



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

THURSDAY, 1 NOVEMBER 2018 AT 10.30 AM

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, Scott Payter-Harris, Steve Pitt, Darren Sanders, Ben Swann, David Tompkins and Claire Udy.

The panel today consists of: Councillors Tom Coles, Gemma New and Darren Sanders
The reserve member is Councillor Leo Madden.

(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.

A G E N D A

- 1 Appointment of Chair**
- 2 Declaration of Members' Interests**
- 3 Licensing Act 2003 - Application for variation of a premises licence -
Gisors, 106 Marmion Road, Southsea, PO5 2BB (Pages 3 - 74)**

Purpose of report

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representation(s) from other persons, all residents close to

the premises. Further detail about the representations received are included in the papers.

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.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 1st NOVEMBER 2018

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Application for variation of a premises licence - Gisors, 106 Marmion Road, Southsea, PO5 2BB

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representation(s) from other persons, all residents close to the premises. Further detail about the representations received is shown at paragraph 4 below.

2. THE APPLICATION AND PROPOSED VARIED OPERATING SCHEDULE

The variation application has been submitted on behalf of Gisors Restaurants Limited and relates to premises known as Gisors and situated at 106 Marmion Road, Southsea, PO5 2BB.

The proposed changes to the current authorisation are for a range of hours increasing the sale of alcohol by retail and premises opening hours. Currently they are Sunday 10:00 until 18:00. Monday to Friday 09:00 until 20:00 and Saturday 09:00 until 21:00

This variation seeks to change these hours to Monday to Saturday 09:00 until 23:00 and Sunday 09:00 until 22:00

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 together with a plan attached as **appendix A**. The current licence is attached as **appendix B**.

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

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,

¹ Revised Statutory Guidance issued by the Home Office

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."*

Paragraph 8.50 *"Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above."*

3. BACKGROUND INFORMATION

The provisions relating to the variation 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.

In July 2018 a complaint was received by Portsmouth City Council Licensing Services from a local resident, informing them that the premises had changed and was now operating as a bar without any consultation. There was also a noise complaint associated with these premises.

Officer note: Your reporting officer attended the premises and found that the premises had substantially changed and several Premises Licence conditions were being breached, the main ones being that there was no CCTV at the premises and no personal licence holder present.

The premises had recently been taken over by the current Premises Licence holder and Designated Premises Licence holder (DPS) Charles Tourres. Mr Tourres stated that he was responsible for the alterations to the premises and had taken over the running of the venue from his sister who was shown as the Premises Licence holder and DPS.

Officer note: Following advice Charles Tourres submitted a premises transfer application and change of DPS application. Enforcement action followed regarding two breaches of the premises licence conditions that were breached on the 18th July 2018.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

Relevant representations must be confined to the subject matter of the variation and have been received from several local residents (Other persons) living in close proximity to the venue.

One representation has been received in support of this variation. The others object and their objections relate to various concerns regarding noise attributed to the operations of the venue since the changes have been made, public nuisance, the potential for anti-social behaviour and crime and disorder.

Copies of the redacted representations received are attached as **appendix C**.

Attached at **appendix D** is an agreed condition agreed between the applicant and Environmental Health that 'the external seating area (shown as "TERRACE" on the approved drawing) shall be closed to and vacated by users of the restaurant/café with the external doors between the main building and the external seating area to be kept closed between the hours of 17:00 hours and 10:00 hours the following day'

Attached at **appendix E** is an e mail from planning together with a letter dated 14th December 2016 regarding the approval of extended hours at the premises.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the variation 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.

² Revised statutory guidance issued by the Home Office

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.*
- 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 2.15 *"The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter."*

Paragraph 2.16 *"Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health"*

Paragraph 2.17 *"Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues."*

Paragraph 2.18 *"As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate"*

Paragraph 2.19 *"Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave"*

Paragraph 2.21 *"Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night "*

Paragraph 9.11 *"Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so."*

Paragraph 9.12 *"Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the*

crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing".

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."*

Paragraph 10.13 *"The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application."*

Paragraph 10.14 *"Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested."*

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 vary a premises licence has been made in accordance with section 34 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:

- To modify the conditions of the licence
- To reject the whole or part of the application

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In discharging its duty in accordance with the above, the Committee may vary 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 vary 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.

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

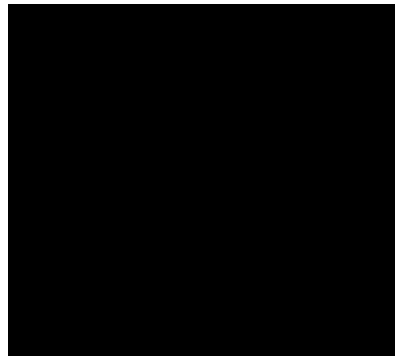
- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the variation of the premises licence together with a plan
- B.** Copy of the current premises licence
- C.** Copies of the redacted relevant representations received
- D.** Agreed condition between applicant and Environmental Health
- E.** E mail from planning and letter dated 14/12/16 re change of hours

THE COMMITTEE IS REQUESTED TO DETERMINE THE VARIATION APPLICATION



For Licensing Manager
And on behalf of Head of Service

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Portsmouth
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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 the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's 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

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

Section 3 of 18

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe 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.

