



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

TUESDAY, 30 JULY 2019 AT 9.30 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Joanne Wildsmith Democratic Services Tel: 9283 4057
Email: Democratic@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 Claire Udy (Chair), Scott Payter-Harris (Vice Chair), Dave Ashmore, Tom Coles, Jason Fazackarley, George Fielding, Hannah Hockaday, Leo Madden, Lee Mason, Gemma New, Steve Pitt, Benedict Swann, Linda Symes, Gerald Vernon-Jackson and Tom Wood.

The panel today consists of: Councillors Claire Udy, Leo Madden and Benedict Swann
The reserve member is Councillor Linda Symes

(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 Declarations of Members' Interests**
- 3 Licensing Act 2003 - Application for grant of a premises licence - Marmion House, 89 Marmion Road, Southsea, PO5 2AX (Pages 3 - 90)**

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

The matter has been referred to the committee for determination following receipt of relevant representations from local residents and business holders, eighteen representations are in support of the application and six objecting to

the application. There are no objections from any of the responsible authorities.

The committee is requested to determine the application.

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

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE

30th July 2019

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Application for grant of a premises licence - Marmion House, 89 Marmion Road, Southsea, PO5 2AX

1. PURPOSE OF REPORT

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

The matter has been referred to the committee for determination following receipt of relevant representations from local residents and business holders, eighteen representations are in support of the application and six objecting to the application. There are no objections from any of the responsible authorities. Further detail about the representations received is shown at paragraph 4 below.

2. THE APPLICATION AND PROPOSED OPERATING SCHEDULE

The premises licence application has been submitted on behalf of Marmion House Limited and relates to premises known as Marmion House and situated at 89 Marmion Road, Southsea, PO5 2AX.

The following licensable activities have been requested:

Proposed Licensable Activity	Days and Times of Operation
Sale by retail of alcohol	Sunday 12:00 until 21:30 Monday to Saturday 12:00 until 22:00

With the hours of opening and closing being:

Days of the Week	Open	Close
Sunday	09:00	22:00
Monday to Saturday	09:00	22:30

There are no off sales.

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

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

¹ Revised Statutory Guidance issued by the Home Office

Paragraph 8.42 "Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."

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

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

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

3. BACKGROUND INFORMATION

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

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

Marmion House incorporates 89 Marmion Road and 60A Victoria Road South. The building is the old Victoriana furniture shop that has ceased trading from this location. A change of use from retail shop (class A1) to restaurant/café (class A3) was granted on the 28th May 2019. The granting of planning permission has placed certain time restrictions on the hours of use for these premises and are as per the application at **appendix A**

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

Representations received in the main are in support of this application. The six representations against the application raise concerns regarding the potential for noise from customers and public nuisance with rubbish. These are addressed by the applicant in their operating schedule.

Officer note :

An internal storage area for waste has been built as part of the business to manage the storage and collection of waste during working hours.

The statutory guidance states:

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".*

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

5. POLICY AND STATUTORY CONSIDERATIONS

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

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);

- The current statutory guidance² issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

Statement of Licensing Policy

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

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

- 4.7** *Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.*
- 4.8** *Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the evening and night-time economy in town and city centres.*

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

Statutory Guidance

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

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

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

² Revised statutory guidance issued by the Home Office

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

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

Paragraph 9.44 *"Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."*

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

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

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

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

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

Determination of an application

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

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

- **grant** the licence subject to such conditions as are consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions.
- **exclude** from the licence any of the licensable activities applied for.
- **refuse** to specify a person in the licence as the premises supervisor (if the application relates to the sale of alcohol).
- **reject** the application.

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

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

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

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

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

6. APPEALS

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

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

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

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

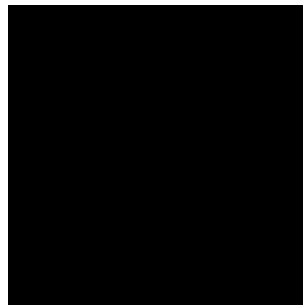
- a) that the licence ought not to have been granted, or
- b) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded activities and/or the premises supervisor,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the grant of a premises licence together with any supporting document(s)
- B.** Plan of premises
- C.** Copies of the redacted relevant representations received

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



For Licensing Manager
And on behalf of Head of Service

This page is intentionally left blank

Appendix A



**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We MARMION HOUSE LTD
(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
MARMION HOUSE 89 MARMION RD - GOA VICTORIA RD SOUTH			
Post town	PORTSMOUTH	Postcode	PO5 2AX
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ ██████████	

Part 2 - Applicant details

- Please state whether you are applying for a premises licence as Please tick as appropriate
- a) an individual or individuals * please complete section (A)
 - b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
 - c) a recognised club please complete section (B)
 - d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name	MARMION HOUSE LIMITED
Address	63 Castle Rd Southsea POrtsmouth Hants PO5 3AY
Registered number (where applicable)	10879093
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	[REDACTED]
E-mail address (optional)	jasmine [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY

Please give a general description of the premises (please read guidance note 1)
 The premise has been given an A3 licence. It will be turned into a cafe/bistro. It is situated on the corner of two rds. It is located in a street which is home to shops, cafes, restaurants & pubs. I have attached a copy of the planned layout. We will be a very family friendly establishment that will serve food and drink all day from breakfast - lunches - evening meals. We want to create a very casual and relaxed environment suitable for everyone.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	12:00	22:00			
Tue	12:00	22:00			
Wed	12:00	22:00			
Thur	12:00	22:00			
Fri	12:00	22:00			
Sat	12:00	22:00			
Sun	12:00	21:30			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		JASMINE RYAN
Date of birth		[REDACTED]
Address		[REDACTED]
Postcode		[REDACTED]
Personal licence number (if known)		LAPERS/6379
Issuing licensing authority (if known)		Poolemouth City Council.

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	09:00	22:30	
Tue	09:00	22:30	
Wed	09:00	22:30	
Thur	09:00	22:30	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Fri	09:00	22:30	
Sat	09:00	22:30	
Sun	09:00	22:00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

All our staff will be trained in all 4 Objectives. They will be advised of licensing law in writing before they are allowed to sell/serve alcohol. Training will be provided on premise specific policies relevant to the operation of the restaurant. We will record the date and name of the person trained & will be made available for inspection by the police or licensing authority.

b) The prevention of crime and disorder

- * An alarm system will be installed to protect the business when closed or empty
- * Staff/private areas will be locked & secured whilst the premises are open to the public
- * CCTV will be installed inside the premises
- * Any drinks promotions will be socially responsible & not encourage excessive drinking
- * Staff training will be given on the effects of alcohol & how to spot early signs of customers becoming drunk & gives them the knowledge & confidence to deal with drunken patrons & recognise cut off points for serving.

c) Public safety

- * We will comply with all statutory fire safety controls & training will be given to all staff
- * We will comply with all food safety regulations
- * Disabled facilities such as toilets & ramps will be fitted & training given to all staff on how to make customers feel comfortable
- * Training will be given to all staff regarding main causes of injuries such as falls from height, slips & trips, manual handling, being struck by something & training on all machinery

d) The prevention of public nuisance

- * Our planning permission is subject a scheme for insulating the residential use of the upper floors against noise
- * Quiet notices, asking customers to leave quietly & respect neighbours
- * Low level music as it is for background music only
- * We are working with a company to help sort out a suitable extraction system for the kitchen
- * Rubbish will be stored in a locked bin room inside the building.

e) The protection of children from harm

We are going to be a very family friendly establishment.

