

NOTICE OF MEETING

LICENSING SUB-COMMITTEE

WEDNESDAY, 27 APRIL 2022 AT 2PM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services 023 9283 4060

Email: Democratic@Portsmouthcc.gov.uk

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

Information with regard to public access due to Covid precautions

- Following the government announcement 'Living with COVID-19' made on 21 February and the end of universal free testing from 1 April, attendees are no longer required to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting however we still encourage attendees to follow the PH precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.
- We strongly recommend that attendees should be double vaccinated and have received a booster.
- If symptomatic we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1 April advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April, anyone with a positive COVID-19 test result is being advised to follow this guidance for five days, which is the period when you are most infectious.
- We encourage all attendees to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that also protects us from other winter viruses.
- 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.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

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

The panel today consists of: Councillors Claire Udy, Dave Ashmore and Benedict Swann. The reserve member is Councillor Hannah Brent.

(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

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 Appointment of Chair.**
- 2 Apologies for Absence.**
- 3 Declarations of Members' Interests.**
- 4 Licensing Act 2003 - Application for variation of a premises licence - Delaneys, 77B Castle Road, Southsea PO5 3AY (Pages 3 - 160)**

Purpose.

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ('the Act').

The sub committee is requested to determine the review 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.

Agenda Item 4

REPORT TO: LICENSING SUB-COMMITTEE

27 April 2022

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Application for variation of a premises licence - Delaneys, 77B Castle Road, Southsea, PO5 3AY

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 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 VARIED OPERATING SCHEDULE

The variation application has been submitted on behalf of Miss Belinda Delaney and relates to premises known as Delaneys and situated at 77B Castle Road, Southsea, PO5 3AY.

The proposed licensable change to the current authorisation is to extend the current permitted hours for alcohol sales solely on Friday and Saturday evenings from 21:00 until 22:30

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 attached as **appendix A**.

The current licence is attached as **appendix B** and the current permitted hours are alcohol sales from 10:00 to 17:00 Sunday to Wednesday and 10:00 to 21:00 Thursday to Saturday.

The updated statutory guidance¹ 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: 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."*

¹ Revised Statutory Guidance issued by the Home Office

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."*

Paragraph 8.50 *"Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above."*

3. BACKGROUND INFORMATION

The provisions relating to the variation 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.

Delaneys has operated as café / restaurant for over 16 years. In October 2020 the applicant submitted a premises licence application for the sale of alcohol from 10:00 to 23:00 daily. This application received three representations objecting to the application. Two representations were from residents living above the premises. Environmental Health as a responsible authority also raised an objection and as a result, a Licensing Sub-Committee hearing was held on the 13th January 2021. The Premises Licence was granted with reduced hours terminating at 17:00 Sunday to Wednesday and 21:00 Thursday to Saturdays.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

There are no representations from any responsible authority in particular the Police or Environmental Health, who are considered experts in their fields with regard to crime and disorder and public nuisance (noise) **See paragraph 9.12** below.

Representations have been received from eight people, several of whom live together within the same households, objecting to the extended hours. Twenty support representations have been received in favour of this application. The objections received are general in nature relating to the potential for general street noise that this application might create. One maintaining that the premises should never have been granted a Premises Licence in the first instance. The support representations however express a different view with regard to how the business is run, the minimal impact the extension to hours will cause, together with the added benefits to the business and to customers. Several of these representations have originated from close residents to the premises. All representations are attached at **appendix C**

At **appendix D** is the Licensing Sub-Committee decision from January 2021

At **appendix E** are various e mail exchanges in date order between the applicant and Janet May who resides above the premises, showing the level of communication between the applicant and Mrs May since the granting of the Premises Licence. Additionally, there is an invoice that relates to the purchase of additional sound proofing material that the applicant has secured to ensure no disturbance to the immediate neighbour living above and a letter sent by the applicant to local residents explaining that the removal of seating at 21:00 will remain unchanged despite the application to extend trading hours.

The statutory guidance states:

Paragraph 9.11 *"Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so."*

Paragraph 9.12 *"Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even*

where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing".

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the variation 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 guidance² 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
- The 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 includes ethnic or national origins, colour or nationality, vi) religion or belief

² Revised statutory guidance issued by the Home Office

- 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."*

Paragraph 10.13 *"The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas."*

The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application."

Paragraph 10.14 *"Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested."*

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 vary a premises licence has been made in accordance with section 34 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:

- To modify the conditions of the licence
- To reject the whole or part of the application

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In discharging its duty in accordance with the above, the Committee may vary 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 vary 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.

