



Decision by the Licensing Sub Committee

Issued by Democratic Services

11 March 2021

	WARD	DECISION	OFFICER CONTACT
		<b>Licensing Sub-committee Meeting - 10 March</b>	Democratic@Portsmouthcc.gov.uk
3		<p><b>Licensing Act 2003 - Application for grant of a premises licence - Grand Hotel Excelsior International Limited, Royal Marines Museum. Eastney Esplanade, Southsea</b></p> <p>DECISIONS:</p> <p><b>In the matter of: Licensing Act 2003 - Application for a premises licence - Grand Hotel Excelsior International Limited, Royal Marines Museum, Eastney Esplanade, Southsea</b></p> <p>All parties shall receive written confirmation of the decision and reasons.</p> <p><b><u>Decision</u></b> The Sub Committee has considered very carefully the application for a premises licence at the Grand Hotel Excelsior International. It gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of licensing policy. The Sub Committee considered the relevant representations, both written and given at the hearing, by all parties. Human rights legislation and the public sector equality duty has been borne in mind whilst making the decision. Eighteen residents or 'other persons' have objected to the grant of the licence due to concerns generally about noise / prevention of public nuisance - particularly at night. One member of the public had withdrawn their representation following correspondence from the Applicant. The Sub Committee noted that there had been no representations from responsible authorities - in particular from Environmental Health and noted that</p>	Derek Stone Principal Licensing Officer Tel: 9268 8462

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		<p>conditions had been agreed with the police.  A representation was also received in support of the application.  After having heard all of the above evidence the Sub Committee determined to grant the application as applied for, subject to limiting the proposed hours as follows:</p> <ul style="list-style-type: none"> <li>- Licensable activities shall cease in any outdoor area at 23.00 on any day.</li> <li>- Emptying of bottle bins shall not be undertaken in any outdoor area between the hours of 21.00hrs and 08.00 hrs on any day.</li> </ul> <p><b><u>Reasons</u></b>  <u>Applicant's case</u>  The following were points expressed in support of the application during the hearing:  The application is for a five star hotel, which will operate in a sympathetic manner to ensure high standards are maintained.  Noise nuisance generated by events would not be compatible with the primary use as a five star hotel - so there is no intention to allow excessive noise or disturbance. In this way the activity will be self-regulating.  No representation has been made by Environmental Health or any of the responsible authorities objecting to the application.  Other premises referred to during the hearing are not five-star establishments (the nearest being in Southampton) and accordingly direct comparison ought not be drawn to their operating hours.  The opening of a five-star hotel would be an asset to the area and the operators are conscious of residents and their concerns.  The full extent of the hours applied for would not be utilised at all times but would allow flexibility.  Rules and regulation is in place - should the premises not be run as set out or in a way that generates a nuisance.</p> <p><u>Residential Objectors' case</u>  In addition to the written representations (which were read in full by all members of the Sub-Committee) the following were reiterated / expanded upon during the course of the hearing:  The proximity of residential premises to the proposed hotel (to within 6 or 10.5 metres in places).</p>	

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		<p>The lack of sound insulation due to properties being listed and within a conservation area - therefore having single-glazed windows and making upgrades either impossible or prohibitively expensive.</p> <p>The buildings are military in nature and sound reverberation is designed into the construction to assist with military instruction (e.g. at parade). Smoking areas are not identified.</p> <p>The premises may attract those seeking alcohol after other premises have closed.</p> <p>The proposed outdoor dining area is at the same level as residential properties and likely to cause noise nuisance.</p> <p>Outdoor noise nuisance later in the evening is (generally) the greatest concern - including from increased vehicle use and people leaving.</p> <p>Use of the building may change in time and fears expressed as to licence existing in perpetuity.</p> <p>The Sub Committee carefully considered all of the above and acknowledged that it must strike a fair balance between the proposed business (as described and set out within the application) and of residents who are located in close proximity. In light of the unusual nature of the setting - given it is a conservation area and the buildings concerned are listed and in very close proximity in places, it was accepted that the potential for noise nuisance may be higher than it may otherwise be and accordingly there had to be, in the Sub Committee's view, some steps to reduce the risk of nuisance late at night. As a result it was felt that the appropriate course was to reduce the hours that outside entertainment could continue and limit the impact for noise nuisance.</p> <p>It is strongly recommended that the applicant ensures that noise from associated activity - such as clearing / cleaning outside areas after 23.00 is prevented so as to limit the impact on nearby residents. The Sub Committee considered imposing a condition to prevent the same but did not feel this was appropriate at this stage, but would warn that if nuisance leads to a further hearing this could be considered at that stage - along with further restrictions / measures generally.</p> <p>The Sub Committee accepted legal advice during the course of the hearing that it was bound to attach considerable weight to the lack of representation from Environmental Health and other responsible authorities and the fact that conditions had been</p>	

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		<p>agreed with the police in relation to CCTV, Age verification policy, Training and Refusals.</p> <p>In addition it was noted that the operating schedule had detailed conditions relating to the following: 24 hour Security, Extensive CCTV, Door concierge service, Operating policies and procedures.</p> <p>The Sub Committee acknowledged the review procedure and that this ought to provide reassurance to residents that nuisance could be addressed in future, should it arise and evidence supports the same. Residents are encouraged to contact Environmental Health should issues arise as action could be undertaken, not only to commence a review (either independently or jointly) but by way of enforcement if a statutory nuisance is detected.</p> <p>At this stage the Sub Committee was satisfied that the conditions imposed would be the appropriate step to prevent or reduce the risk of nuisance in light of the nature of the proposed use of the premises and assurances from the applicant about the manner of operation.</p> <p>It was encouraging to see the general support otherwise for the application and willingness by all parties to engage in dialogue and it is hoped this continues as the proposal progresses and when operating.</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>	