- * We will operate a strict "proof of age" scheme - challenge 25
- * There will be a clear & visible sign that underage drinking is not condoned
- * Refusal book will be on the premises where we can record the details of anyone who has been refused alcohol.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). N/A

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.

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

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	[REDACTED]
Date	11/06/19
Capacity	Applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

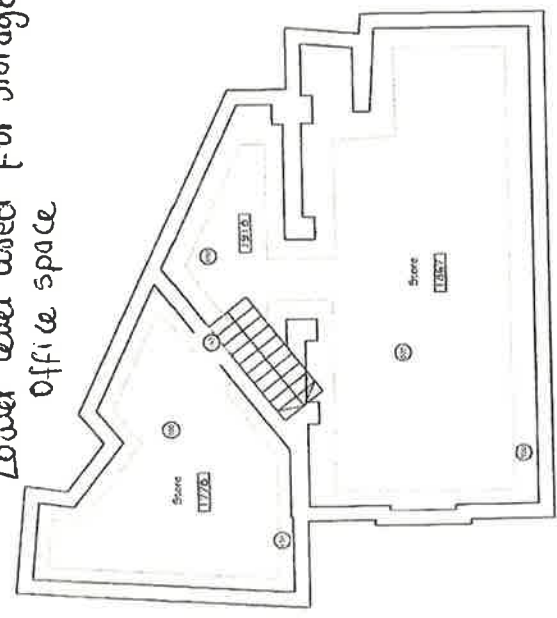
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) JASMINE RYAN [REDACTED]			
Post town	PORTSMOUTH	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			



Appendix B

Key	
	- Existing Wall
	- Proposed Wall
	- Removed
	- Floor Finish Level
	- Floor to Ceiling Height

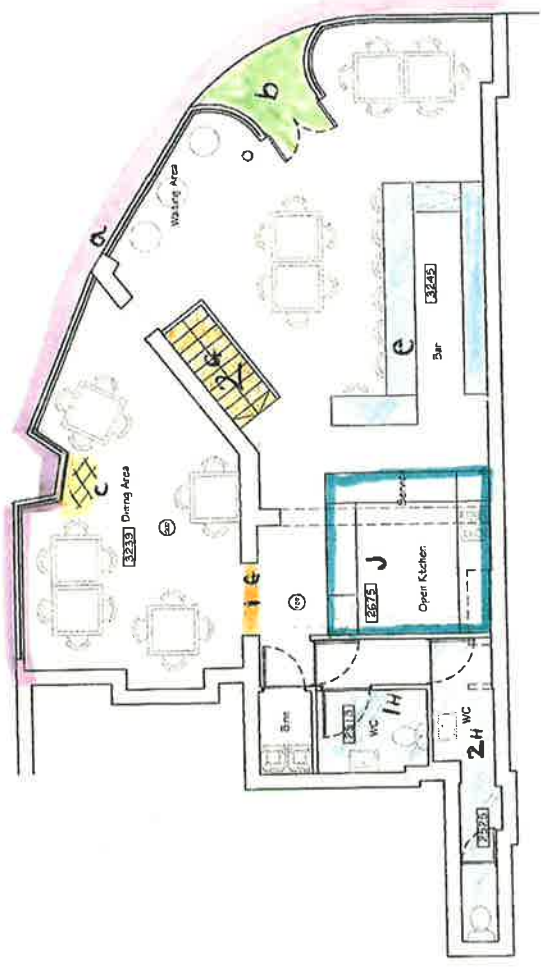
Lower level used for storage & office space



Basement Plan
Scale 1:100

- a) boundary of the building
- b) entrance & exit of building
- c) emergency exit
- d) N/A
- e) Bar - fixed location

Main restaurant area.



Ground Floor Plan
Scale 1:100

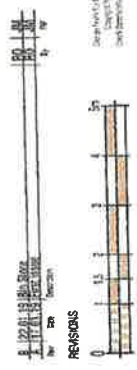
- f) N/A
- g) 1. Small step leading to toilet - ramp will be provided for disabled access
2. Steps to staff/storage area.
- h) 1. Suitable for disabled customers
2. Toilet
- i) fire extinguishers
batteries will be available but locations not confirmed yet.
- j) kitchen.

PROJECT
Merrion House, 88 Merrion Road
Southsea, Hampshire, PO5 2BS
DATE
Craig Emery & Jasmine Ryan
DATE OF ISSUE
1:100
10/01/2019

DESIGNER
EMERY & JAMES
10, 2028, 514110

PROPOSED FLOOR PLANS
410.P101_B

REVISIONS



This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 28 June 2019 11:26
To: Bradley Craig
Subject: RE: Regarding Alcohol Licence at 89 Marmion road

Hi Brad

Thank you for your email in support of the application for a premises licence at 89 Marmion Road.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services Portsmouth City Council Civic Offices Guildhall Square
Portsmouth
PO1 2AL



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

From: Bradley Craig [REDACTED]
Sent: 28 June 2019 10:55
To: Robson, Debra
Subject: Regarding Alcohol Licence at 89 Marmion road

Hi there, hope you're well.

My name is Bradley Craig and I currently work at 104 Marmion road and live on nelson road (next road along). I am writing regarding the new business at 89 Marmion road (Jasmine Ryan and Craig Emery). I feel this new business could bring a lot of trade to Marmion road and therefore would be highly beneficial to our local traders.

Have a wonderful weekend
Kind regards
Bradley Craig (Hair by Bradley Craig)

This page is intentionally left blank

Appendix C

Stone, Derek

From: Rosie Bowman [REDACTED]
Sent: 04 July 2019 21:07
To: Robson, Debra
Subject: Victoriana building

Hi Debra,

I'm writing with regard to the proposed restaurant at the old Victoriana building on the corner of Marmion Road and Victoria Road South.

I was so pleased to see the planning application to turn this iconic building in to a restaurant, and would like to provide my full support of this.

This is a fantastic spot for a restaurant and will really put the area on the map for socialising. I would hate to see this building remain empty or for another non licensed cafe to get this fabulous spot.

I know many of my friends and colleagues who are also southsea residents share the same view.

Please contact me if you would like to discuss further.