Where a person who made relevant representations in relation to the application contends that:

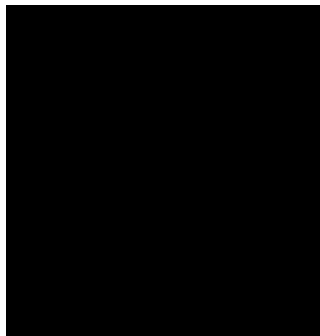
- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the variation.
- B.** Copy of the current premises licence
- C.** Copies of the redacted relevant representations received
- D.** Notice of Decision from Licensing Sub-Committee hearing held 13/01/2021
- E.** E mail exchanges between applicant and Mrs May together with Invoice re purchase of additional sound proofing material and letter to local residents re external seating.

THE COMMITTEE IS REQUESTED TO DETERMINE THE VARIATION APPLICATION



For Licensing Manager
And on behalf of Head of Service

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APPENDIX A

[Insert name and address of relevant licensing authority and its reference number (optional).]

Application to vary a premises licence 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	Belinda Delaney Philip Melville
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(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	20/02874/LAPREM
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Part 1 – Premises Details

Delanays 77 B Castle Road			
Post town	Southsea	Postcode	PO5 3AY

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	██████

Part 2 – Applicant details

Daytime contact telephone number		██████████	
E-mail address (optional)	██████████		
Current postal address if different from premises address	██████████		
Post town	Southsea	Postcode	██████████

Part 3 - Variation

Please tick as appropriate	
Do you want the proposed variation to have effect as soon as possible? Yes	<input type="checkbox"/>

If not, from what date do you want the variation to take effect?	<u>DD MM YYYY</u>
--	-------------------

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 1)</p> <p>To extend our licensing hours on a Friday and Saturday from 10.00 to 21.00 to 10.00 to 22.30</p>

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:	
--	--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment		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)	
Provision of late night refreshment (if ticking yes, fill in box I)		
Sale by retail of alcohol (if ticking yes, fill in box J)		

In all cases complete boxes K, L and M

A

read guidance note 2)

Plays
Standard days and timings
(please read guidance note

Will the performance of a play
take place indoors or outdoors
or both – please tick (please Indoors

6)				Outdoors	
Day Start Finish				Both	
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

B

read guidance note 2)

Films
Standard days and timings
(please read guidance note

Will the exhibition of films
take place indoors or outdoors
or both – please tick (please Indoors

6)				Outdoors	
Day Start Finish				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

timings (please read guidance note 6)
Please give further details (please read
guidance note 3)

Indoor sporting events Standard days and

Day Start Finish			
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

guidance note 2)

Boxing or wrestling entertainments
Standard days and timings

Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read

Indoors

6)	(please read guidance note			Outdoors	
Day Start Finish				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

(please read guidance note 2)

Live music
Standard days and timings
(please read guidance note

Will the performance of live music take place indoors or outdoors or both – please tick Indoors

6)				Outdoors	
Day Start Finish				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

(please read guidance note 2)

Recorded music
Standard days and timings
(please read guidance note

Will the playing of recorded
music take place indoors or
outdoors or both – please tick Indoors

6)				Outdoors	
Day Start Finish				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

(please read guidance note 2)

Performances of dance
Standard days and timings
(please read guidance note

Will the performance of dance take place indoors or outdoors or both – please tick ^{Indoors}

6)				Outdoors	
Day Start Finish				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Please give a description of the type of entertainment you will be providing			
Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			
Day		Start	Finish
		<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance)	
Indoors			
Outdoors			
Both			
Mon			note 2)
Tue			<u>Please give further details here</u> (please read guidance note 3)
Wed			
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)
Fri			
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sun			

I

guidance note 2)

Late night refreshment
Standard days and timings
(please read guidance note

**Will the provision of late
night refreshment take place
indoors or outdoors or both** Indoors
= **please tick** (please read

6)				Outdoors	
Day Start Finish				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol

Standard days and timings (please read guidance note

the supply of alcohol be for consumption – please

tick (please read guidance note 7) On the premises

Will

6)				Off the premises	
Day Start Finish				Both	/
Mon	10.00	17.00	<p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)</p> <p>New Years Eve 10.00 - 01.00</p>		
Tue	10.00	17.00			
Wed	10.00	17.00			
Thur	10.00	21.00	<p><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Fri	10.00	22.30			
Sat	10.00	22.30			
Sun	10.00	17.00			

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 8).

