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# NOTICE OF MEETING

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## LICENSING SUB-COMMITTEE

**THURSDAY, 5 AUGUST 2021 AT 2PM**

**COUNCIL CHAMBER - THE GUILDHALL, SECOND FLOOR, THE GUILDHALL**

Telephone enquiries to Democratic Services 023 9283 4060  
Email: [Democratic@Portsmouthcc.gov.uk](mailto:Democratic@Portsmouthcc.gov.uk)

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

### Information with regard to public access due to Covid precautions

- Attendees will be requested to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting.
- If symptomatic you must not attend and self-isolate following the stay at home guidance issued by Public Health England.
- All attendees are required to wear a face covering while moving around within the Guildhall (requirement of the venue).
- Attendees will be required to take a temperature check on arrival (requirement of the venue)
- Although it will no longer be a requirement attendees may choose to keep a social distance and take opportunities to prevent the spread of infection.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall and are requested to follow the one way system in place.
- Attendees are encouraged book in to the venue (QR code). An NHS test and trace log will be retained and maintained for 21 days for those that cannot or have not downloaded the app.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

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## MEMBERSHIP

Committee Members Councillors Claire Udy (Chair), Scott Payter-Harris (Vice Chair), Dave Ashmore, Kimberly Barrett, Stuart Brown, Tom Coles, Jason Fazackarley, Charlotte Gerada, Hannah Hockaday, Ian Holder, George Madgwick, Lee Mason, Robert New, Benedict Swann and Daniel Wemyss.

The panel today consists of: Councillors Scott Payter-Harris, Dave Ashmore & Jason Fazackarley  
The reserve member is Councillor Ben Swann.

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(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](http://www.portsmouth.gov.uk)

**Licensing Sub Committee meetings are digitally recorded.**

**A G E N D A**

**Risk assessment for the Council Chamber.**

An updated risk assessment for the Council Chamber will be published in due course.

- 1 Apologies for absence.**
- 2 Appointment of Chair.**
- 3 Declarations of Members' Interests**
- 4 Licensing Act**
- 5 Licensing Act 2003 - Application for grant of a premises licence - Notios Greek Bar And Cafe, 92 Osborne Road, Southsea, PO5 3LU (Pages 3 - 38)**

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 other persons.

**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.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed) and viewable at via the council's livestream account at [Portsmouth City Council on Livestream](#)

# Agenda Item 5

REPORT TO: LICENSING SUB-COMMITTEE 5<sup>th</sup> August 2021

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

**Licensing Act 2003 - Application for grant of a premises licence - Notios Greek Bar And Cafe, 92 Osborne Road, Southsea, PO5 3LU**

## 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 other persons. 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 Mr Hakem Arabbetou and relates to premises known as Notios Greek Bar And Cafe and situated at 92 Osborne Road, Southsea, PO5 3LU.

The following licensable activities have been requested:

| Proposed Licensable Activity | Days and Times of Operation   |
|------------------------------|---|
| Sale by retail of alcohol    | Sunday 12:00 until 22:15<br>Monday to Thursday 11:00 until 22:15<br>Friday and Saturday 11:00 until 22:45 |

With the hours of opening and closing being:

| Days of the Week    | Open  | Close |
|---------------------|-------|-------|
| Sunday to Thursday  | 09:00 | 22:30 |
| Friday and Saturday | 09:00 | 23:00 |

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 together with an agreed operating schedule attached as **appendix A**.

A plan of the premises is attached as **appendix B**.

The updated statutory guidance<sup>1</sup> gives general advice about the steps to promote the licensing objectives as follows:

**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:

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<sup>1</sup> Revised Statutory Guidance issued by the Home Office

- 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.

The premises previously operated as a jewellers shop owned by the applicant.

This application was first received on 12<sup>th</sup> May 2021 and all responsible authorities received notice. Licensing Services were notified that there is a condition on the premises limiting its hours of operation and that the premises shall remain closed between 22:30 and 09:00 Sunday to Thursday and 23:00 to 09:00 Friday and Saturday.

The applicant was advised regarding this restriction, and as a result altered the hours to meet the planning restriction on the premises. Accordingly the hours shown above detail the amended application.

Unfortunately the applicant failed to advertise this application correctly in the newspaper and as a result the application was extended until the 14<sup>th</sup> July 2021 for representations to be submitted.