Kind regards
Naomi Bowman
25 Granada Road
Southsea

Sent from my iPhone

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 08 July 2019 16:39
To: Robson, Debra
Subject: FW: 89 Marmion Road

From: Charlotte Cornelius [REDACTED]
Sent: 05 July 2019 10:41
To: Robson, Debra
Subject: 89 Marmion Road

Dear Debra

We would like to show our support to Jasmine & Craig who are wishing to open their bistro next door to us. We feel it would be a great benefit to this end of Marmion Road as it is going to be a tasteful and mainly food with drink outlet rather than a full on bar or pub. We also feel it will be a good place for residents and business people to meet so enhancing the community feel in Marmion Road and Victoria Road South. It does not benefit us if it is left empty.

As our local councillor is usually a very supportive promoter of local businesses we were surprised to receive a letter from her encouraging people to object. Is there anything we are unaware of regarding this application?!

Look forward to hearing from you.

Charlotte, Claire & Team

[REDACTED]

[REDACTED]

CHARLOTTE CORNELIUS BOUTIQUE AND WORKSHOP
87A Marmion Road
Southsea
PO5 2AX

OPENING TIMES: Tues, Wed, Fri 10am - 6pm,
Thurs 11am - 7pm,
Sat 10am - 5pm

[REDACTED]

This page is intentionally left blank

Appendix C

Stone, Derek

From: e-mail brigid.dolby [REDACTED]
Sent: 03 July 2019 18:57
To: Robson, Debra
Subject: Marmion House proposals

Hi have just walked past marmion house and think it would be a great place for some sort of café. As a local I will definitely visit. Kind regards Brigid Dolby

This page is intentionally left blank

Appendix C

Stone, Derek

From: Tony FitzPatrick [REDACTED]
Sent: 04 July 2019 09:02
To: Robson, Debra
Subject: The property that used to be Victoriana at the end of Marmion Rd

Hello,

I'm a local resident in Southsea, living in Stanley Street, very close to Marmion Rd. I've heard that the vacant property that used to be Victoriana is going to become a restaurant, or at least that plans are underway. I think this is a superb idea. it will be a fantastic way to 'bookend' and 'stretch' the whole Southsea experience .. from the eastern extremity of Marmion Rd up to the south end of Palmerston Rd by the common.

The eastern end of Marmion tends to suffer, IMHO, from being at the periphery for visitors to Southsea. and therefore overlooked, whereas the south end of Palmerston Rd gets the footfall heading to the common. The positioning of Waitrose car park is such that the magnetic draw from visitors is away from the eastern end of Marmion Road. So a restaurant I think would help all the shops at the eastern end of the road.

As a very local resident, I remain concerned that the plight of the high street will one day affect Southsea and the Knight and Lee closure has caused much discussion/concern with me and my neighbours. I think the restaurant idea in plan is a progressive and enlightened option.

Regards
Tony, 27 Stanley Street.

--

Tony FitzPatrick
[REDACTED]

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 28 June 2019 13:20
To: deborah
Subject: RE: 89, Marmion road

Hi Debbie

I acknowledge receipt of your email in support of the application for a premises licence at 89 Marmion Road.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

From: deborah [REDACTED]
Sent: 28 June 2019 11:44
To: Robson, Debra
Subject: 89, Marmion road

Hi,
My name is Deborah Hill and I'm writing to you concerning your plans for 89, Marmion road. I have the BeautyClinic at 104 Marmion road and live in Worthing road.
I feel as far as work is concerned this would be a fantastic boost for all of us businesses in Marmion road. Obviously the more people coming to the area the better for business. I also live about 30 seconds walk away and have absolutely no qualms about having this kind of place operating close to my home.
I give my full support to this venture.

Kind regards

Debbie Hill



Virus-free. www.avg.com

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 08 July 2019 16:40
To: Robson, Debra
Subject: FW: Marmian Building Southsea

From: Julie Ayling [REDACTED]
Sent: 07 July 2019 20:55
To: Robson, Debra
Subject: Marmian Building Southsea

To Debra

I am a long term resident of Southsea & noticed the above building has applied for planning permission for change of use to a restarant.

It is a beautiful building which would lend itself well to a restaurant and enhance that end of Marmian Road. I appreciate it would need an alcohol licence to aid it's success but feel customers from a restaurant are unlikely to cause any adverse effects to local residents.

Yours sincerely

Julie Ayling

11 Albany Road,
Southsea
Po5 2ab

Sent from Samsung tablet.

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 02 July 2019 10:52
To: James Kirby
Subject: RE: 19/00114/FUL | Change of use from retail shop (Class A1) to restaurant/cafe (Class A3) | Marmion House 89 Marmion Road - 60A Victoria Road South Southsea PO5 2AX

Dear James

Thank you for your email in support of the application for a premises licence at 89 Marmion Road.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL



From: James Kirby [REDACTED]
Sent: 29 June 2019 19:53
To: Robson, Debra
Subject: 19/00114/FUL | Change of use from retail shop (Class A1) to restaurant/cafe (Class A3) | Marmion House 89 Marmion Road - 60A Victoria Road South Southsea PO5 2AX

Dear Ms Robson,

I'm not sure whether or not consultation is still live on this application, or if comments can be made by email at this stage, but here I am anyway:

I write in support of the application for use as a licenced restaurant at Marmion House:

In my respectful submission, it would be an appropriate use of this stylish old building, offering a mature and responsible use at this end of Marmion Road, which currently has little to offer (apart from "Bangerz 'n Brewz" – a lot more down market, but licenced).

I hope this is of some value, and not too late.

Kind regards,

James Kirby

Thicket Cottage,
The Thicket,
Southsea
PO5 2AA.

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 28 June 2019 15:58
To: 'Julia Kirby'
Subject: RE: Former Victoriana

Hi Julia and Michael

Thank you for your email in support of the application for a premises licence at 89 Marmion Road.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services Portsmouth City Council Civic Offices Guildhall Square
Portsmouth
PO1 2AL



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

From: Julia Kirby [redacted]
Sent: 28 June 2019 15:09
To: Robson, Debra
Subject: Former Victoriana

Dear Ms Robson,

I am writing to register my support for the proposed restaurant in the premises which was Victoriana in Marmion Road / Victoria Road South.

I am a local resident and I feel this is exactly the sort of small business I will support. I have lived in Wimbledon Park Road for 33 years and I feel passionately that independent small businesses should be encouraged in Southsea contributing to the local economy, and the character of our town.

Many thanks Julia and Michael Kirby

Sent from my iPad

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 08 July 2019 16:40
To: Robson, Debra
Subject: FW: Marmion House,Victoria Road South

From: paul Leach [REDACTED]
Sent: 06 July 2019 10:42
To: Robson, Debra
Subject: Marmion House,Victoria Road South

Dear Ms Robson

I have noticed that there is a notice on the door of this building saying that an application has been made for a license presumably to turn this into a restaurant.I think this would be an excellent use of this building and I would be in full support

Paul Leach

Southsea resident

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 08 July 2019 16:40
To: Robson, Debra
Subject: FW: Alcohol license-- Victoria Road South empty unit

From: Megan Ayling [REDACTED]
Sent: 07 July 2019 15:34
To: Robson, Debra
Subject: Alcohol license-- Victoria Road South empty unit

Dear Debra

As a resident of 50 A Victoria Road South and a neighbour of the proposed bistro I absolutely welcome this business.

