



Decision by the Licensing Sub Committee

Issued by Democratic Services

6 July 2020

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	WARD	DECISION	OFFICER CONTACT
		<p>Licensing Sub-committee Decision Meeting - 3 July</p> <p>The cabinet Member has made the following decisions:-</p>	<p>Democratic Services Democratic@Portsouthcc.gov.uk</p>
3		<p>Licensing Act 2003 - Application for variation of a premises licence - Keppels Head Hotel, 24-26 The Hard, Portsmouth, PO1 3DT</p> <p>All parties shall receive written confirmation of the decision and reasons. In the first instance this will be emailed today.</p> <p><u>Decision</u> The Sub Committee has considered very carefully the application for variation of a premises licence at the Keppels Head Hotel. It gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of licensing policy.</p> <p>The Sub Committee considered the relevant representations, both written and given at the hearing, by all parties. Human Rights legislation has been borne in mind whilst making the decision.</p> <p>The Sub Committee noted that there had been a representation from the police and three representations from residents leading to the hearing. A residential representation had been withdrawn following negotiation - meaning that two were considered today. The police had proposed conditions, which were confirmed as agreed by the applicant during the course of the hearing. The application had sought to introduce a new, additional,</p>	<p>Derek Stone Principal Licensing Officer Tel: 9268 8462</p>

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		<p>bar at the premises for private functions with an extension of hours until 2.00am. The proposed operating schedule was amended before the hearing to reduce the terminal hour for all licensable activities at the new bar area to 11.00pm on any day.</p> <p>After having heard all of the above evidence the Sub Committee determined to grant the proposed variation, subject to conditions proposed by the police and amended as follows and as discussed during the course of the hearing.</p> <p>Condition 2 of the proposed conditions put forward by the police shall have the following wording added as a final paragraph:</p> <p>Documentation showing the material to be used in the above training, including any testing, and the recording procedures to be adopted for such shall be presented to and approved by the police and trading standards before the proposed area is used for any licensable activity.</p> <p><u>Reasons</u> Residents' objections were focussed upon late night noise and the combined impact of existing premises. Whilst it was noted that the proposed hours were reduced concerns remained in particular with regards to anti-social behaviour and use of smoking areas - being close to residential properties and upon a pavement already affected by a bus stop close-by.</p> <p>Concerns were raised by the police regarding an underage sale and the Sub-Committee heard that despite having indicated that measures were in place it was later found that they hadn't in fact been adopted as would be expected. Also, poor detail as to the extent of training and steps implemented remained an issue.</p> <p>Underage sales are a serious concern and a failure to promptly implement positive steps to fully address such issues is a concern. However, on balance this was not felt to be sufficient reason to refuse the application at this stage. Issues regarding training could be addressed by way of condition.</p> <p>In reaching this decision the following factors were taken into account:</p> <ul style="list-style-type: none"> - The proposed additional bar shall be used for 	

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		<p>private events only - where those attending may also be staying at the hotel.</p> <ul style="list-style-type: none"> - The additional bar will effectively transfer existing events from the current bar to the new bar downstairs which has been soundproofed and has no direct external access. - The new bar will be limited to a 60 person capacity only. - Two doorstaff will be employed and on duty whilst licensable activities including live or recorded music are undertaken in the new area (as set out in police conditions and agreed during the hearing). - The proposal has reduced the hours of operation to an 11.00pm terminal hour. - Conditions regards training were agreed and have been imposed to require prior approval before implementation and use of the new area <p>Whilst residents remain concerned about the proposal, it was felt the application as amended and with the full set of conditions attached by the police would mean that the proposal was now acceptable. There is, however, a right to review a premises licence where issues arise, for example, if the responsible authority or a resident in the vicinity has evidence of the conditions not being adhered to - and action can be taken where such evidence supports it.</p> <p>There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.</p>	