Debbie Robson

Senior Licensing Officer

Directorate of Culture and City Development

Licensing Service

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

PO1 2AL

T: 023 9283 4607

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Get information on what matters to you delivered straight to your inbox - sign up for My Portsmouth Updates today.

Visit www.portsmouth.gov.uk/updates-sign-up today

This email is for the intended recipient(s) only.

If you have received this email due to an error in addressing, transmission or for any other reason, please reply to it and let the author know. If you are not the intended recipient, you must not use, disclose, distribute, copy or print it.

This email may be monitored, read, recorded and/or kept by Portsmouth City Council. Email monitoring and blocking software may be used.

This page is intentionally left blank

Comments for Licensing Application 18/03405/LAPREM

Application Summary

Application Number: 18/03405/LAPREM

Address: 77 Fawcett Road Southsea PO4 0DB

Proposal: Premises Licence

Case Officer: Ms Debra Robson

Customer Details

Name: Miss Charlotte Batten

Address: 2 Manners Road, Southsea PO4 0BB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 10:01 AM on 12 Sep 2018 I feel this would have a huge negative impact on an already busy & overcrowded residential area. This would also be the first of it's kind in the vicinity & would set a precedent for other licenses.

This page is intentionally left blank

Appendix D

Stone, Derek

From: Robson, Debra
Sent: 21 September 2018 09:56
To: charlotte [REDACTED]
Subject: RE: Baffled Coffee

Hi Charlotte

That is absolutely fine. A date will be arranged for the Hearing and you and the other residents that made representations will be invited to attend and speak if you want.

My colleague Derek Stone will now take over the application and he will write to you in due course with the date.

Regards.

Debbie

From: [charlotte](#) [REDACTED]
Sent: 20 September 2018 20:04
To: Robson, Debra; [REDACTED]
Subject: Re: Baffled Coffee

Hi Debra,

Thanks for getting in touch & forwarding on these comments.
My Objections still remain as it's the use of the rear outside space that is chiefly the issue, it's already proving to be really disruptive & I believe that consumption of alcohol will escalate noise levels which we can already hear inside our house, privacy & security are also an issue.

Kind regards,
Charlotte Batten

[REDACTED]

On Thu, 20 Sep 2018 at 18:02, Robson, Debra [REDACTED] wrote:

Hi Charlotte

Please see below the latest comments from the applicant for a premises licence for Baffled Coffee, 77 Fawcett Road:-

"Our thoughts are that whilst we're more than happy to have a condition to restrict any drinks being consumed at the front of the premises, we feel this would be too complicated to enforce in the garden area due to the main offering being food and therefore difficult to manage, say if a customer were to buy food, Coffee and an alcoholic drink but then wouldn't be able to sit in the garden.

However we understand the concern of our neighbours and are willing to accept a condition for any alcohol to only be served with food, therefore fulfilling the main use of the cafe as a cafe/restaurant and not drinking establishment.

This is also in addition to amending the application to only operating the licence in our current opening hours".

It has been brought to my attention that there are benches outside the front of the premises but this is private land so whilst I cannot ask them to be removed the applicant says he is willing not to serve alcohol outside the front.

Can you let me know by close of business on Friday if you are prepared to withdraw your representation. I obviously need to know as soon as reasonably possible because if the representations still stand then the matter will be referred to a Hearing and we are limited for time by the regulations. That said I am on leave next week but I will have access to my emails so at the very latest you have until Sunday afternoon.

Thank you and regards.