I believe that in this current economic climate the importance of supporting and encouraging local businesses is key and Southsea has always proudly done this. Not only will it create jobs through the use of an otherwise empty unit but it will create a buzz in this quieter area of marmion Road hopefully bring added traction to surrounding business's.

The opening of 'Bangers and Brews' has been so positive and this business can follow their example. With regards to noise, the street can be noisy in general due to its location in central Southsea with through traffic of passers by (especially at the weekend). This is unavoidable though the opening of bangers and brews has not contributed at all therefore this new venture surely can follow their lead.

I am excited by the prospect of this new Southsea eatary and can see absolutely no reason for objection!

Megan Ayling

[REDACTED]

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 28 June 2019 11:24
To: Missy
Subject: RE: Victoriana

Hi Missy

Thank you for your email in support of the application for a premises licence at 89 Marmion Road.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

From: Missy [REDACTED]
Sent: 28 June 2019 08:43
To: Robson, Debra
Subject: Victoriana

Hi Debra,

I'm not sure if you're the right person to contact reference this but I have noticed that Victoria has been empty for a while and have wondered what was going to end up there and when I went for a walk this week I noticed that it has got a blue notice in the window and as I live in Southsea and not far from Victoriana I thought I would contact someone to just say that I fully support a restaurant going there

I think it would be good for Marmion road and would help bring more people to that area and help the other local traders and restaurants, I also am so glad it's not going to be turned into another coffee shop as that is not what Southsea needs at the moment.

I hope you don't mind me contacting you but I think it's nice if local people give their support to the small local businesses

(this is my work email address)

Regards

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 28 June 2019 11:25
To: Jo Morgan
Subject: RE: Alcohol Licence

Hi Jo

Thank you for your email in support of the application for a premises licence at 89 Marmion Road.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services Portsmouth City Council Civic Offices Guildhall Square
Portsmouth
PO1 2AL



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

From: Jo Morgan [REDACTED]
Sent: 28 June 2019 09:11
To: Robson, Debra
Subject: Alcohol Licence

Good morning,

As a life long resident of Southsea I would like to put my support behind the application for an alcohol licence to be granted for the proposed restaurant in the building formerly owned by Victoriana on the corner of Marmion Rd / Victoria Rd South.

I have spoken to many local people who share my view that it would be fantastic to see a thriving restaurant in this iconic building. The last thing Southsea needs is another cafe or faceless chain. Allowing this restaurant to serve alcohol will be essential to its success. Given that it is next door to a cocktail bar it would be ludicrous for this application to be denied.

I urge you to grant this licence and to support this independent business to thrive. It is really exciting to see the development of this area and I hope that you will act soon to grant this licence and fill this empty building with something that will genuinely enhance the area and serve the community.

Kind regards,

Jo Morgan
99 St Ronan's Road
Southsea
PO40PR

This page is intentionally left blank

Appendix C

Stone, Derek

From: Ronnie Parr [REDACTED]
Sent: 08 July 2019 17:05
To: Robson, Debra
Subject: Marmion house

Dear Debra

I am writing to you as I am backing the proposed wine bar in what was Victoriana .

Myself and many others cannot wait to for the empty properties to be filled up again as all is good for our businesses.

Many thanks.

Mrs ronnie parr

Sent from my iPhone

This page is intentionally left blank

Appendix C

Stone, Derek

From: Aniela Rose [REDACTED]
Sent: 03 July 2019 13:23
To: Robson, Debra
Subject: New restaurant, Marmion Road (re alcohol licence)

Dear Debra,

I have recently seen the blue notice up in the old Victoriana building on Marmion Road about the new restaurant it is being developed into; I'm so pleased this beautiful but empty building is finally being turned into an exciting new restaurant for our local community. I am writing as I wanted to show my support for the new owner of the restaurant to be granted an alcohol licence. I have lived with my family in Southsea for 12 years now and I must say we were all relieved this wasn't going to be another cafe. I think this location is ideal for the new restaurant but understand that a business like that would only thrive if they are permitted to serve alcohol. I do not believe serving alcohol will cause a disturbance in this location because people looking to drink heavily in Southsea just wouldn't choose a location like this or a restaurant for that matter. I think to lose out on this unit being developed into a fully functioning restaurant with an alcohol licence would be a disaster, this new business is going to help the bottom end of Marmion Road to thrive further and it will encourage more footfall to surrounding units as it can be hard to attract a lot of people to that end of the road. I urge you to please support this exciting new business by granting an alcohol licence as soon as possible.

Kind regards,

Aniela Rose

1 Pelham Road

Southsea

Hants

PO5 3DT

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 02 July 2019 10:53
To: Julie Rosser
Subject: RE: Marmion House

Dear Julie

Thank you for your email in support of the application for a premises licence at 89 Marmion Road.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services Portsmouth City Council Civic Offices Guildhall Square
Portsmouth
PO1 2AL



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

From: Julie Rosser [redacted]
Sent: 30 June 2019 14:48
To: Robson, Debra
Subject: Marmion House

Good morning

I would like to voice my support for the change of use regarding the above building, formerly Victoriana. I am a great advocate for independent business ventures and feel a licensed restaurant would be a wonderful addition to that end of Marmion Road.

I have lived in Southsea for many years and have been surprised and delighted that it has become such a vibrant part of the city. With the departure of Knight and Lee and the decline of retail in general it seems the way forward is with hospitality. An empty unit such as Marmion House would be ideal for a thriving independent restaurant.

I would like to think the council support this enterprise in order to encourage the development of business in that particular location.

Kindest regards
Julie Rosser

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 02 July 2019 14:57
To: Janie Stevens
Subject: RE: Marmion House

Dear Jane

Thank you for your email in support of the application for a premises licence for 89 Marmion Road.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services Portsmouth City Council Civic Offices Guildhall Square
Portsmouth
PO1 2AL



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

From: Janie Stevens [REDACTED]
Sent: 01 July 2019 14:21
To: Robson, Debra
Subject: Marmion House

Dear Ms Robson,

It has come to my attention that the currently empty unit of Marmion House, Marmion Road, Southsea has had a change of use notice placed on it. I am delighted to learn it will be becoming a licensed bistro and have no doubt that this will be another fantastic addition to the already buzzing Marmion Road, especially when taking into the consideration the lack of eating establishments at this particular end of the road.

The fact that it will be aiming to provide a casual and relaxed environment which will be welcoming a diverse clientele is of particular value, also enabling those with disabilities to use this new exciting facility, will be of huge value and enrich many lives.

Yours sincerely
Jane Stevens.