#### 4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

Relevant representations have been received from three local residents Mr D Kitchen, Mr J Edwards Mclean and Mr Y Yeshi.

Originally Mr Yeshi's representation was received out of time but due to the non-compliance and the extended representation date, the representation was now valid.

The residents have raised concerns about the noise this business will generate, the potential for crime and disorder and the impact upon residents living above, one being a single parent with young children. All these representations are attached at **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;
- Judgments of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance<sup>2</sup> issued by the Home Secretary in accordance with section 182 of the Act;
- The representations, including supporting information, presented by all the parties; and
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to consider any public sector equality duty requiring public bodies to have due regard to the need to:
  - Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
  - Advance equality of opportunity between people who share protected characteristic and people who do not share it; and
  - Foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are as follows:
    - I) age, ii) disability, iii) gender reassignment, iv) pregnancy and maternity v) race - this

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<sup>2</sup> Revised statutory guidance issued by the Home Office

includes ethnic or national origins, colour or nationality, vi) religion or belief - this includes lack of belief, vii) sex and viii) sexual orientation.

## **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".*

**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:

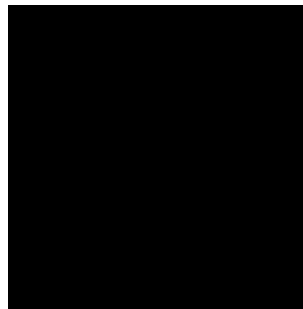
- a) that the licence ought not to have been granted, or
- b) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded activities and/or the premises supervisor,

He may appeal against the decision.

## **7. APPENDICES**

- A.** Copy of the redacted application for the grant of a premises licence together with agreed operating shedule
- B.** Plan of premises
- C.** Copy of relevant representations from residents

## **THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION**



For Licensing Manager  
And on behalf of Head of Service

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# 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** **HAKEM ARABBETOU**

*(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

|   |  |            |         |
|---|--|------------|---------|
| 92 OSBORNE ROAD<br>SOUTHSEA<br>HAMPSHIRE<br>PO5 3LU |  |            |         |
| Post town   |  | Postcode   | PO5 3LU |
| Telephone number at premises (if any)               |  | [REDACTED] |         |
| Non-domestic rateable value of premises             |  | [REDACTED] |         |

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as      Please tick as appropriate

- |   |                             |
|---|-----------------------------|
| a) an individual or individuals * <input checked="" type="checkbox"/> | 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 checked="" type="checkbox"/>                                | Mrs | Miss  | Ms              | Other Title (for example, Rev)  |  |
| <b>ARABETOU</b>   |     |   | <b>Hakem</b>    |   |  |
| <b>Date of birth</b>  |     | over <span style="background-color: black; color: black;">[REDACTED]</span> |                 | I am 18 years old or <span style="float: right;">Please tick yes</span> |  |
| <b>Nationality</b>  |     | <b>UK</b>   |                 |   |  |
| <b>Current residential address if different from premises address</b> |     | [REDACTED]  |                 |   |  |
| <b>Post town</b>  |     |   | <b>Postcode</b> |   |  |
| <b>Daytime contact telephone number</b>                               |     |   | [REDACTED]      |   |  |
| <b>E-mail address (optional)</b>                                      |     | [REDACTED]  |                 |   |  |

**SECOND INDIVIDUAL APPLICANT** (if applicable)

|   |     |                      |             |                                |  |
|---|-----|----------------------|-------------|--------------------------------|--|
| Mr  | Mrs | Miss                 | Ms          | Other Title (for example, Rev) |  |
| Surname   |     |                      | First names |                                |  |
| Date of birth over  |     | I am 18 years old or |             | 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  |
| Address   |
| Registered number (where applicable)  |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |
| Telephone number (if any)   |
| E-mail address (optional)   |

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY  
18 May 2021  
JUNE

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)

Bar & Cafe

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)