L
Hours premises are open to the public
 Standard days and timings (please read

guidance note 6)
State any seasonal variations (please read
 guidance note 4)

Day Start Finish		
Mon	07.00	17.00
Tue	07.00	17.00
Wed	07.00	17.00
Thur	07.00	21.00
Fri	07.00	22.30
Sat	07.00	22.30
Sun	07.00	17.00

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

New Years Eve 07.00-01.00

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

N/A

b) The prevention of crime and disorder

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.

No Drugs Policy

Crime and disorder reduction partnership

Staff Training

c) Public safety

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

Evaluation Procedures

External lighting to property.

d) The prevention of public nuisance

Join Pub watch.

Music to be kept to an acceptable level.

e) The protection of children from harm

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.

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.

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.

The premises shall operate a challenge 25 policy.

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I understand that I must now advertise my application.

I have enclosed the premises licence or relevant part of it or explanation.

I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Belinda Delaney
Date	24/02/2022
Capacity	Owner

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Philip Melville
Date	24/02/2022
Capacity	Owner/Licencee

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Address: Delaneys
77B Castle Road
Southsea
PO5 3AY

Map Ref (E) : 463964
Map Ref (N): 99156
UPRN: 001775010973

Telephone

Where the licence is time limited the dates

This licence is **NOT** time limited

Licensable activities authorised by the licence

▶ Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

▶ Sale by retail of alcohol
Sunday to Wednesday 10:00 until 17:00
Thursday to Saturday 10:00 until 21:00

The opening hours of the premises

▶ Monday to Sunday 07:00 until 21:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both **on** and **off** the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: Miss Belinda Delaney and Mr Philip Melville

Address:



Telephone:

Email:

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: Mr Philip James Melville

Address:

Telephone:

Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence No:


Issuing Authority: Portsmouth City Council

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder

Date Licence granted: 13 January 2021

Date last amended: 13 January 2021

Type: New



**Signed on behalf of the Head of Service
(Authorised Officer)**

Portsmouth City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

For further information about how the Council collects and uses personal information please visit our website: <https://www.portsmouth.gov.uk/ext/the-council/data-protection-privacy-notice>

Annex 1 – Mandatory Conditions

01 No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

02 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

03 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

04 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

05 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

06 The responsible person must ensure that:

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

07 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --

Annex 2 – Conditions consistent with the operating schedule

01 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.

02 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.

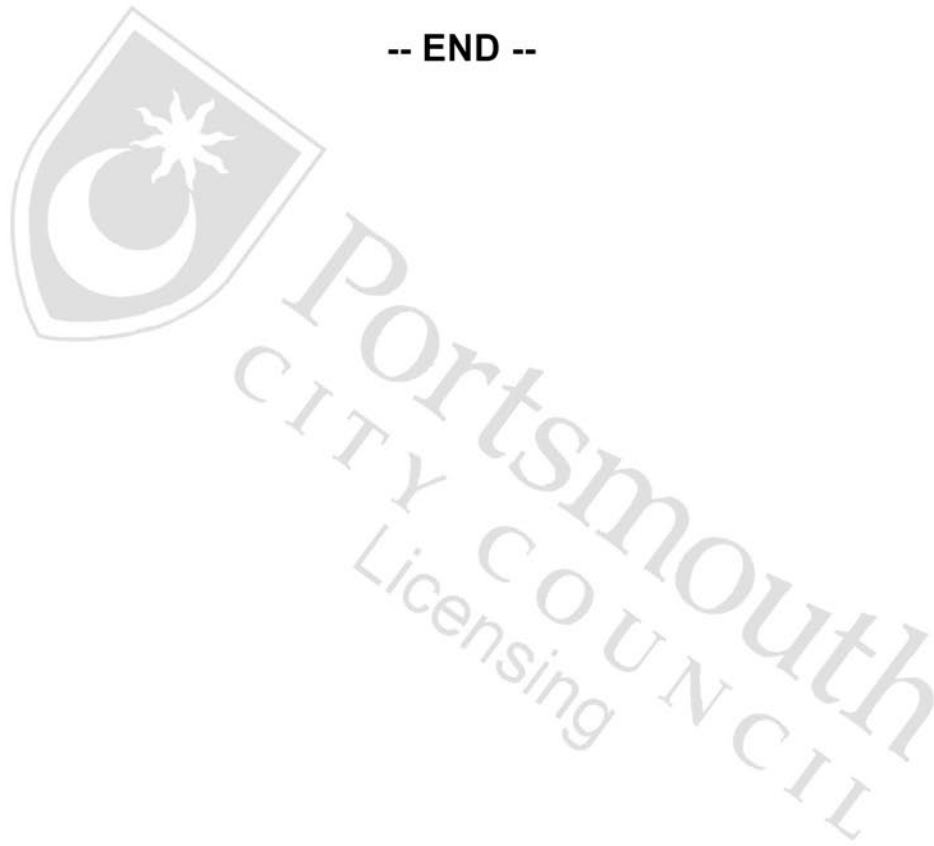
03 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance.