To approve a new layout plan. To extend the hours for the sale of alcohol and opening hours to 0900 to 2300 weekdays and 0900 to 2200 Sundays. To revise existing conditions 1 and 2 of Annex 2 as set out in the operating schedule.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐ Yes ☒ No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐ Yes ☒ No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

SUNDAY

Start

End

Start

End

Continued from previous page...

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 above, 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 14 of 18

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.

Provide 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.

None

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="22:00"/>
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 above, list below.

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Amend condition 1 to remove the requirement that there be a person on site at all times who is able to operate CCTV and also that all operators shall receive training.
Revise condition 2 to remove the requirement for a personal licence holder to be on site at all times.
See proposed revisions to these conditions under licensing objectives paragraph (a)

☒ I have enclosed the premises licence

Continued from previous page...

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

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)

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

The premises licence as adequate conditions in place already to promote the licensing objectives. Extending the hours to 11pm weekdays and 10pm on Sundays will have no adverse affect on the licensing objectives. The requirement to have a personal licence holder on the premises is an onerous one given the nature and character of the premises and its capacity.

Revised CCTV condition:

A recording CCTV system will be installed and fully operational at all times the premises are open to the public. The recording equipment will be stored and operated in a secure environment with limited access to avoid damage, theft, unauthorised viewing and to maintain the integrity of the system. A record will be kept of any access made to information held on the system.

The system will be maintained and serviced within at least 12 monthly intervals. The system clock will be checked regularly (at least monthly) for accuracy, taking account of GMT and BST. The system shall have sufficient storage capacity for 10 days of evidential quality colour pictures. CCTV camera's will be positioned to cover the entrance/exit and main seating areas.

Police and authorised officer of the Local Authority shall have access to the data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also operate the equipment and supply footage in a format which can easily be viewed by the police within 3 hours of a verbal request being made by the police or authorised officer of the Local Authority where that request is lawful and complies with the Data Protection Act.

Revised condition 2

A written and signed authority detailing a list of employees who have been authorised and trained to sell alcohol by the designated premises supervisor will be made available to Police or an authorised officer of the Local Authority upon request.

b) The prevention of crime and disorder

c) Public safety

Continued from previous page...

d) The prevention of public nuisance

--

e) The protection of children from harm

--

Section 17 of 18

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 18 of 18

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.

Variation 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 your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise 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 (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

☒ 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

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

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/change-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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

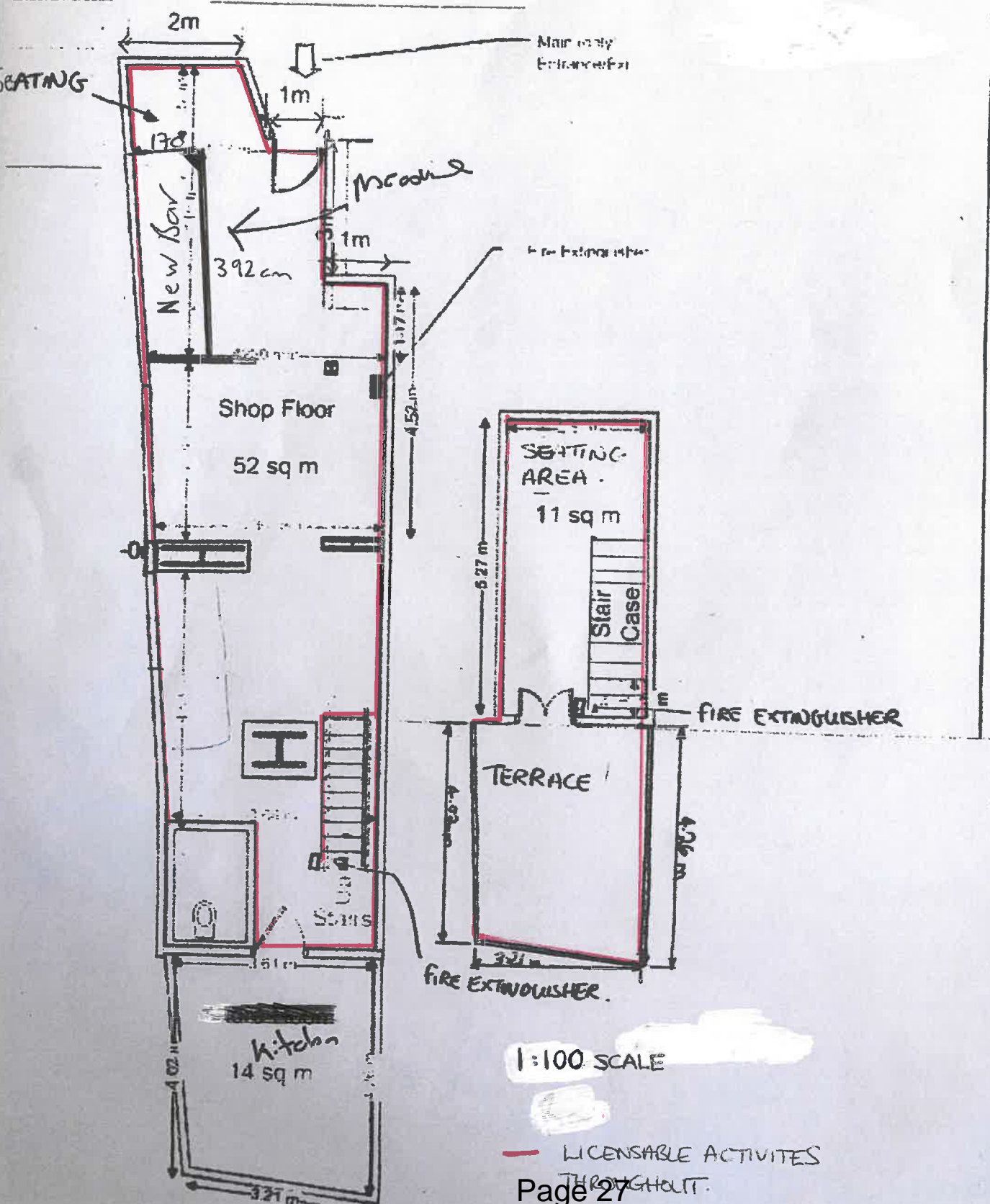
[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