**F**

| Recorded music<br>Standard days and<br>timings (please read<br>guidance note 7) |       |        | Will the playing of recorded music take place<br><u>indoors or outdoors or both – please tick</u><br>(please read guidance note 3)  | Indoors  | <input checked="" type="checkbox"/> |
|---|-------|--------|---|----------|-------------------------------------|
| Day   | Start | Finish |   | Outdoors | <input type="checkbox"/>            |
| Mon   | 11:00 | 24:00  | <u>Please give further details here</u> (please read guidance note 4)   |          |                                     |
| Tue   | 11:00 | 24:00  |   |          |                                     |
| Wed   | 11:00 | 24:00  | <u>State any seasonal variations for the playing of recorded music</u><br>(please read guidance note 5)   |          |                                     |
| Thur  | 11:00 | 24:00  |   |          |                                     |
| Fri   | 11:00 | 24:00  | <u>Non standard timings. Where you intend to use the premises for<br/>the playing of recorded music at different times to those listed in<br/>the column on the left, please list</u> (please read guidance note 6) |          |                                     |
| Sat   | 11:00 | 24:00  |   |          |                                     |
| Sun   | 12:00 | 23:00  |   |          |                                     |

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J

|  |       |        |  |                     |                                     |
|--|-------|--------|--|---------------------|-------------------------------------|
| Supply of alcohol<br>Standard days and<br>timings (please read<br>guidance note 7) |       |        | Will the supply of alcohol be for consumption<br>= please tick (please read guidance note 8)   | On the<br>premises  |                                     |
|  |       |        |  | Off the<br>premises |                                     |
| Day  | Start | Finish |  | Both                | <input checked="" type="checkbox"/> |
| Mon  | 11:00 | 24:00  | State any seasonal variations for the supply of alcohol (please<br>read guidance note 5)   |                     |                                     |
| Tue  | 11:00 | 24:00  |  |                     |                                     |
| Wed  | 11:00 | 24:00  |  |                     |                                     |
| Thur   | 11:00 | 24:00  | Non standard timings. Where you intend to use the premises for<br>the supply of alcohol at different times to those listed in the<br>column on the left, please list (please read guidance note 6) |                     |                                     |
| Fri  | 11:00 | 24:00  |  |                     |                                     |
| Sat  | 11:00 | 24:00  |  |                     |                                     |
| Sun  | 12:00 | 24:00  |  |                     |                                     |

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<br>MR HAKEM ARABBETOU  |            |
| Date of birth<br>[REDACTED]                                       |            |
| Address<br>[REDACTED]   |            |
| Postcode  | [REDACTED] |
| Personal licence number (if known)<br>151 [REDACTED]              |            |
| Issuing licensing authority (if known)<br>PORTSMOUTH 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<br>Standard days and timings (please read guidance note 7) |       |                  | State any seasonal variations (please read guidance note 5) |
|--|-------|------------------|---|
| Day  | Start | Finish           |   |
| Mon  | 11:00 | 24:00            |   |
|  |       | <del>24:00</del> |   |
| Tue  | 11:00 | 24:00            |   |
|  |       |                  |   |
| Wed  | 11:00 | 24:00            |   |
|  |       |                  |   |
| Thur   | 11:00 | 24:00            |   |
|  |       |                  |   |
| Fri  | 11:00 | 24:00            |   |
|  |       |                  |   |
| Sat  | 11:00 | 24:00            |   |
|  |       |                  |   |
| Sun  | 12:00 | 24:00            |   |
|  |       |                  |   |

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)

1. prevention of crime & disorder
2. public safety
3. prevention of public nuisance
4. Protection of children from harm.

See  
attached

b) The prevention of crime and disorder

1. CCTV
2. staff supervisor

c) Public safety

1. External lighting
2. CCTV

d) The prevention of public nuisance

1. Noise reduction measures.
2. Dispersal policies

e) The protection of children from harm

1. Challenge 21 or challenge 25 scheme
2. Control over admission of children.

Checklist:

Please tick to indicate agreement

no 8

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).

**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.

|                    |  |
|--------------------|--|
| <b>Declaration</b> | <ul style="list-style-type: none"> <li>[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).</li> <li>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)</li> </ul> |
| Signature          | [Redacted]   |
| Date               | 13/05/2021   |
| Capacity           | Proprietor   |

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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 |            |          |            |
| [Redacted]   |            |          |            |
| Post town  | [Redacted] | Postcode | [Redacted] |
| Telephone number (if any)  | [Redacted] |          |            |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional)                          |            |          |            |

#### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.

## APPENDIX A

1. The CCTV system must be fully operational whilst the venue is open to the public.  
The recording equipment shall be stored and operated in a secure environment with limited access.  
The system shall be regularly maintained and serviced.  
The system clock shall be checked regularly for accuracy taking account of GMT and BST.  
Digital systems shall have sufficient storage capacity for 31 days good quality pictures.  
The images produced will be date and time stamped.

### Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made for someone to have access to the secure area and also be able to operate the equipment.  
Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of staff.  
Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

CCTV shall cover the full licensable area.

2. All staff must receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training. Training shall cover:

Sale of alcohol to persons under 18  
Challenge 25 and acceptable forms of Identification  
Signs of Drunkenness  
Refusal register and when/how to use  
The Licensing Objectives

All training relating to the sale of alcohol shall be documented and records kept either in hard copy at the premises or electronically via head office. Police and the Licensing Authority shall have access to an individual's training records upon reasonable request. Training shall be refreshed every six months.

3. Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance.

4. A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local authority.

5. The premises shall operate a challenge 25 policy.

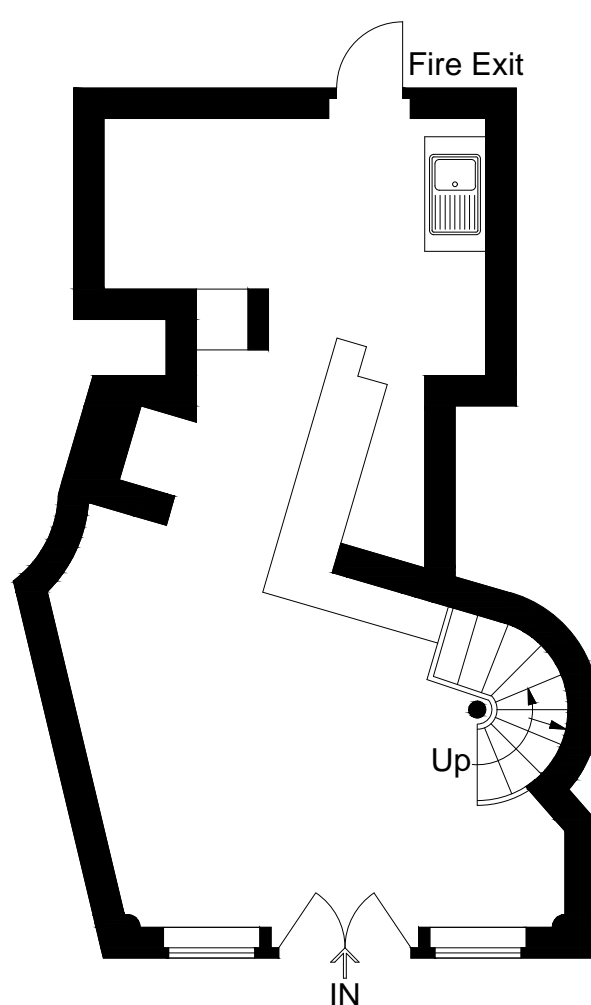
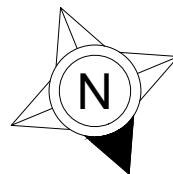
6. No beers, ciders or lager of 6.5% ABV or over shall be sold by retail unless they in a pack of 4 or more as supplied by the manufacturer.

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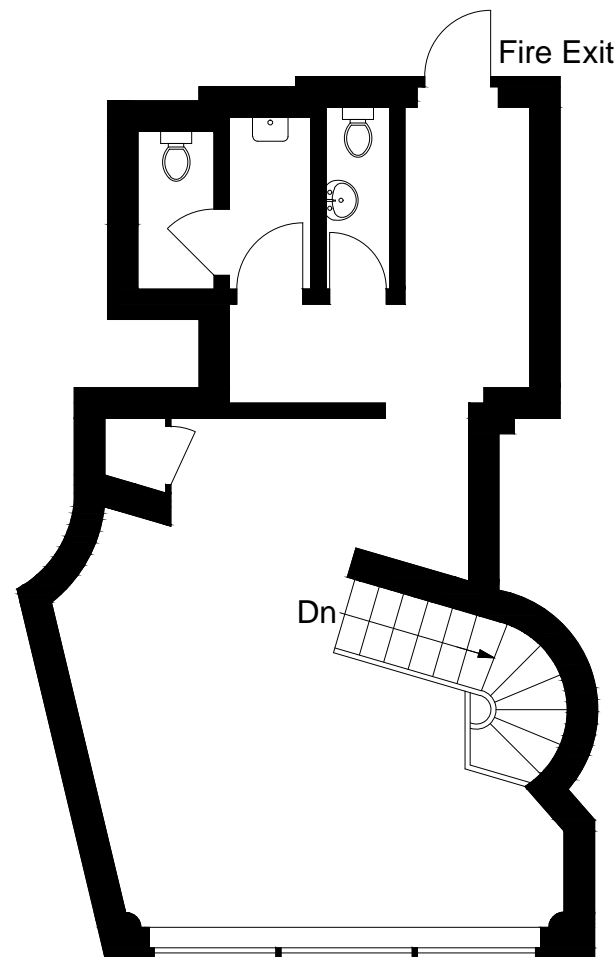