Debbie Robson

Senior Licensing Officer

Directorate of Culture and City Development

Licensing Service

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

PO1 2AL

T: 023 9283 4607

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

56A FAWCETT RD

SOUTHSEA

HANTS

PO4 0DN

Tel: [REDACTED]



Sunday, 9th September 2018

Dear Sirs,

Re: BAFFLE COFFEE SHOP, FAWCETT RD

ALL DAY ALCOHOL LICENCE

I live opposite the above named coffee shop and object their proposal due to anti-social behaviour already on this busy street for traffic and pedestrians, I often have to deal with stressful situations re rubbish + broken glass in lane adjacent to my flat. [REDACTED]

Yours faithfully
C.M. Hayder (Miss)

This page is intentionally left blank

Appendix D

Stone, Derek

From: Stone, Derek
Sent: 25 September 2018 13:45
To: 'John Chiverton'
Subject: RE: Baffled Coffee

John

Many thanks and all noted.

Just for the record all representations are taken into consideration unless withdrawn so comments made by other neighbours who have not withdrawn their reps will be presented to the committee.

All representations and all parties (so the applicant and any person making reps) will be invited to attend to address the panel in person and copies of reps made will be given to the applicant in advance of the hearing.

I will send you a notice formally explaining the process and the date of a hearing once the date has been set.

Kind regards

Derek

From: John Chiverton [REDACTED]
Sent: 25 September 2018 13:20
To: Stone, Derek
Subject: Re: Baffled Coffee

Dear Derek,

My address was provided in the online system. I did complete it which was recorded along with a login. Unfortunately though, it would not let me submit my comment, but I am still registered.

In any case, my address is [REDACTED]

It is good to hear that the hours have been reduced, thank you. I find this process to be a bit strange. It seems that if I withdraw my comment, then the comments made by the other neighbours would not be taken into consideration which would not be fair. So I am not able to remove my comment. I hope this makes sense.

Best wishes,
John.

On Tue, 25 Sep 2018 at 09:26, Stone, Derek [REDACTED] wrote:

John.

I have now been assigned this case as it is being referred to a Licensing Sub-Committee hearing for determination.

We have received other representations concerning the application despite the applicant changing the hours the premises will be licenced for to reflect the current planning conditions on the premises with regard to hours of opening.

We need your address details as your representation needs to be submitted to the hearing and it is important for the licensing panel to understand how this application will directly affect you. You will be invited to the hearing to speak to the panel directly if you wish to do so.

If however you are satisfied with the changes the applicant has made, we need from you confirmation that your representation is withdrawn.

Therefore can I either have your address details or an indication that you no longer wish your representation to be considered by the committee.

Kind regards

Derek

Derek Stone

Principal Licensing Officer

Directorate of Culture and City Development

Licensing Service

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

Hants

PO1 2AL

Tel: 023 9268 8462

From: Robson, Debra
Sent: 18 September 2018 13:10
To: john [REDACTED]
Subject: FW: 18/03405/LAPREM | Premises Licence | Open for Consultation | 77 Fawcett Road Southsea PO4 0DB

Dear John

I have just realised that you have not given me your address. In order for your representation to be accepted as valid I will need this.

Thanks.

Debbie Robson
Senior Licensing Officer
Directorate of Culture and City Development
Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

T: 023 9283 4607

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Robson, Debra
Sent: 14 September 2018 09:55
To: 'john [REDACTED]'
Cc: Digital Customer Experience
Subject: RE: 18/03405/LAPREM | Premises Licence | Open for Consultation | 77 Fawcett Road Southsea PO4 0DB

Dear John

The applicant has amended his application to sell alcohol in line with his planning hours which is Monday to Saturday from 08:00 and 18:00 and Sunday from 08:30 and 16:30 and any recognised bank or public holiday.

With this in mind are you prepared to withdraw your representation. If you do withdraw then a premises licence will be granted with these timings.

Regards.

Debbie Robson

Senior Licensing Officer

Directorate of Culture and City Development

Licensing Service

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

PO1 2AL

T: 023 9283 4607

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Licensing Shared Email
Sent: 14 September 2018 09:43
To: Robson, Debra; Humphreys, Nickii
Subject: FW: 18/03405/LAPREM | Premises Licence | Open for Consultation | 77 Fawcett Road Southsea PO4 0DB

From: Digital Customer Experience
Sent: 14 September 2018 09:35
To: John Chiverton
Cc: Wolloff, Ian; Fleming, Jake; Licensing Shared Email
Subject: RE: 18/03405/LAPREM | Premises Licence | Open for Consultation | 77 Fawcett Road Southsea PO4 0DB

Hello John,

Thank you for contacting us.