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Appendix A

392
170

GISORS
106 HARMION ROAD
105 2BB



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PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Address: Gisors
106 Marmion Road
Southsea
PO5 2BB

Map Ref (E) : 464686
Map Ref (N): 98791
UPRN: 001775053780

Telephone

Where the licence is time limited the dates

This licence is **NOT** time limited

Licensable activities authorised by the licence

► Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

► Sale by retail of alcohol

Saturday	09:00 until 21:00
Sunday	10:00 until 18:00
Monday to Friday	09:00 until 20:00

The opening hours of the premises

► Saturday 09:00 until 21:00
► Sunday 10:00 until 18:00
► Monday to Friday 09:00 until 20:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both **on** and **off** the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence****Name:** Gisors Restaurants Limited**Address:** 24 Picton House
Hussar Court
Waterlooville
Hants PO7 7SQ**Telephone:****Email:****Registered number of holder, for example company number, charity number (where applicable)**

11384878

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**Name:** Mr Charles Tourres**Address:****Telephone:****Email:****Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol****Personal Licence No:** 1368**Issuing Authority:** Fareham Borough Council**Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder****Date Licence granted:** 16 November 2011**Date last amended:** 1 August 2018**Type:** Transfer

Signed on behalf of the Head of Service
(Authorised Officer)

Portsmouth City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

For further information about how the Council collects and uses personal information please visit our website: <https://www.portsmouth.gov.uk/ext/the-council/data-protection-privacy-notice>

Annex 1 – Mandatory Conditions

01 No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

02 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

03 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

04 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

05 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

06 The responsible person must ensure that:

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

07 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,
(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --

Annex 2 – Conditions consistent with the operating schedule

01 A recording CCTV system will be installed and fully operational at all times.

The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and to maintain the integrity of the system. A record will be kept of any access made to information held on the system.

The system will be maintained and serviced within at least 12 monthly intervals.

The system clock will be checked regularly (at least monthly) for accuracy, taking account of GMT and BST.

The CCTV system will have sufficient storage capacity for 10 days of evidential quality colour pictures. CCTV camera's will be positioned to cover the entrance and exit points, and the main seating area.

Police and authorised Officers of Portsmouth City Council shall have access to data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police at all times and to produce images to the police within three hours of a verbal request being made by Police Officers or PCSO's for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act. There shall be a person on site at all times during which licensable activity is taking place, who is able to operate the CCTV system and provide a copy of the footage to Police.

All operators will receive training on the use of the CCTV equipment and training will be cascaded down to all members of staff. An operator's manual will be available to assist in replaying and exporting data (particularly important with digital systems). The CCTV must remain satisfactory to the police licensing department responsible for the area and subject to police approval in order to remain operating under this premises licence.

02 At all times that licensable activity is taking place, the designated premises supervisor or a personal licence holder will be on site and on duty, to authorise and approve all sales of alcohol. A written and signed authority detailing a list of employees who have been authorised and trained to sell alcohol by the designated premises supervisor will be available to Police or an authorised member of the licensing authority upon request.

03 The licence holder shall ensure that all members of staff are informed of the objectives of the Licensing Act 2003 and the statutory requirements in order to ensure compliance with all relevant provisions of the Act.

04 The licence holder must ensure that all staff selling alcohol, have received adequate training, which must incorporate a process of assessment and refresher training to a recognised national standard on the law with regard to age restricted sales. Such training will be documented and full training records kept. No member of staff shall sell alcohol until they have completed this training and it has been documented and signed by both the staff member and the DPS.

05 Staff will receive regular refresher training at least every six months, which will be individually recorded and documented in a hand written or digital form and monitored and maintained by the DPS.

06 The premises will operate a Challenge 25 Policy. Challenge 25 signage will be clearly displayed at the entry to the premises and behind the bar area. Any person engaged in selling or supplying alcohol to those who appear to be under the age of 25 and who is/ are attempting to buy alcohol, will be required to produce satisfactory photographic identification as proof of age. Acceptable identification shall only include a Valid Passport with hologram, a valid UK photocard Driving Licence, or a PASS approved identification card.