This page is intentionally left blank

Appendix C

Stone, Derek

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

From: [tamaryn](#) [REDACTED]
Sent: 28 June 2019 17:27
To: Robson, Debra
Subject: Alcohol Licence

Dear Ms Robson,

As a life long resident of Southsea I would like to put my support behind the application for an alcohol licence to be granted for the proposed restaurant in the building formerly owned by Victoriana on the corner of Marmion Rd / Victoria Rd South.

I have spoken to many local people who share my view that it would be fantastic to see a thriving restaurant in this iconic building. The last thing Southsea needs is another cafe or faceless chain. Allowing this restaurant to serve alcohol will be essential to its success. Given that it is next door to a cocktail bar it would be ludicrous for this application to be denied.

I urge you to grant this licence and to support this independent business to thrive. It is really exciting to see the development of this area and I hope that you will act soon to grant this licence and fill this empty building with something that will genuinely enhance the area and serve the community.

I am happy to submit any testimony or answer any questions you have in support of this business.

Thank you for giving this your full attention.

Best wishes,
Tamaryn Storey
(13 Grove Road South, Southsea)

This page is intentionally left blank

Appendix C

89 Marmion Road/ 60A Victoria Road South.

As the owner of 60D Victoria Road South (immediate residential unit), I did not receive any planning application notices, and request your guidance on how my objection to the change of use from A1 to A3 agreed by you on 28th May 2019 can be proceeded with.

I see that you have given provisional agreement, subject to the environmental health requirement to provide noise reduction measures.

I object to the licence to sell alcohol as this will only lead to an amplification of all the issues, I perceive in my objection to change of use from A1 to A3, noise both internal and external, delivery increase, pressure on already saturated parking, public nuisance. In military speak this application, would be described as mission creep with all the concomitant, collateral, third party damage. A cafe/restaurant with limited cooking facilities, given an alcohol licence ceases to be a cafe/restaurant. I evidence the recent issue of an alcohol licence to Bangers and Brewz, 60B Victoria Road South, a quiet café has converted to a noisy bar, where the exponential increase in internal noise and disturbance has caused my tenants to abandon a substantial part of their dwelling above.

The property comprising 89 Marmion Road, 60A, 60B, 60C, 60D Victoria Road South has particular and peculiar separations, where each of the ground floor entities extend into the fabric of my maisonette. Internal noise from below is heard and indeed amplified within the rooms above. These rooms include three bedrooms and a lounge. The noise was tolerated by residents because it ceased at 5pm when the A1 retail units closed. For proper sound reduction measures to be installed within, it would require physical changes not only to the rooms above but would require substantial changes to the properties below. I welcome, and strongly support, the thoughtful Environmental Health statement documented in the A1 to A3 provisional agreement, and request that the necessary changes to the property are fully taken account of before the planning application for 89 Marmion/60A Victoria Road South is confirmed. To appreciate the issues implied by the overlap within this building, I request a visit to my property by one of your professional environmental/planning team.

Please be aware of my overall concern that the whole street level, being three units beneath my property are all recently either applying for or have applied to change use to café/restaurant (A1 to A3) and alcohol sale, and my issues and objections are consistent with each of these.

Already, my tenants of two years, medical doctors have given notice to leave, as they can't stand the increase in noise from 60B. They were given assurance by the proprietor that noise preventing measures would be installed, yet the floors vibrate and the rooms immediate above have been abandoned as the noise is overwhelming. This application alone and in combination with the others neighbouring, will have a hugely detrimental impact on the future occupants of my property.

Helen Fage

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 20 June 2019 11:20
To: Robson, Debra
Subject: FW: Application for premises licence - Marmion House, 89 Marmion Road

From: Judith Smyth [REDACTED]
Sent: 19 June 2019 15:58
To: Robson, Debra [REDACTED]
Subject: Re: Application for premises licence - Marmion House, 89 Marmion Road

99 Victoria Rd South
Southsea
PO52BU

Please note that I have very slightly amended the text of my complaint - please use this version.

Thank you

On 13 Jun 2019, at 16:55, Robson, Debra [REDACTED] wrote:

Dear Judith

In order for your representation to be accepted as valid can I have your full postal address.

The Hearing will be arranged after the reps by date and you be informed of the date and asked if you wish to attend and speak.

Thank you.

Debbie Robson
Licensing
[REDACTED]

From: Judith Smyth [REDACTED]
Sent: 12 June 2019 14:26
To: Robson, Debra [REDACTED]

I would like to object in the strongest terms against this application.

Victoria Rd South is not a commercial road, it is a residential street and noise from the premise, especially late at night will be very disturbing for my family and my neighbours - many of us sleep in the front of our houses and will be badly affected by this.

I am also worried about noise from taxis collecting people from the venue and also the affect on parking near the venue and in surrounding roads.

I am worried by noise from the property as well as the noise of customers leaving the place and lingering on the pavement outside in a noisy and inconsiderate manner.

I am also worried about where the rubbish will be stored and collected from as there is no suitable place on the street.

We are already badly affected by the noise from Bangers and Brews on some nights and are worried about what will happen in high summer.

Secondly I do not think it a good idea to extend the commercial activities which characterise the western end of Marmion Rd and the rest of Southsea shopping centre, into the surrounding residential areas. I do not want a precedent to be established for other large bars to be proposed.

I do hope you will not approve this application.

I would like to make a representation to the licensing committee as a local resident. Please let me know when it will be heard.

With best wishes

Cllr Judith Smyth

And Terry Smyth

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 08 July 2019 16:40
To: Robson, Debra
Subject: FW: Application for an alcohol licence at 89 Marmion Road, Southsea

From: Tom Mc Nally [REDACTED]
Sent: 07 July 2019 12:24
To: Robson, Debra
Cc: Smyth, Judith (Cllr)
Subject: Application for an alcohol licence at 89 Marmion Road, Southsea

Dear Debra

We wish to register this objection to the change of use and application for an alcohol licence at 89 Marmion Road, Southsea.

Our reasons for this objection are:

- a. The effect on noise and parking since the opening of the 'Bangers n' Brews' restaurant next door to the proposed licenced premise has already been significant. The addition of another restaurant / bar would exacerbate these issues.

- b. The licence application for the change of use of 60c Victoria Road South, on the other side of 'Bangers n' Brews', if successful will further impact noise, traffic and parking to an unacceptable level. Victoria Road South is primarily a residential road and the creation of three adjacent licenced premises will alter the character of the area.

- c. The rationale for the Council's strategy for licencing in this area needs to be explicitly expressed in the context of the proliferation of licenced premises in Marmion Road and Palmerston Road. In the absence of this expression it appears that the control of the planning process is not currently effective

Regards

Tom & Sally McNally

95 Victoria Road South

PO5 2BU

This page is intentionally left blank

Appendix C

Stone, Derek

From: Robson, Debra
Sent: 08 July 2019 16:40
To: Robson, Debra
Subject: FW: Alcohol Licence Application; 89 Marmion Rd / 60A Victoria Rd South

From: Kate Jones [REDACTED]
Sent: 08 July 2019 08:52
To: Robson, Debra
Subject: Alcohol Licence Application; 89 Marmion Rd / 60A Victoria Rd South

Dear Debra,

I am writing to you with regard to the alcohol licence application that has been made for the premises of 89 Marmion Road / 60A Victoria Road South. As a local resident based at 87c Marmion Road, I would like to make it known that I strongly object to this application.