I'm sorry that you've had a problem submitting comments on a licensing application.

I've asked our systems team to look into this problem but in the meantime, I've passed your comments directly to licensing@portsmouthcc.gov.uk

Many thanks for your patience.

Kim

Digital customer experience assistant

Customer & communications

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

PO1 2BG

T: 023 9284 1309 (0830 - 1600 Monday - Friday)

E: digitalcustomerexperience@portsmouthcc.gov.uk

From: John Chiverton [REDACTED]

Sent: 13 September 2018 22:41

To: Webmaster

Subject: 18/03405/LAPREM | Premises Licence | Open for Consultation | 77 Fawcett Road Southsea PO4 0DB

Hello,

I have tried to use the webform to post a comment as a neighbour to object to the above application but after I have clicked submit it is returning "Page can't be displayed" notice

<http://publicaccess.portsmouth.gov.uk/online-applications/submitLiComment.do?action=submitComment&activeTab=neighbourComments>

Unfortunately the deadline is today so I seem to have lost the chance to provide the comment. Is it possible for you to add it on my behalf?

This is my comment:

Since the coffee shop has opened, it appears to have been a pleasant place for people to meet and have their refreshments. It is also pleasant because it has limited opening hours. It was a shock to hear that the premises are applying for a licence to extend the opening hours to late night (2300) every night of the week including Sunday (2230) and even later on public holidays (examples only given).

In the original application in 2016, to convert the premises from retail to cafe, it was stated that the opening hours were to be limited (0800-1800) so that (in part) it would minimise the noise disturbance on neighbours. However if this new application succeeds then it is highly likely that the impact on neighbouring residences will start to be felt. This is particularly true if one considers the application to sell alcohol into the late evening or (in my opinion) night time.

There is also a very near by (100 meters) secondary school (Priory).

Many thanks,

John.

Get information on what matters to you delivered straight to your inbox - sign up for My Portsmouth Updates today.

Visit www.portsmouth.gov.uk/updates-sign-up today

This email is for the intended recipient(s) only.

If you have received this email due to an error in addressing, transmission or for any other reason, please reply to it and let the author know. If you are not the intended recipient, you must not use, disclose, distribute, copy or print it.

This email may be monitored, read, recorded and/or kept by Portsmouth City Council. Email monitoring and blocking software may be used.

This page is intentionally left blank

Appendix D

Stone, Derek

From: Astill, Lorraine
Sent: 05 September 2018 10:40
To: Robson, Debra
Cc: Breacher, Adam; 'info@baffledcoffee.co.uk'; Lee, Richard
Subject: 77 Fawcett Road - Prior Approval (Condition 3 - operating hours of premises)

Hi Debbie

In light of the current position with regards to the planning restrictions for the opening hours and the likelihood of the change of planning classification to an A4 drinking establishment, I have concerns with regards to noise emanating from customers late at night. There are residential properties above the café and also to the side of it and without the consideration of mitigation measures being put in place I wish to raise representations against this application.

Should the applicant wish to amend his application so that it reflects the current opening hours (Monday to Saturday 08:00 to 18:00hrs and Sunday 08:30 to 16:30hrs) as approved by planning to sell alcohol then I would not raise any objections to this.

I would recommend that if the applicant wants to extend his trading hours that he applies through the planning process first.

Regards

Lorraine Astill
Environmental Health Enforcement Officer

Environmental Health
Portsmouth City Council
2nd Floor, Core 2
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

From: Breacher, Adam
Sent: 03 September 2018 09:28
To: 'info@baffledcoffee.co.uk'
Cc: Astill, Lorraine; Robson, Debra
Subject: RE: 77 Fawcett Road - Prior Approval (Condition 3 - operating hours of premises)

Dear Mr McMurray,

Many thanks for the clarification.