07 The premises shall operate a refusals log. This shall be in paper or digital copy and shall be made available to Police or the Licensing authority on request. The log will include the date and time of the refusal, the reason for the refusal and details of the member of staff refusing. Personal details of the person refused will not be required. The DPS shall ensure that the refusals log is checked and signed on a weekly basis.

08 Alcohol will only be supplied or sold in open containers for consumption on the licensed premises. No drinks or open containers shall be taken out of the premises by customers or patrons at any time. Alcohol can only be sold for consumption off the premises in sealed containers.

09 No member of staff under the age of 18 shall sell alcohol on the premises.

10 No form of DJ booth, amplification system or dance floor area, will be permitted anywhere inside the premises.

11 If the premises is utilised for any form of private pre-planned event, with 60 or more persons, permission will be sought from the Police Licensing authority in writing, and a full operating schedule will be provided, detailing how the licensing objectives will be upheld.

12 Deliveries and collections will not take place between 2300-0700 hours.

13 Prominent, clear and legible notice shall be displayed at all exits requesting all customers and patrons respect the needs of the local residents by leaving the premises quietly.

-- END --

Annex 3 – Conditions attached after a hearing by the licensing authority

-- END --

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2018

Annex 4 – Premises and location plan**Premises Plan(s)**

These will either be shown below or attached as a separate part of the premises licence authorisation.



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER
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COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. LICENCE AGREEMENT NUMBER
LA100019671- PORTSMOUTH CITY COUNCIL

Appendix C

Stone, Derek

From: Licensing Shared Email
Sent: 10 October 2018 15:40
To: Robson, Debra; Humphreys, Nickii
Subject: FW: Gisors, 106 Marmion Road: Petition against a licencing application

From: chris bulman [REDACTED]
Sent: 10 October 2018 15:36
To: Licensing Shared Email
Subject: Gisors, 106 Marmion Road: Petition against a licencing application

To whom it may concern,

I'm writing to the petition against 106 Marmion Rd, Gisors Bar.

As an immediate resident of 106 Marmion Rd I would like to share my concerns over the extension of opening hours, the extension to the hours for the sale of alcohol and the request to have no DPS on site during opening hours.

First of all, at the writing of this email, 11th October, the notices requiring the applicant to advise local residents of any licensing changes have been prematurely removed, this was the case as of the 10th October. I believe this is an attempt to deceive residents as to the status of the application. This notice should have been in place until the 12th.

As an immediate resident, I'm also concerned as to whether the current management are properly educated as to their responsibility when it comes to licensing obligations/objectives. I have complained (to PCC licensing and management) on numerous occasions as to the wilful disregard the management has to its current license, either opening later than it is legally entitled to, the unlawful playing of music and the use of the outdoor terrace being used out of permitted hours (planning).

When confronting the management about this I was told on one occasion they were opening later because "France had won the world cup and they wanted a few beers". The current DPS was clearly intoxicated and no temporary events notice had been advertised to this fact. I've addressed this with the management, and they seem to think they have the legal right to serve alcohol outside of the permitted hours, because they have planning permission, which are two very different permits. As a registered Personal License holder myself I was dismayed the management did not know the difference. This is either through wilful ignorance or lack of knowledge, either way this concerns me.

As to the bar being left unsupervised, being that the current management does not seem to understand their current responsibilities, leaving the bar unsupervised concerns me greatly. What adequate knowledge/training will these staff have if the current management can't keep to their objectives/license? On one occasion I had a confrontation with customers and the staff when loud music was being played in the venue, again staff were unaware of their obligations/license. The noise pollution, and customers smoking and being intoxicated in front of the venue/our property, reduces residents standards of living and does not safeguard local children/vulnerable community members living in proximity.

The management also continues to use the roof terrace outside of permitted planning permission. The terrace creates excessive noise and anti social language, this along with the fact that its primarily used as a

smoking area that backs onto residents kitchens, bathrooms and bedrooms. Continuing to allow them to use this area much later into the evening does not safeguard residents from cigarette smoke and noise pollution.

I feel this application has been made purely for the profit of one individual and does not increase the appeal of the area, but negatively impacts residents with more night time activities taking place. The increased hours will mean more people spilling onto the street, more noise and in turn increase the possibility of anti social behaviour, especially as the bar now has a larger customer capacity.

I petition the licensing committee to turn down the application by Gisor on the grounds of public nuisance, safeguarding children, public safety and the prevention of crime and disorders.

I believe the application will increase the prospect of public nuisance, decrease public safety, increase the chance of crime and disorders, and will not safeguard children and other vulnerable members of the community. And thus far the management has not demonstrated, since opening, their desire to meet the licensing objectives.

Please don't hesitate to get in touch with myself if you would like to discuss any contents of this message further.

Sincerely,
Chris Bulman
Resident
102a Marmion Rd

Appendix C

Stone, Derek

From: Stone, Derek
Sent: 08 October 2018 11:58
To: 'fosterbrian' [REDACTED]
Cc: Robson, Debra
Subject: RE: Gissors

Brian

Many thanks

There are at least two other Reps that have been received so far so this will go to a licensing sub-committee hearing once the reps date for submission has passed.