# APPENDIX B

92 Osborne Road, Southsea  
Approximate Gross Internal Area = 64.1 sq m / 690 sq ft



Ground Floor



First Floor

This plan is for layout guidance only. Not drawn to scale unless stated. Windows and door openings are approximate. Whilst every care is taken in the preparation of this plan, please check all dimensions, shapes and compass bearings before making any decisions reliant upon them.

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## APPENDIX C



Jordan Edwards M'lean  
100 Osborne Road  
Southsea  
PO5 3LU

Dear Sir / Madam,

It has come to my attention that the shop/restaurant at number 92 Osborne Road, which is situated beneath our flat, has submitted an application for licencing. I strongly object to this licencing due to the fact it will be extremely noisy and extremely busy, which will disrupt access to and from the flat on a daily basis. There are plenty of other bars and restaurants residing in Osborne Road that can cater.

Yours Sincerely,  
Jordan Edwards M'lean.

01/06/2021.

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## APPENDIX C

**Stone, Derek**

---

**From:** Robson, Debra  
**Sent:** 13 July 2021 14:11  
**To:** Stone, Derek  
**Subject:** FW: 92, Osborne Road PO5 3LU

---

**From:** Robson, Debra  
**Sent:** 22 June 2021 13:29  
**To:** [REDACTED]  
**Subject:** FW: 92, Osborne Road PO5 3LU

Dear Mr and Mrs Yeshi

Due to the applicant not advertising the application in the local paper the reps by date has now been extended until 14<sup>th</sup> July 2021.

There is no issue with the notice, the applicant changed it in line with the timings on the planning permission. The premises will not be open until midnight.

Licensing and planning are two separate legislations and a licence cannot be refused if the necessary planning permission is not in place unless the planning officer makes a representation but on this occasion he has not.

Unfortunately parking cannot be taken into account when determining an application and neither can too many bars.

The application has been sent to the fire officer who made no representations. Again this is separate legislation so if you have any issues with the fire escape I suggest you contact him direct.

Your representation needs to be based on the four licensing objectives so can I suggest you write another representation based on which objective you think will not be upheld if the licence is granted.

Regards

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

[REDACTED]



[Report a business that is operating unsafely](#)



---

**From:** Robson, Debra [REDACTED]  
**Sent:** 14 June 2021 14:20  
**To:** [REDACTED]  
**Subject:** RE: 92, Osborne Road PO5 3LU

Dear Mr and Mrs Yeshi

Unfortunately your representation has been received too late. The last date for representations was 10<sup>th</sup> June 2021 so I cannot accept it.

Plan didn't make a rep.

I do however have two other representations so the matter will be referring to a Hearing for a decision to be made.

Regards

Debbie Robson  
Senior Licensing Officer  
Directorate of Culture and City Development  
Licensing Service  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL



[REDACTED]

---

**From:** Yangchhen Yeshi [REDACTED]  
**Sent:** 11 June 2021 13:37  
**To:** Licensing Shared Email [REDACTED] >  
**Subject:** 92, Osborne Road PO5 3LU

**Subject:** [92 Osborne Road - PO5 3LU](#)

To the Licensing Manager,

We are the owners of 98 , [Osborne Road](#) and we would wish to state our objections to this licensing application made by 92 Osborne Rd. PO5 3LU

Points for objection:

1. The application submitted does not agree with the public notice displayed on the shop window.
  2. The applicant does not have planning (Sui-Generis) for the premises.
  3. Premises concerns:
    - a. increased noise level from operating a drinking establishment rather than cafe/restaurant.
    - b. increased noise level from playing music at the premises.
    - c. increasing the operating hours to 12 midnight will cause a public nuisance for the residents living above.
    - d. too many bars already operating in the vicinity.
    - e. will have a negative health impact on the residents in the flats above.
    - f. safety hazard due to the proximity to the fire escape
- 
1. The application submitted does not agree with the public notice displayed on the shop window.
  2. The applicant does not have planning (Sui-Generis) for the premises.
  3. Premises concerns:
    - a. increased noise level from operating a drinking establishment rather than cafe/restaurant.
    - b. increased noise level from playing music at the premises.
    - c. increasing the operating hours to 12 midnight will cause a public nuisance for the residents living above.
    - d. too many bars already operating in the vicinity.