Change of Usage Notification

Also, I was surprised to hear that the premises were granted A3 planning permission as myself and all the other neighbours that I have spoken to about this were unaware that the application had been made at all and had not seen any notifications from Portsmouth City Council relating to this. We are in agreement that had we known we would have most certainly opposed this too.

Noise Pollution, Rubbish & Parking

The main reason for my objection to the licence is on the grounds of increased noise pollution and rowdy behaviour from customers continuing late into the night both whilst they're inside the premises and whilst arriving, leaving and smoking outside of it. During summer months when it's warmer, this will almost certainly be exasperated if the doors to the premises are left open for ventilation and customers spend more time outside. It is also likely that there will be increased noise levels from additional traffic generated by the business in terms taxi drop offs, Deliveroo pick ups, supplier deliveries and customers trying to park. As the property has no outside space, I think it will also increase the amount of rubbish being dumped/fly tipped outside of that area, which is very unsightly as it is.

On street parking is already an issue in this area, and as the premises has no parking spaces of its own, this will only intensify this issue.

Potential A4 Usage

In agreement with the comments made by the Environmental Health officer, the architectural drawings point more towards A4 usage (drinking establishments) as opposed to A3 usage (cafe/restaurant), which is even more concerning.

Live Music

Having spoken to my neighbour's family that are in close proximity to this corner of Marmion Road/Victoria Road South, they have expressed that they already suffer the impact of noise pollution generated by the licenced fast food restaurant at 60B Victoria Road South. So, when I learned that if 89/60a were to obtain a premises licence, that then under the provision of the Live Music Act they would be entitled to hold performances of live and recorded music until 23:00, I was horrified. This will not only have a huge impact on them, but on many other residents in the vicinity.

Zionstone Ltd and Related Developments

Having obtained the Land Registry plan for these premises, it seems that a company called Zionstone (who's directors are not even based in Portsmouth) own 60a, 60c and 60d Victoria Road South. As well as applying for a licence for 60a, Zionstone are also in the process of applying to change the usage of 60c from A1 (retail) to A3 (restaurant/cafe). It seems that whole corner could become noisy licenced premises. Such proposals show no consideration for the impact it will have on local residents, particularly the long-term tenants that live in 60D Victoria Road South that share walls/ceilings with both properties, as well as those on adjacent corners of Victoria Road South, St Vincent Road, in Farriers Court and at the far end of Marmion Road.

Conservation Area

When I first bought my home here, one of the main attractions was that it is in a 'Conservation Area' - full of character, heritage and quiet surrounds, but this development seems to be at complete odds as to what a conservation area is. Also, Portsmouth City Council's guidelines for 'Owen's Conservation Area' state; 'Where a building contributes towards the character or appearance of a conservation area, a change of use will be permitted where it does not require any changes in the appearance or setting of the building other than those that will preserve or enhance its contribution to the area.'

The guidelines include Victoriana as a one of those listed buildings, but to run it as a bar/restaurant with live entertainment would require adding an extraction system, additional insulation and making the windows double glazed to increase soundproofing which would mean changing the appearance of it.

To summarise, as a predominantly residential area, to grant permission for this licence would be to completely disregard the interests of the long-term local residents that live in this area of Marmion Road and Victoria Road South and a further deterioration of the Conservation Area's original character. Should a licensing meeting be arranged by the Portsmouth City Council, I would like to be invited. Please send an invitation by replying to this address.

Yours Sincerely,
Catherine Jones

Appendix C

Comments for Licensing Application 19/03014/LAPREM

Application Summary

Application Number: 19/03014/LAPREM

Address: 89 Marmion Road Southsea PO5 2AX

Proposal: Premises Licence

Case Officer: Ms Debra Robson

Customer Details

Name: Mr Michael Smith

Address: 97 Victoria Road South, Southsea PO5 2BU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment:3:45 PM on 09 Jul 2019 I submit this objection to the licensing application on behalf of my wife, Susan Smith, and myself due to the following concerns.

The adjacent premises is currently a restaurant and bar, and the local area is very well served for such premises.

The establishment of further licensed premises here (and at 60c Victoria Road South) would change the nature of the area to the detriment of residents.

The building is located on a busy road junction, there is a risk to patrons who may gather on the pavement to smoke and at closing time.

There is not enough space on pavement to provide a safe area for smokers or for outside tables

Deliveries are likely to cause disruption to local traffic - there is already some disruption caused by deliveries to the the adjacent licensed premises.

There is insufficient parking on Victoria Road South, Marmion Road and other local streets. There are already problems for local residents with driveways being blocked due to careless parking.

We are concerned about boisterous behaviour from patrons, on the pavement particularly late at night

There is a potential noise nuisance from music - there is no request for a music licence in the current application but presumably a music licence would be a small incremental change to the

premises licence once granted.

If this licensing application were permitted, a 10pm curfew would mitigate the impact on local residents.



Melissa Wain
101c Victoria Rd South
Southsea
Portsmouth PO52BU

8 July 2019

Fao- Debra Robinson

Dear Sir

**Re Application for an alcohol licence at Marmion House – 89 Marmion Rd /
60A Victoria Rd South**

I wish to object most strongly to the proposed alcohol licence at the above property. These are my reasons.

1. I live opposite Marmion House on Victoria Rd South. My comments about this application are at least partly informed with the experience of Bangers and Brewz. The owners of this new family run business are doing their best in many ways and we have an amicable neighbourly relationship. However, they keep me awake with loud music and loud conversations on the pavement from departing customers and this is ruining my life. I understand from Neil Austin, Environmental Protection Officer that they should have insulated the premises including a lobby preventing excessive noise from coming out of the (often open) front door. They also have no acceptable external place to put rubbish and I attach photos to show recent refuse on the pavement opposite to my house. The owner of the land at the back of Bangers and Brewz have recently prevented their rubbish being stored on their land. In addition, the extractor fan is pushing out unacceptably smells into the properties at the rear.
2. All the rooms in my home face Victoria Rd South and I feel vulnerable to customers of Bangers and Brewz. Customers of Marmion House will also be able to look straight into the house and my courtyard and if drunk this will further reduce my privacy and safety.
3. My home is also Victorian and cannot be insulated from noise in the street and opposite.
4. The building is in a conservation area and has some character. Adequate sound insulation will be impossible to achieve without unacceptable alteration to the elevations to Marmion Rd and Victoria Rd South. It

would be difficult to amend the plans to include a lobby to prevent noise coming out of the windows and front door.