You will be notified in due course of the hearing date

Kind regards

Derek

From: brian foster [REDACTED]
Sent: 08 October 2018 10:25
To: Stone, Derek
Subject: Re: Gissors

I think it would be a public nuisance and antisocial, noise is already intolerable at night time eve at 12 garden view apartments st. Vincent rd. Po52fe

[REDACTED]

On Mon, 8 Oct 2018 at 9:06, Stone, Derek
<Derek.Stone@portsmouthcc.gov.uk> wrote:

Dear Brian

Thank you for your e mail regarding the Premises Licence application for Gissors in Marmion Road.

I note your concerns however for me to accept it as a formal representation I will need a bit more information.

There are four licensing objectives that every venue must uphold and anything that might undermine any or all of these are valid grounds for a committee to refuse or grant with adding conditions to safeguard against them being undermined.

The Licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

Your concern(s) must be directly linked to the premises and how this will impact upon you living in St Vincent Road or using that area.

Parking by way of example is not a valid reason to object.

As you can imagine there will be certain conditions that will go on the Premises Licence if granted, for example CCTV and staff being suitably trained with a designated premises supervisor who is a personal licence holder being authorised on the licence.

If you can expand on your concerns linking them to one or more of the licensing objectives and explain how they would be undermined then I can accept your representation. I will also need your full address please.

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: brian foster [REDACTED]
Sent: 06 October 2018 11:03

To: Licensing Shared Email
Subject: Gisors

I strongly object to the proposed extension to GISORS license,the noise and footfall at night in this area is already very bad.

I live in Garden View Apartments,St.Vincent rd.

Thank you.....Mr.Brian Foster.

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

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

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Appendix C

Stone, Derek

From: Licensing Shared Email
Sent: 09 October 2018 08:25
To: Robson, Debra
Subject: FW: Extended bar licence for Gisors, Southsea

From: Karen Foster [REDACTED]
Sent: 08 October 2018 17:09
To: Licensing Shared Email
Subject: Extended bar licence for Gisors, Southsea

I would like to strongly oppose granting Gisors Bar, Marmion Road, Southsea a late licence. I live just across the junction in the Gardenview Apartments, St Vincent Road and having a late night bar will no doubt cause a disturbance of the peace and generally people being a public nuisance. Please note we already have to put up with excessive noise and foul language as people pass by between Palmerston Road to Albert Road. This means on hot summer nights having to keep windows closed. I have also personally had to call the police due to youths brawling on the junction and generally unsociable behaviour at an unsociable hour. There is a risk to property and the safety of local residents alongside the potential for an increase in crime if alcohol is abused. This bar is out on a limb away from other pubs and clubs in the area and I feel it should not be granted this licence due to its proximity to a residential area. In the long term it could devalue local property and set a precedence for other businesses' to also set up in this area which to me is completely unacceptable.

Your sincerely
Karen Foster
12 The Gardenview Apartments
St Vincent Road, Southsea.

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Appendix C

Dear Mr Stone.

Sorry it has taken me a few days to reply to your last email, but I have been taking some excellent legal advice on this matter. To which you can appreciate, I cannot disclose at this present time.

My grave concerns and worries, regarding the extended licencing application are set out below.

1, My flat is directly above Gisors, and to have a bar open, in the first place is very disturbing. Some nights I have to go out until after 20.00hrs, due to the music and noise. Basically being forced out of my own home!!!!.

2, The garden terrace at the back/top of the building, to which has been measured is 20ft from my bedroom, to which does get nosiey.

3, At the moment music is played from approx 10.00am until just after 20.00hrs. To which I can hear all over my flat. Also I can hear it over my television.

4, If this license extension is approved, it will be an accident waiting to happen. " EXAMPLE" , Large group of people been drinking in Parlместon Road, walk up Marmion Road at 22.30hrs, (to which is quite after 19.30hrs), notice Gisors is open, with 1 person behind the bar, music playing, and it then gets rowdy, and they spill onto the road, shouting and singing etc, how is 1 person going to control the situation.

This part of Marmion Road, is residential, with young children. The flats and houses were here long before this bar arrived.

One question I would put to the board /panel sitting on this matter. Where ever you may live and one of your neighbours, and its next door to you, open up a bar in their lounge, with music, and it completely disrupts your home life, what would you do!!!!!!.

Basically this bar is in the wrong location.

Please put my concerns and worries forward.

Kind regards

Mr C Gardner

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Appendix C

Stone, Derek

From: Licensing Shared Email
Sent: 07 October 2018 18:37
To: Robson, Debra
Subject: FW: Application for Extended Bar License by Gisors, Marmion Road, Southsea

-----Original Message-----

From: Terry Jaques [REDACTED]
Sent: 06 October 2018 08:20
To: Licensing Shared Email
Subject: Application for Extended Bar License by Gisors, Marmion Road, Southsea

Dear Sirs

My wife and myself strongly object to an extended license for the above Bar.

- Any extension would create a precedence in an area of private residences.
- We already suffer noise and nuisance from late night revellers moving between bars in Palmerston Road and Albert Road.
- We would have to put up with smokers outside the property creating noise and associated rubbish one only needs to consider this outside the Marmion Pub!
- The noise of drinkers and associated rubbish outside the bar on warm evenings would be annoying to local residents.
- To be realistic as more alcohol is consumed and the evening gets later disagreements occur!
- Any bar extension would totally change the area whilst also affecting the value of properties.

