

## LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Wednesday, 21 November 2018 at 10.00 am in the executive meeting room, floor 3 of the Guildhall, Portsmouth

### Present

Councillors Dave Ashmore  
Leo Madden (in the Chair)  
David Tompkins

#### **72. Appointment of Chair**

Councillor Leo Madden was elected to chair this meeting.

#### **73. Declaration of Members' Interests**

There were no declarations of members' interests.

#### **74. Licensing Act 2003 - Application for grant of a premises licence - Cosy Club, L08, North Building, Gunwharf Quays**

(The hearing procedure followed was that for where representations have been made by "other persons" i.e. members of the public, although none had registered to speak at the meeting.)

##### Summary of Application and Representations

Derek Stone presented the report on behalf of the Licensing Manager. He circulated an additional plan (a satellite photograph) to show the location of premises at Gunwharf Quays. Mr Stone reported that on 19<sup>th</sup> September another application of a late licence (until much later hours) on the canal side of Gunwharf had been withdrawn. This was brought to the attention of members as it had attracted a lot of representation, and many of the letters of objection had linked these separate applications. The application for the Cosy Club was for a location by the Spinnaker Tower, so this was situated much further away from residential properties. There had been no representations from the Responsible Authorities but residents' objections were predominantly regarding the noise and potential for Anti-Social Behaviour during dispersal from the licenced premises. He outlined the matters to be considered by the panel and the right of review after the granting of a licence.

Members' questions included the following:

- Had the correct advertising and notification of the application taken place - this was confirmed

- Had all of the Responsible Authorities been consulted - this was confirmed
- Is there an exact definition of "in the vicinity" (statement of Licensing Policy 4.7) - there is not
- The plan with the agenda papers contained the layout of the previous restaurant, which had been submitted by the applicant
- Further information was given about the other, unrelated application, which had been submitted 8 days before this application, generating a lot of objections and which had since been withdrawn
- It was asked how many licensed premises there are in Gunwharf - there are 37 venues, ranging from a supermarket, hotels to restaurants, with 2 late night venues, and the casino was open all night.

There were no questions by the applicants. There were no "other persons" to raise questions.

#### The Applicant's case

This was presented by Mr Rosser (Melrose Associates), accompanied by Amber Wood (Managing Director, Cosy Club/Loungers Ltd). Mr Rosser gave background information about the applicants and wished to counter the misapprehension regarding the name "Cosy Club" stressing that the application was not for a club, it was a generic group name for their company. They would be making substantial investment in refurbishing the building which had previously operated as the Water Margin which had closed in September 2016 (remaining empty) which had an alcohol and entertainment licence. The current application was for alcohol and late night refreshment only, with no entertainment such as DJs.

Amber Wood outlined the style of operation - their group restaurants were 60% food and coffee sale and were family friendly and were experienced in working with the local communities. There were local branches in Salisbury and Bournemouth and the sister operators the Lounges had 3 premises in Southampton. There were 23 Cosy Club restaurants nationally and these operate table service. If granted the intention was to open late March/April 2019.

Mr Rosser confirmed that there had been agreement with the police in slightly revising the conditions, relating to CCTV and training. He had read all of the representations by residents and many of these concerns were directed at the unrelated late night application rather than the proposed family-friendly restaurant, and he clarified the application was for a new and not extended licence. The application site was approximately 300m from residential properties. Their patrons would disperse gradually, unlike for nightclubs, and there were a number of dispersal routes away from the residential properties.

Questions were asked by the panel regarding the agreement of conditions with the police and what steps were being taken to prevent crime and disorder? Mr Rosser outlined the experience of the management team and

the training regime to ensure close supervision of the sale of alcohol, and the CCTV had been agreed with the police. There would not be discount drinks promotions as this was primarily a restaurant. Amber Wood also outlined how any drugs on the premises would be dealt with and that the building would be fire compliant to ensure public safety. There would be a staggered exit by diners, unlike for the nightclubs, and signs would ask people to respect the neighbours as they leave. They reiterated that there would be no live/performed music, instead there would be background music. They would prohibit sale of alcohol to under 18s and operate Challenge 25. There would be a designated area for smokers on the terrace. Whilst children up to 16 years could be on site until 10pm when booking families would be advised to arrive by 8.30pm. Ms Wood then explained the different ways of exit in Gunwharf, with a number of ways to get to the car parks.

Opportunity to sum up was taken briefly by Mr Rosser, stating this would be a well-run establishment as part of an experienced group, and he confirmed that he had said all he wished.

### Decision

#### **In the Matter of the Licensing Act 2003;**

#### **In the matter of an application for the grant of a premises licence - Cosy Club, North Building, Gunwharf Quays, L08**

The Committee heard from the Licensing Officer presenting the report, the representations of the applicant and the applicant's agent, Mr Rosser. In addition the Committee considered all the papers put before them along with the annexes attached to each document. The Committee had read the written representations from residents which were included within the bundle. This Committee was engaged by reason of referral to the Committee following receipt of relevant representations from persons living locally objecting to the grant of this premises licence.

The licensing objectives that are said by the representations not to be promoted are: the prevention of crime and disorder.

The Committee look to all the Responsible Authorities including the Police and Licensing Authority for guidance and assistance in determining the effect of a licensing activity in terms of all the licensing objectives. In this case, following the agreement between the police and applicant of further conditions to be attached to the licence, no objections had been raised by the Responsible Authorities.

The above stated, the Committee balanced within their consideration the representations made by the applicant and agent and the objectors through their written representations. This Committee looks at each case upon its own merits and within the context of its own facts. The Committee was not bound by earlier decisions made by any alternative Committee.

In considering the application for a grant of a premises licence the Committee was mindful of the following facts as having been established upon a balance of probability and further that they have been taken to the relevant parts of the Statutory Guidance under section 182 of the Licensing Act 2003:

- That none of the relevant Responsible Authorities have made objections to the application.
- The premises is not in an area of special policy or cumulative impact and there is no evidence that the application sought would be inconsistent with the Licensing Act 2003, the statutory guidance or the applicable policy considerations.
- It was further noted that the Act assumes a grant of an application absent the finding of relevant premises-specific evidence to rebut this presumption.
- The grounds for objection raised are not evidence based relating to these particular premises and are generic in nature.
- The Committee was satisfied that the applicant has sufficiently shown that the full range of conditions as offered by the applicant in the licence will enable the licencing objectives to be upheld.

Whilst the Committee took note of the concerns and fears of those making representations in relation to two of the statutory licensing objectives: the prevention of public nuisance and potentially the prevention of crime and disorder; the committee heard no direct evidence that the grant of a premises licence would cause any of the licensing objectives to be undermined and the mere likelihood of such behaviour occurring in the future is not sufficient to enable the application to be rejected, what is required (but is not present in this case) is a clear link, as required by the Policy and the statutory guidance. The committee considered that the imposition of the appropriate standard conditions and additional conditions agreed between the Relevant Authorities and the Applicant together with the general power of review under the Licensing Act 2003 sections 51-53 are consistent in promoting the licensing objectives.

The Licensing Committee was further aware that any Responsible Authority, indeed anyone, can ask that the Committee review the licence currently held which would of course engage the Committee in being able to consider the full range of evidence including matters that are currently being considered.

**The application for the grant of a premises licence in the terms set out in these papers was therefore granted.**

The meeting concluded at 11.00 am.

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Chair