5. There is nowhere for the proposed café to store rubbish. The attached photos show that they cannot be stored behind the property and there is nowhere in the front without obstructing the narrow pavement on the corner.
6. There is nowhere for an extractor fan that does not affect the flats above Marmion House
7. The sound insulation to the flats above the shop will need to be very effective. The Victoria construction and twentieth century conversion to flats is typical of that time and includes no sound insulation whatsoever, I understand that this is a condition of the planning permission and close monitoring of the construction will be required.
8. We will be disturbed by customers leaving Marmion House especially late at night after a drink.
9. There is already a parking problem in the street and as you can see from the attached photographs showing street markings there is nowhere safe for customers to be dropped off or for taxis to wait to collect people.
10. Victoria Rd South is a pleasant part of a residential area. It is a 'leafy suburb' where families live away from the commercial hub of the Southsea shopping centre.
11. It is not the right place for more cafes, bars and night time attractions. I attach a list of the 50 licenced restaurants, pubs and bars within the Southsea shopping centre i.e. within five minutes' walk. In addition, there are 6 shops selling alcohol and 13 food outlets without a licence. This is a huge number, not all of them are doing well and there are also vacant premises in the centre which could be used for a licensed restaurant. Southsea does not need another licenced restaurant and there is no justification for spreading this use into Victoria Rd South
12. I understand that some neighbours in Marmion Rd (who do not live in the street) are supporting the application for a licence at Marmion House. They say that the development will help to reverse a recent degeneration of the eastern end of Marmion Rd. I know that Marmion Rd has not degenerated in the recent past. It has gradually been improving for the last ten years with new businesses coming in such as the Jeweller, Southsea clothes shop, Financial advisor and haberdashery. I strongly contest the idea that a licenced restaurant will contribute to further improvement of the area.

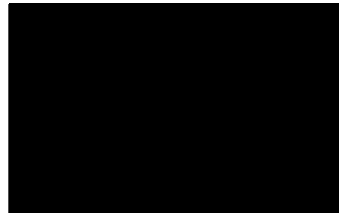
Please therefore refuse the application for a licence in Marmion House. A planning application was granted for an A3 food outlet in May. This was very badly publicised and I would have objected to that but we were lead to believe that it would be a quiet bistro or café serving breakfast and lunch. However, serving alcohol and being part of the night time economy will seriously damage the quiet enjoyment and amenity of this residential street. Worse, it could establish a precedent for granting a licence for 60C Victoria Rd South which is currently subject to a planning application. That would be a disaster.

Please let me know when the licencing committee will decide. I would like to come and make a deputation to them to reinforce this letter of objection.