Please kindly consider the above and deal with the matter accordingly.

Kind regards

Yangchhen Yeshi  
Tenzin Yeshi

Sent from my iPad

## APPENDIX C

**Stone, Derek**

---

**From:** Robson, Debra  
**Sent:** 03 June 2021 08:11  
**To:** Robson, Debra  
**Subject:** FW: 92 Osborne Road - PO5 3LU - rep

---

**From:** DAVID KITCHEN [REDACTED]  
**Sent:** 02 June 2021 11:12  
**To:** Robson, Debra [REDACTED]  
**Subject:** Re: 92 Osborne Road - PO5 3LU - rep

Dear Debra,  
Yes I would like to attend and raise all my objections, which I stand by.  
For a premises to become a drinking establishment they require the old A4 or the current Sui-Generis planning classification. Your email is not clear as it implies that regardless whether a premises has the correct planning classification anyone can apply to get a personal licence and run a drinking establishment from any location in town, which makes a mockery of planning applications.  
Kind Regards  
David Kitchen

---

**From:** Robson, Debra [REDACTED]  
**Sent:** 01 June 2021 16:17  
**To:** [kitchen](#) [REDACTED]  
**Subject:** RE: 92 Osborne Road - PO5 3LU - rep

Dear Mr Kitchen

The applicant has now amended his application in line with the planning permission. Therefore the timings are now Sunday to Thursday until 22:30, Friday and Saturday until 23:00.

We cannot refuse an application for a premises licence if there is no planning permission and the planning officer has not made a representation but has pointed out the different timings.

Unfortunately the amount of similar venues in the area is not something we can take into account when considering a licence either.

Do you still intend for your representation to stand bearing in mind the amended timings.

Thank you

Regards

Debbie Robson  
Senior Licensing Officer  
[REDACTED]

---

**From:** DAVID KITCHEN [REDACTED]  
**Sent:** 28 May 2021 11:14  
**To:** Licensing Shared Email [REDACTED]  
**Subject:** 92 Osborne Road - PO5 3LU

To the Licensing Manager,  
I am the owner of 94 & 100 Osborne Road and I would wish make representation on this matter to state my objections to this licensing application.

Points for objection:

1. The application submitted does not agree with the public notice displayed on the shop window.
2. The applicant does not have planning (Sui-Generis) for the premises.
3. Premises concerns:
  - a. increased noise level from operating a drinking establishment rather than cafe/restaurant.
  - b. increased noise level from playing music at the premises.
  - c. increasing the operating hours to 12 midnight will cause a public nuisance for the residents living above.
  - d. too many bars already operating in the vicinity.

Kind Regards,

David Kitchen

---

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## APPENDIX C

**Stone, Derek**

**From:** DAVID KITCHEN [REDACTED]  
**Sent:** 04 June 2021 10:01  
**To:** Robson, Debra  
**Subject:** Re: 92 Osborne Road - PO5 3LU - rep

Dear Debra,

I am objecting to the following licensing objectives:

1. Prevention of Public Nuisance - increased noise from both music and customers going out to drink rather than to have a meal at the original planning of cafe / restaurant.
2. Prevention of Crime and Disorder - operating a drinking establishment rather than the planned cafe / restaurant will increase the risk of drunken fights, crime and disorder.
3. Public Safety - the entrance to the residential part of the building is adjacent to the entrance to number 92 that will mean that the residents will have to pass through drunk customers standing outside and smoking.
4. Protection of Children from Harm - my tenant at number 94 just above 92, is a single mother with 2 young boys who have been living at the property since 2014. having a drinking establishment operating just below them will have a serious impact on their lives because of all the points raised above.

Kind Regards  
David Kitchen

---

**From:** Robson, Debra [REDACTED]  
**Sent:** 03 June 2021 11:55  
**To:** 'kitchen' [REDACTED]  
**Subject:** FW: 92 Osborne Road - PO5 3LU - rep

Dear David

Thank you for your email.