Mr T & Mrs E Jaques
1 The Garden View Apartments
2-10 St Vincent Road
Southsea, PO5 2FE
[REDACTED]
Sent from my iPad

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Appendix C

Stone, Derek

From: Robson, Debra
Sent: 16 October 2018 09:46
To: Stone, Derek
Subject: FW: Marmion Road-Gisors-planning application.

-----Original Message-----

From: Robson, Debra
Sent: 15 October 2018 13:59
To: Robson, Debra
Subject: FW: Marmion Road-Gisors-planning application.

-----Original Message-----

From: Robson, Debra
Sent: 14 October 2018 15:20
To: [mary](#) [REDACTED]
Subject: RE: Marmion Road-Gisors-planning application.

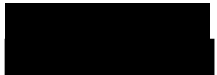
Dear Ms Mcharry

Can I have your postal address.

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



E: debra.robson@portsmouthcc.gov.uk
www.portsmouth.gov.uk

-----Original Message-----

From: Licensing Shared Email
Sent: 14 October 2018 14:11

To: Robson, Debra
Subject: FW: Marmion Road-Gisors-planning application.

-----Original Message-----

From: Mary Mcsharry [REDACTED]
Sent: 12 October 2018 22:21
To: Licensing Shared Email
Subject: Marmion Road-Gisors-planning application.

I'm writing to object to Gisors' application to extend their bar licence from 9pm till 11pm. I object on the grounds that this area is residential and any extension of hours could impact on the local residents. There is an upstairs terrace and although small, it is big enough for enough people to assemble and cause a disturbance. The granting of a licence may set a precedence in the area and give a green light to other establishments to follow suite. Surely Portsmouth does not need another ghetto area of bars? It already has enough!!!

Yours sincerely,

Mary McSharry

Sent from my iPhone

Appendix C

Stone, Derek

From: Licensing Shared Email
Sent: 12 October 2018 13:00
To: Robson, Debra
Subject: FW: Gisors extended bar license

From: Danny Parkinson [REDACTED]
Sent: 12 October 2018 12:56
To: Licensing Shared Email
Subject: Gisors extended bar license

I too wish to object to the above application on the grounds of increased noise and late night disturbance in a residential area.

It would set a precedent for other potential drinking establishments in the area.

Regards.
Danny Parkinson.
2 The Old Brewery.
St Vincent Road

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Appendix C

Stone, Derek

From: Robson, Debra
Sent: 12 October 2018 13:08
To: Stone, Derek
Subject: FW: Gisors extended bar licence

Importance: High

Hi Rocky

Short and sharp but to the point.

Debs

-----Original Message-----

From: Licensing Shared Email
Sent: 12 October 2018 12:38
To: Robson, Debra
Subject: FW: Gisors extended bar licence
Importance: High

-----Original Message-----

From: Phil Parkinson [REDACTED]
Sent: 12 October 2018 12:34
To: Licensing Shared Email
Cc: [danny.parkinson](mailto:danny.parkinson@...) [REDACTED]
Subject: Gisors extended bar licence

We wish to object to the above application on the grounds of increased noise and late night disturbance in a residential area. It would also set a precedent for other potential drinking establishments in the area. Regards. Phil & Karen Parkinson. 3 The Old Brewery. St Vincent Road

Sent from my iPhone

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Appendix C

Stone, Derek

From: Robson, Debra
Sent: 15 October 2018 11:59
To: Stone, Derek
Subject: FW: GiSORS-Marmion Road

Hi Rocky

One that I was referring to she has just emailed me her address.

Debs

From: Trina Treharne [REDACTED]
Sent: 15 October 2018 11:37
To: Robson, Debra
Subject: Re: GiSORS-Marmion Road

Dear Ms Robson,

My postal address is: 6 Garden Terrace, St Vincent Road , Southsea,
Hampshire PO52QP.

Thanks,
Trina Treharne

Sent from my iPhone

On 14 Oct 2018, at 15:18, Robson, Debra <Debra.Robson@portsmouthcc.gov.uk> wrote:

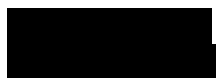
Dear Ms Treharne

Can I have your full postal address.

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



E: debra.robson@portsmouthcc.gov.uk
www.portsmouth.gov.uk

From: Licensing Shared Email
Sent: 14 October 2018 14:11
To: Robson, Debra
Subject: FW: GiSORS-Marmion Road

From: Trina Treharne [REDACTED]
Sent: 12 October 2018 23:47
To: Licensing Shared Email
Subject: Fwd: GiSORS-Marmion Road

Sent from my iPhone

Begin forwarded message:

Dear Sir/Madam,

I am writing to express concern about the application from GISORS to extend bar hours from 9pm to 11pm. This is a residential area and not an area of bars. Bars could considerably impact on the level of noise, debauchery and footfall in the area. This could devalue my property. I have friends who live in Stafford Road and Hereford Road who want to move because of the incessant noise from nearby pubs. I do not wish this area to become such an area. We have several areas of highly clustered pubs-we don't need any more!

