

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held virtually on Wednesday, 19 August 2020 at 10am.

Present

Councillor Claire Udy (in the Chair)
Benedict Swann
Leo Madden

Jon Wallsgrove, Solicitor for the applicant.
Councillor Linda Symes, making a representation.
Ben Attrill, Legal Advisor
Derek Stone, Licensing Officer
Jane Di Dino, Local Democracy Officer

11. **Appointment of Chair.**

Councillor Udy was elected as chair for this meeting. She welcomed everyone to the virtual meeting of the Licensing Sub Committee necessitated by the COVID-19 restrictions and explained how the meeting would work and the procedure that would be followed (for hearings where representations are from "other persons" i.e. residents). Introductions were made by those present.

12. **Declarations of Interests.**

There were no declarations of members' interests.

13. **Licensing Act 2003 - Application for grant of a premises licence - Beach Bar, South Parade Pier, South Parade, Southsea.**

Derek Stone, Licensing Officer introduced his report and explained that the application had been brought to the sub committee hearing because a representation had been received from a Ward Councillor "other persons" objecting to the proposal.

In response to questions from members, he explained that:

The five other premises on the pier have the following opening hours: Monday to Sunday 06:00 to 01:30 and are licensed to sell alcohol Sunday to Thursday 11:00 to 00:30 and Friday & Saturday 11:00 to 00:30.

The Gaiety is open Sunday to Thursday 06:00 to 01:30 and Friday & Saturday 06:00 to 02:30. It is permitted to sell alcohol Sunday to Thursday 10:00 to 00:30 and Friday & Saturday 11:00 to 01:00.

The Deep Blue is open Sunday 10:00 to 22:00 and 09:30 to 22:00 the rest of the week. It is permitted to sell alcohol Sunday 12:00 to 22:00 and Monday to Saturday 09:00 to 23:00.

Details of the other two venues nearby could be given if required.

He was not surprised that the Responsible Authorities had not made any representations. It shows that they have no concerns regarding the application.

He was not aware of any complaints or feedback regarding the premises when Temporary Event Notices were in place.

There were no questions for the Licensing Officer from Mr Wallsgrove.

In response to a question from Councillor Symes, the Licensing Officer explained that the only nearby seating was the public benches on the pier.

In response to a question from the Legal Advisor, he explained that the Gaiety Bar is under the same management as this application and that the Gaiety Bar and Deep Blue have licences for both on and off alcohol sales. Some people currently go into the Gaiety Bar solely to buy alcohol; this bar would mean that they would not have to go inside.

Applicant's case

Mr Wallsgrove asked the committee to consider the following points:

- Mr Trevor Bratty, the applicant has been a licence holder at the Gaiety Bar since 2017 and has lived in Portsmouth most of his life.
- Most of the concerns expressed in the hundreds of objections made regarding the applications for the other venues on the pier were speculation about what might happen in terms of crime and disorder and public nuisance. These concerns have proved unfounded.
- The Gaiety has a licence for off premises alcohol sales.
- Government guidance is encouraging people to meet up outside in the open air. This application would facilitate that and increase the space available in the Gaiety bar.
- Refusing this application would not reduce the number of people consuming alcohol on the pier.
- Temporary Event Notices were used at this premises for 12 days; 7-12 and 14-19 August. These were very well received and there was no negative feedback from the Responsible Authorities nor the public, except for those residents who had made representations against this application.
- Section 182 of the guidance directs the committee to attach weight to the views of the Responsible Authorities. They have no objections.
- He apologised for the fact that the applicant could not attend this hearing. Mr Bratty was in Greece and did not have a very consistent internet connection. Mr Wallsgrove would telephone Mr Bratty if the committee had a question that he could not answer.

In response to a question from members, he explained that the applicant expects to open the premises only seasonally and he did not know what type of drinks vessels would be used. He offered to telephone the licence holder to ask.

The Chair said that this was not necessary.

Mr Wallsgrove added that he would pass the Chair's concerns about the use of single-use plastics to the applicant.

In response to Councillor Symes' questions, he explained that:

- He was not aware of any seating outside the venue, other than the benches.
- The staff were very aware of the regulations regarding social distancing and experienced.

Councillor Symes informed the committee that she had been sent photographs of picnic tables and a sign that had been set up outside the premises.

The Licensing Officer explained that he had also received these photographs and they showed a different part of the pier.

Other Persons' case

Councillor Symes explained that she had received more correspondence about this application and offered to read out one email she had recently received.

The Legal Advisor interrupted to explain that she could only expand on the written representation that had been submitted and was not permitted to introduce new evidence.

During the discussion that followed, it emerged that Councillor Symes had submitted her representation to the wrong hearing. She had no objection to this application.

The Legal Advisor advised the committee continue with the hearing as a valid representation had been received. The committee agreed to this way forward.

It was noted that Councillor Madden was no longer in the meeting. He re-joined very shortly afterwards and the Legal Advisor summarised what he had missed.

The Chair informed the committee that the decision would be emailed to everyone concerned later that day.

The meeting ended and the committee went into exempt session to determine the application.

The meeting concluded at 11:15

Councillor Claire Udy

Chair