Can I just clarify which one of the licensing objectives you are objecting to:

Prevention of Crime and Disorder  
Public Safety  
Prevention of Public Nuisance  
Protection of Children from Harm

Thank you

Debbie Robson  
Licensing

---

**From:** DAVID KITCHEN [REDACTED]  
**Sent:** 02 June 2021 11:12  
**To:** Robson, Debra [REDACTED]  
**Subject:** Re: 92 Osborne Road - PO5 3LU - rep

Dear Debra,

Yes I would like to attend and raise all my objections, which I stand by.

For a premises to become a drinking establishment they require the old A4 or the current Sui-Generis planning classification. Your email is not clear as it implies that regardless whether a premises has the correct planning classification anyone can apply to get a personal licence and run a drinking establishment from any location in town, which makes a mockery of planning applications.

Kind Regards

David Kitchen

---

**From:** Robson, Debra [REDACTED]

**Sent:** 01 June 2021 16:17

**To:** [kitchen](#) [REDACTED]

**Subject:** RE: 92 Osborne Road - PO5 3LU - rep

Dear Mr Kitchen

The applicant has now amended his application in line with the planning permission. Therefore the timings are now Sunday to Thursday until 22:30, Friday and Saturday until 23:00.

We cannot refuse an application for a premises licence if there is no planning permission and the planning officer has not made a representation but has pointed out the different timings.

Unfortunately the amount of similar venues in the area is not something we can take into account when considering a licence either.

Do you still intend for your representation to stand bearing in mind the amended timings.

Thank you

Regards

Debbie Robson  
Senior Licensing Officer  
[REDACTED]

---

**From:** DAVID KITCHEN [REDACTED]

**Sent:** 28 May 2021 11:14

**To:** Licensing Shared Email [REDACTED]

**Subject:** 92 Osborne Road - PO5 3LU

To the Licensing Manager,

I am the owner of 94 & 100 Osborne Road and I would wish make representation on this matter to state my objections to this licensing application.

Points for objection:

1. The application submitted does not agree with the public notice displayed on the shop window.

2. The applicant does not have planning (Sui-Generis) for the premises.
3. Premises concerns:
  - a. increased noise level from operating a drinking establishment rather than cafe/restaurant.
  - b. increased noise level from playing music at the premises.
  - c. increasing the operating hours to 12 midnight will cause a public nuisance for the residents living above.
  - d. too many bars already operating in the vicinity.

Kind Regards,

David Kitchen

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## APPENDIX C

**Stone, Derek**

---

**From:** Stone, Derek  
**Sent:** 15 July 2021 07:33  
**To:** DAVID KITCHEN  
**Cc:** Robson, Debra  
**Subject:** RE: Premises Licence application 92 Osborne Road

David

Many thanks

As soon as I have a date for a hearing I will be in touch

Kind regards

Derek

---

**From:** DAVID KITCHEN [REDACTED]  
**Sent:** 14 July 2021 19:23  
**To:** Stone, Derek [REDACTED]  
**Subject:** Re: Premises Licence application 92 Osborne Road

Dear Derek,

I still wish these concerns to be considered as an objection to the application and I look forward to hearing from you re the hearing date and further information.

Kind Regards

David Kitchen

---

**From:** Stone, Derek [REDACTED]  
**Sent:** 14 July 2021 09:43  
**To:** [Kitchen](#) [REDACTED]  
**Cc:** Robson, Debra [REDACTED]  
**Subject:** Premises Licence application 92 Osborne Road

Dear David

Please be advised that following the re-advertising of the above application the closing date for representations is today.

Can you confirm for me that the representation you previously submitted is still valid, and that you wish these concerns to be considered as an objection to the application.

On the basis that you do not wish to withdraw your representation, the matter will now proceed to a Licensing Sub-Committee hearing which must be heard within 20 working days from tomorrow.

As soon as I have a hearing date you will be notified.

Once I have your instructions I can give you a lot more information regarding how the hearing will take place which will be in a Covid secure environment.

Kind regards

Derek

Derek Stone  
Principal Licensing Officer  
Culture, Leisure and Regulatory Services  
Licensing Service  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
Hants  
PO1 2AL

***Please note that my working days are Monday – Thursday.***

***Non working day Friday***



[Report a business that is operating unsafely](#)

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