The LPA (Local Planning Authority) endeavours to assist business owners regarding the use and operating hours of their business/premises.

If a business wishes to extend their operating hours with the view of selling late night refreshments, the LPA must consider whether the premises is used more as a drinking establishment rather than an A3 use (Café). For example; whether there would be a continuation of café food sold on site throughout the 'extended' operating hours of the premises, and/or what would be the offerings within the 'extended' operating hours.

As such, I would be grateful if you could please keep the LPA up to date on this matter going forward.

Kind regards,

Adam Breacher
Planning Officer (Enforcement)
Directorate of Regeneration
City Development - Development Management
Portsmouth City Council

From: Fergus McMurray [mailto:info@baffledcoffee.co.uk]
Sent: 02 September 2018 21:25
To: Breacher, Adam
Cc: Astill, Lorraine; Robson, Debra
Subject: RE: 77 Fawcett Road - Prior Approval (Condition 3 - operating hours of premises)

Dear Adam,

Thank you for your email.

I confirm that the business is currently only operating within the use and times specified in Planning Permission 16/00006/PACOU.

The license application would not alter the use of the premises as this would still be a café (Class A3). The purpose of the license would be to simply sell a small range of alcohol, similar other café businesses within Southsea such as Tea and Thistle. I have at this stage, applied for later hours on the license as this is something that the business may wish to pursue at a later date and to avoid having to apply and pay twice for the premises license, which for a small independent business, is costly. However, I am fully aware that even if the premises license is approved, I would need to submit a variation of condition application to seek permission for later opening hours.

I trust this clarifies the position but please do not hesitate to contact me if you require any further information.

Regards

Fergus McMurray (owner)
Baffled Coffee
[REDACTED]

From: Breacher, Adam [REDACTED]
Sent: 31 August 2018 09:00
To: Fergus McMurray <info@baffledcoffee.co.uk>
Cc: Astill, Lorraine [REDACTED]
Subject: 77 Fawcett Road - Prior Approval (Condition 3 - operating hours of premises)

Dear Sirs/Madam,

I write in reference to the above mentioned matter.

It has come to the attention of the LPA (Local Planning Authority) that you have recently submitted a premises licence application for 77 Fawcett Road in order to sell alcohol within the operating times as follows:

Monday to Saturday: 08:00am - 23:00pm
Sundays: 08:00am - 22:30

An application for prior approval relating to the change of use from retail (Class A1) to café (Class A3) was given approval (16/00006/PACOU) on the 14th June 2016, subject to compliance with planning conditions. For ease of reference I have attached the decision notice.

Condition 3 states:

3) The use hereby permitted shall not operate outside of the hours of 08:00 and 18:00 Monday to Saturday, 08:30 and 16:30 on Sundays and on any recognised bank or public holiday.

If you are wishing to operate within the times as stated within your premises licence application, you will require planning permission to do so by way of varying condition 3.

I would be grateful if you could please respond in writing within 14 days from the date of this email outlining the current use of the premises and the current operating hours along with any proposed future hours of operation.

Yours faithfully,

Adam Breacher
Planning Officer (Enforcement)
Directorate of Regeneration
City Development - Development Management
Portsmouth City Council

Get information on what matters to you delivered straight to your inbox - sign up for My Portsmouth Updates today.

Visit www.portsmouth.gov.uk/updates-sign-up today

This email is for the intended recipient(s) only.

If you have received this email due to an error in addressing, transmission or for any other reason, please reply to it and let the author know. If you are not the intended recipient, you must not use, disclose, distribute, copy or print it.

This email may be monitored, read, recorded and/or kept by Portsmouth City Council. Email monitoring and blocking software may be used.

This page is intentionally left blank