Thank you

Yours sincerely

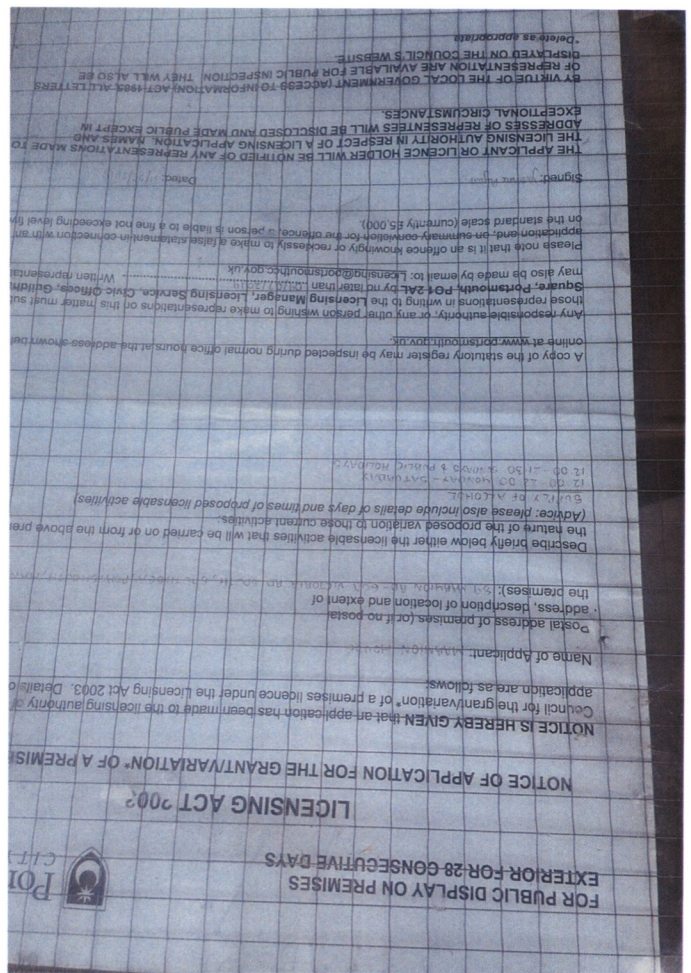
Melissa Wain



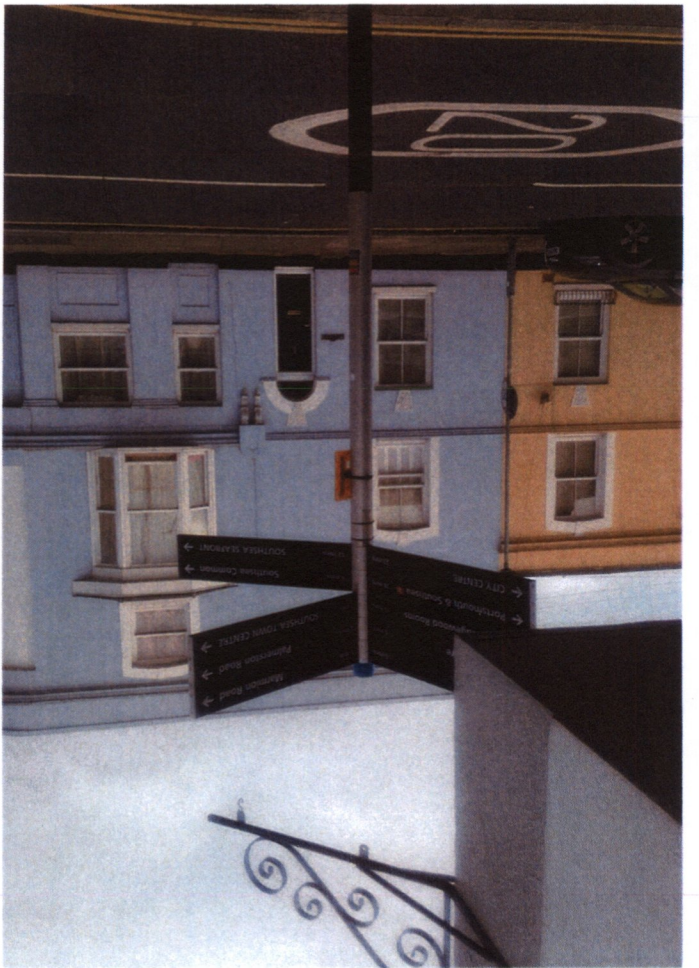


PCC DIRECTION N





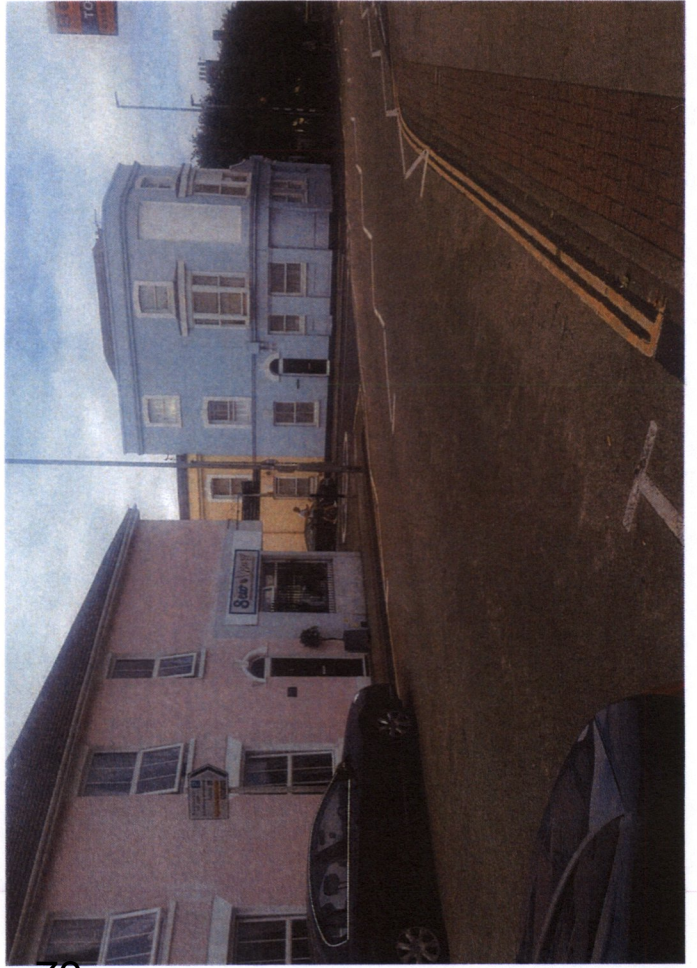


















anning application has been made to
ACTION: 60C Victoria Road South
POSAL: Change of use of ground
(s A3) to include new shopfront a
0775/FUL)
can view the application

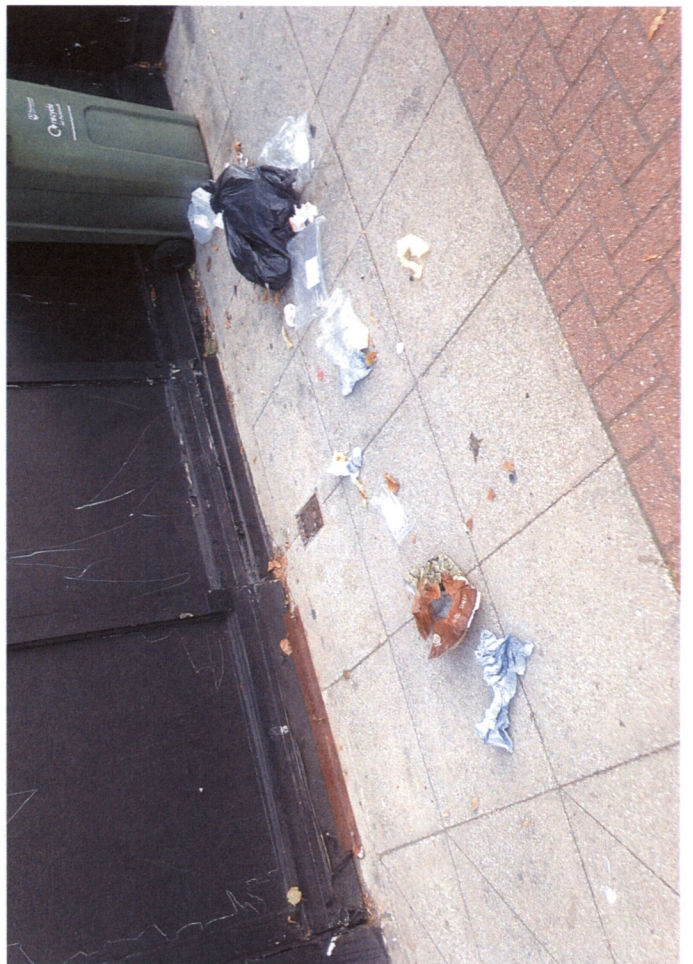




anning application has been made to
ACTION: 60C Victoria Road South
POSAL: Change of use of ground
is A3) to include new shopfront a
0775/FUL)
can view the application







Please note this doesn't enc. Albert Rd

Appendix to Melissa Wain objection to licencing application at Marmion House and planning permission at 60C Victoria Rd South

Licensed restaurants within five minutes' walk

1. Bangers and Brewz
2. Capers
3. Smile
4. Darcy's kitchen
5. Pitigleno
6. The Marmion
7. Grace and iviy
8. Knight and Lee
9. Caldon Barcelona
10. Panero Lounge
11. Istanbul Grill
12. Wave Maidon
13. Croxtons
14. Two doors down
15. 6oz burgers
16. Kingsleys
17. Spice Merchant
18. Algarve grill
19. Etet Greek cuisine
20. Auckland Arms
21. Pub next door
22. Burgers and Brewz
23. Circulo
24. Montparnasse
25. Lord Palmerston
26. The Village
27. HRC Vodka bar
28. Noble House
29. Kassia
30. Drift
31. Scarlet Top
32. Meat and barrel Spice Rat
33. Kasmir
34. Ranchors
35. Sopranos
36. Shanagans
37. Queens Hotel
38. Cha Chas
39. The Greenwich
40. Kebele char grill
41. Agora
42. Fisherman's choice

only Vic Rd

Marmion Rd

Palmerston

Osborn.

All 1min - 5min

Walking distance as
deployed by P.C.C.

Direction sign post.

See image att.

43. Sunday Post
44. Sant Yaya
45. Nourish

Supermarkets selling alcohol

46. Tesco express
47. Waitrose
48. Iceland
49. Spar
50. Cornucopia
51. Premier off licence

Food outlets without licence

52. Sandwich bar
53. Greggs
54. O'Brians coffee
55. Coffee
56. Costa Coffee
57. Sweet cakes
58. Wild Thyme
59. Subway
60. Mobo's
61. Farm Kitchen
62. Dizza co
63. Ken's Chicken
64. Tea Tray

I have not recorded the premises in Albert Rd, Elm Grove and at the end of Waverly Rd – I guess that if I had counted them, all within five minutes of my home, the totals would be over 100 licenced premises/ shops selling alcohol and unlicenced places.

This page is intentionally left blank