Yours faithfully,

Trina E Treharne

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Stone, Derek

From: Robson, Debra
Sent: 04 October 2018 15:51
To: Robson, Debra
Subject: FW: GISORS - 106 Marmion Road Southsea

From: Charley Whitmore [REDACTED]
Sent: 03 October 2018 11:51
To: Licensing Shared Email
Subject: Fwd: GISORS - 106 Marmion Road Southsea

To whom it may concern.

We'd like our voice our opinion in connection to the bar named 'Gisors' that has been situated at address 106 Marmion Road, Southsea.

Firstly we need you to know that we own the property directly above Gisors, 106a Marmion Road, Southsea. It's a small one bedroom flat that has a private tenant currently renting. Above and behind our property is another private property 106b Marmion Road, Southsea.

As you may or may not know the properties in this location are very closely situated to each other and as such all activity around the immediate area, including noise/socialising, can be seen and heard. This includes in the street to the front of Gisors on Marmion Road.

When we originally purchased the property back in 2010 the shop below (now Gisors) was a small antique store. It was then turned into a Cafe known as Lucile's Crêperie, both these businesses had sensible operating hours, opening no later than 5pm weekdays and weekends, and appropriate for the location.

We feel that the Gisors bar is a different proposition all-together to a small cafe, and in our opinion is located in the wrong area for the surrounding shops and residential properties.

1. Noise

Our tenant has informed us that there have been a number of incidents where the noise from customers, drunk or not, has been excessive. In addition to this there has also been loud music played, and a bluetooth/WIFI operated sound system that likes to go off in the middle of the night and early mornings when there's nobody occupying Gisors. The building is old and as such there is little or no sound proofing between Gisors and the private residential property surrounding it. We DO NOT think it is fair to inflict further noise and unrest on the private residential property owners in the immediate area, including our tenant and property, to the suggested time of 9:00am to 11:00pm weekdays and Sundays 9:00am to 10:00pm.

We, and our tenant, are also concerned about the increased customer traffic this extension might have on Gisors. Being local we know that many people will head to the Palmerston Road area of Southsea on weekdays and weekends to enjoy meals and and get drunk. As they head home towards the area of Gisors in Marmion Road we could see it being used as a stop off for the 'one more drink' mindset, and if there's a large group entering the premises this could lead to unrest and increased noise.

2. Smoking Terrace/Outdoor balcony

We're not sure if you're aware but Gisors property has an outdoor space to the rear of the property accessed by stairs and leading to a first floor level balcony/veranda area. This area is being used by customers to smoke cigarettes and congregate for a chat. This area is extremely close to the rear window/bedroom of our property above Gisors, so close that people can be heard speaking extremely loud outside, as well as cigarette smoke pollution coming into the flat windows and building up in the rear garden areas of the surrounding private properties. We're not sure why or how this was ever agreed by the council in the original licensing agreement but we'd like it re-addressed if possible.

If you need to contact us further to clarify any points then please contact us using the email provided above.

We're aware that the planning date for this application is the 12th October 2018 and would ask for confirmation that this email has been received before that date.

Thank you

Mr/s Whitmore

Comments for Licensing Application 18/03557/LAPREM

Application Summary

Application Number: 18/03557/LAPREM

Address: 106 Marmion Road Southsea PO5 2BB

Proposal: Premises Licence

Case Officer: Ms Debra Robson

Customer Details

Name: Miss Sarah Pavey

Address: 21 St Vincent Road, Southsea PO5 2QR

Comment Details

Commenter Type: Contributor (Other)

Stance: Customer made comments in support of the Licensing Application

Comment Reasons:

Comment: 1:17 PM on 11 Oct 2018 I wholeheartedly support this application and think it would contribute to and improve the local area. It would also bring extra business and customers to the Marmion Road area. Gisors and its owner Charles are responsible and run the bar well. I am not related to or affiliated with Gisors or Charles in any way. I am a married professional who has lived in the area for eight years.

Please note: an objector has been posting printed notices through local letterboxes, encouraging others to object to the licensing of Gisors. [REDACTED]

[REDACTED] His print out states that granting this licence will encourage "brawls" and "lower house prices" - I suggest any objections repeating these points are taken with a pinch of salt!

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Stone, Derek

From: Licensing Shared Email
Sent: 09 October 2018 09:29
To: Robson, Debra
Subject: FW: Premises licence variation application - Gisors Restaurants Limited

From: Thorne, Michael
Sent: 09 October 2018 09:01
To: Licensing Shared Email
Subject: FW: Premises licence variation application - Gisors Restaurants Limited

Good morning,

Further to the premises licence variation application for 106 Marmion Road, please see attached the applicant's acceptance of the following condition to be attached to the licence...

The external seating area (shown as "TERRACE" on the approved drawing) shall be closed to and vacated by users of the restaurant/café with the external doors between the main building and the external seating area kept closed between the hours of 17:00 hours and 10:00 hours the following day.

Regards,

Michael Thorne
Environmental Health
Ext: 4835

From: Jon Wallsgrove [mailto:JWallsgrove@john-gaunt.co.uk]
Sent: 02 October 2018 08:56
To: Thorne, Michael
Subject: RE: Premises licence variation application - Gisors Restaurants Limited

Dear Michael

Yes my client is happy for a condition to be attached to the premises licence to mirror the planning condition.

