



Decisions by the Licensing Sub Committee

Issued by Democratic Services

Tuesday 7 January 2020

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	WARD	DECISION	OFFICER CONTACT
		<p>Licensing Sub-committee Decision Meeting - 6 January</p> <p>The Licensing Sub Committee has made the following decision:-</p>	<p>Democratic Services Democratic@Portsouthcc.gov.uk</p>
3		<p>Licensing Act 2003 - Application for variation of a premises licence - ASDA Walmart Superstore, Bridge Shopping Centre, Somers Road North, Portsmouth</p> <p><u>Decision of the Sub Committee</u> The decision as read out by Ben Attrill, the Legal Adviser to the Sub Committee:</p> <p>"The Sub Committee has carefully considered the application for variation of a premises licence at ASDA Walmart Superstore, Bridge Shopping Centre, Somers Road North, Portsmouth.</p> <p>The Sub Committee has had due regard to the Licensing Act 2003, statutory guidance, the Licensing Objectives, the evidence of all the parties, both written and given orally today, Human Rights legislation and the public sector equality duty.</p> <p>In light of all the above the Sub Committee has determined that the application shall be granted.</p> <p><u>Reasons</u> The Sub Committee has listened carefully to concerns expressed by residents raising issues relating to an increase in anti-social behaviour and drunkenness in a residential area including noise nuisance late at night. The Sub Committee accepted legal advice that parking, planning, traffic, commercial need, the potential for precedent (which</p>	<p>Derek Stone Principal Licensing Officer Tel: 9268 8462</p>

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		<p>is not created in licensing cases) are not relevant considerations. The Sub Committee focussed its mind upon the licensing objectives.</p> <p>Consideration was given to imposing a condition regarding the gate leading to Garnier Street, however, legal issue was raised that this was not in the ownership or control of the premises licence holder. Further, an express assurance was provided to the Sub Committee that there shall be no change to the times the gate is opened or closed.</p> <p>The Sub Committee had to consider the potential impact of alcohol sales and not the operation of the premises generally and, on balance, was not able to restrict the application at this time. Police support for the application, subject to the conditions agreed, and the lack of objection from Responsible Authorities otherwise, supports this position. It should be stressed, however, that there is a right for residents to bring a review of the premises license where evidence shows that issues arise as a result of the variation. Also, no precedent is set by this decision - each case is considered on its merits.</p> <p>The Sub Committee is disappointed with an apparent lack of consultation or engagement with residents. It strongly recommends that consideration be given to blocking off use of parking spaces adjacent/behind Garnier Street after 23.00 hours (in line with gate closure times) as a gesture of goodwill if the store is to open for 24 hours or if there is an extension in opening hours.</p> <p>It must be stressed that in light of the representation from the Planning Department it appears that other consents will be required before this is permissible generally - this decision does not negate that need.</p> <p>There is a statutory right of appeal to the Magistrates' Court.</p> <p>Formal notification of the decision will set out that right in full."</p>	