Kind Regards

Jon

Jon Wallsgrove
Partner

JWallsgrove@john-gaunt.co.uk | www.john-gaunt.co.uk
T: 03300584150 | M: 07900 905849 | F: 0114 267 9613



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From: Thorne, Michael <Michael.Thorne@portsmouthcc.gov.uk>
Sent: 26 September 2018 22:15
To: Jon Wallsgrove <JWallsgrove@john-gaunt.co.uk>
Subject: Premises licence variation application - Gisors Restaurants Limited

Dear Mr Wallsgrove,

I write with regard to the above application to vary the hours of operation and conditions 1 and 2 of Annex 2.

I have no specific concerns regarding the extension of hours as I had the opportunity to consider the impact was considered in 2016. Perhaps my only concern was the use of the rear, first floor external area although this was addressed by a planning condition.

Could you ask your client whether they would be happy to mirror the planning condition on their premises licence? The wording I would suggest is as follows...

The external seating area (shown as "TERRACE" on the approved drawing) shall be closed to and vacated by users of the restaurant/café with the external doors between the main building and the external seating area kept closed between the hours of 17:00 hours and 10:00 hours the following day.

Regards,

Michael Thorne
Environmental Protection Officer

Environmental Health
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Tel: 02392 834835
Fax: 02392 834244

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TOWN AND COUNTRY PLANNING ACTS



Portsmouth
CITY COUNCIL

Reference No: 16/01706/VOC

Lucile's Creperie
6A Wilberforce Road
Southsea
PO5 3DR

LOCATION:

106 Marmion Road Southsea PO5 2BB

DESCRIPTION OF DEVELOPMENT:

Application to vary Condition 2 of planning permission 16/00586/PACOU to extend opening hours to between 09:00 to 23:00 Monday to Saturday and 09:00 to 22:00 Sunday.

In pursuance of powers under the above mentioned Acts the City Council, as Local Planning Authority, **APPROVE** the variation of condition in accordance with the application, drawings and other particulars valid on 25 October 2016 **and subject also to compliance with the following conditions:-**

- 1) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Amended floorplans received 9.11.16.
- 2) The use hereby permitted shall not operate outside of the hours of 09:00am and 23:00pm Monday to Saturday and 09:00 and 22:00 on Sundays and any recognised bank or public holiday.
- 3) No cooking processes other than the preparation of hot beverages, crepes or waffles; toasting of bread; or the 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 has been installed in accordance with a scheme submitted to and approved by the Local Planning Authority through a formal planning application).
- 4) Prior to the commencement of any other cooking operation than those described in Condition 3 (as limited to the preparation of hot beverages, crepes or waffles; toasting of bread; or the 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 use continues.

5) The external seating area (shown as 4 tables of 2 outside on the approved drawings) shall be closed to and vacated by users of the restaurant/cafe with the external doors between the main building and the external seating area kept closed between the hours of 17:00 hours and 10:00 hours the following day.

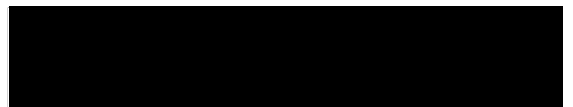
The reasons for the conditions are:-

- 1) To ensure the development is implemented in accordance with the permission granted.
- 2) In the interests of protecting residential amenity from excessive noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan.
- 3) In order to protect users of the surrounding area from nuisance caused by excessive cooking odours and fumes in accordance with policy PCS23 of the Portsmouth Plan.
- 4) To protect the amenities of the occupiers of nearby properties from excessive nuisance from cooking fumes, odours and noise in accordance with policy PCS23 of the Portsmouth Plan.
- 5) In the interests of protecting residential amenity from excessive noise and disturbance having regard to the close proximity of the external terrace to neighbouring properties in accordance with policy PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

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



Assistant Director of Culture & City Development
14 December 2016

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

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

IT DOES NOT CONSTITUTE AN APPROVAL UNDER THE BUILDING REGULATIONS

You should also be advised that you may have obligations under the Party Wall Act 1996

THE APPLICANT IS RECOMMENDED TO KEEP THIS DOCUMENT WITH THE TITLE DEEDS OF THE PROPERTY

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Appendix E

Stone, Derek

From: McAteer, Niall
Sent: 12 October 2018 09:19
To: Robson, Debra
Cc: Licensing Shared Email
Subject: RE: Application to vary premises licence

Good morning Debra

The LPA would not wish to raise any objections to this application. The proposed opening hours are in compliance with planning permission 16/01706/VOC which was approved in December 2016 for:

Application to vary Condition 2 of planning permission 16/00586/PACOU to extend opening hours to between 09:00 to 23:00 Monday to Saturday and 09:00 to 22:00 Sunday.

I would bring the applicants attention to condition 5 which states: *"The external seating area (shown as 4 tables of 2 outside on the approved drawings) shall be closed to and vacated by users of the restaurant/cafe with the external doors between the main building and the external seating area kept closed between the hours of 17:00 hours and 10:00 hours the following day."*

On the submitted plans, the applicant has highlighted this area to be included for licensable activities so it is worthwhile to flag this up at this stage.

Please do not hesitate to contact me if you would like to discuss this further.

Regards

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

T: 02392 688882

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