04 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.

05 The premises shall operate a challenge 25 policy.

06 Notices will be displayed on the premises requesting customers to leave the premises and area quietly.

-- END --



Annex 3 – Conditions attached after a hearing by the licensing authority

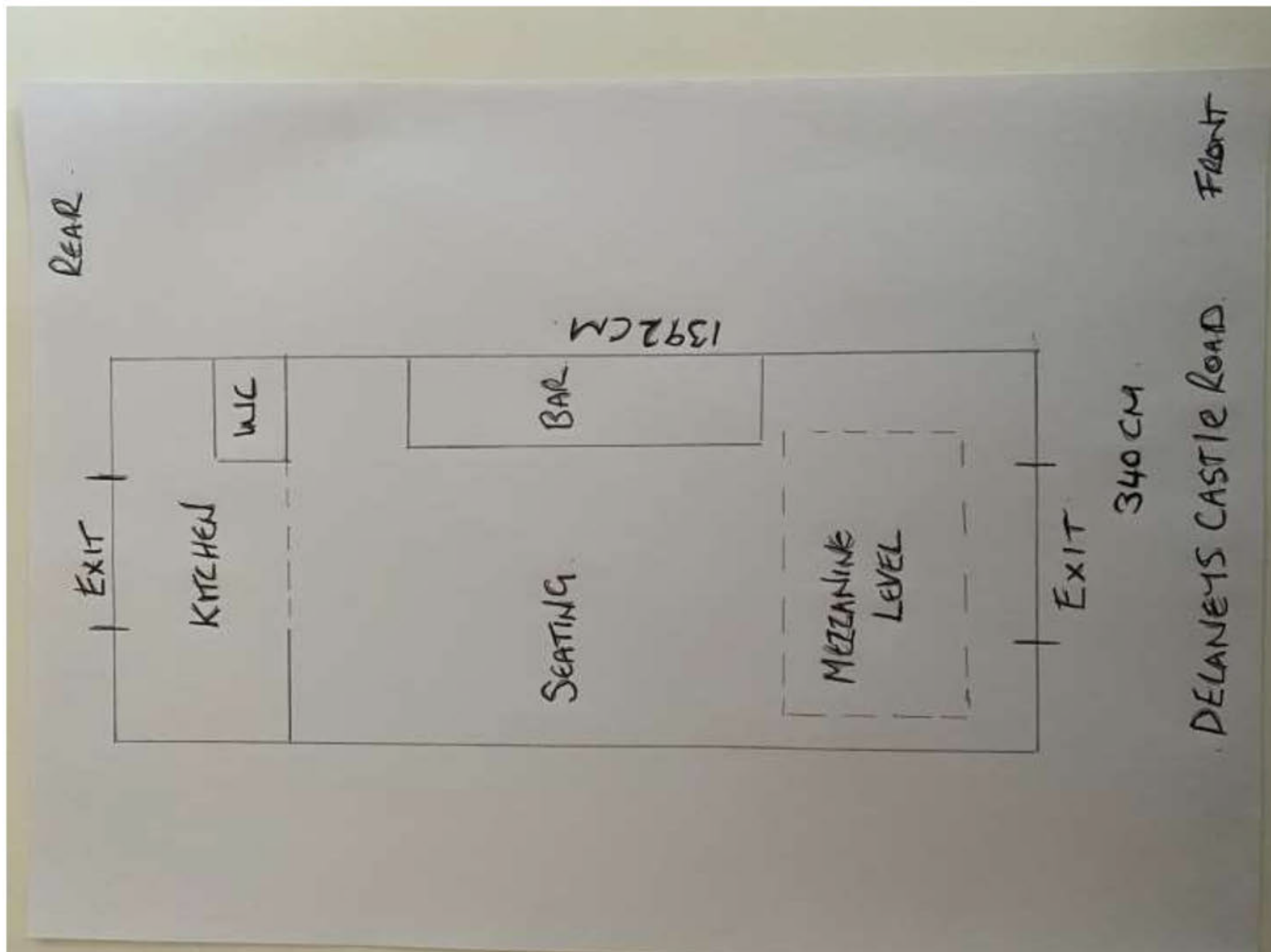
-- END --



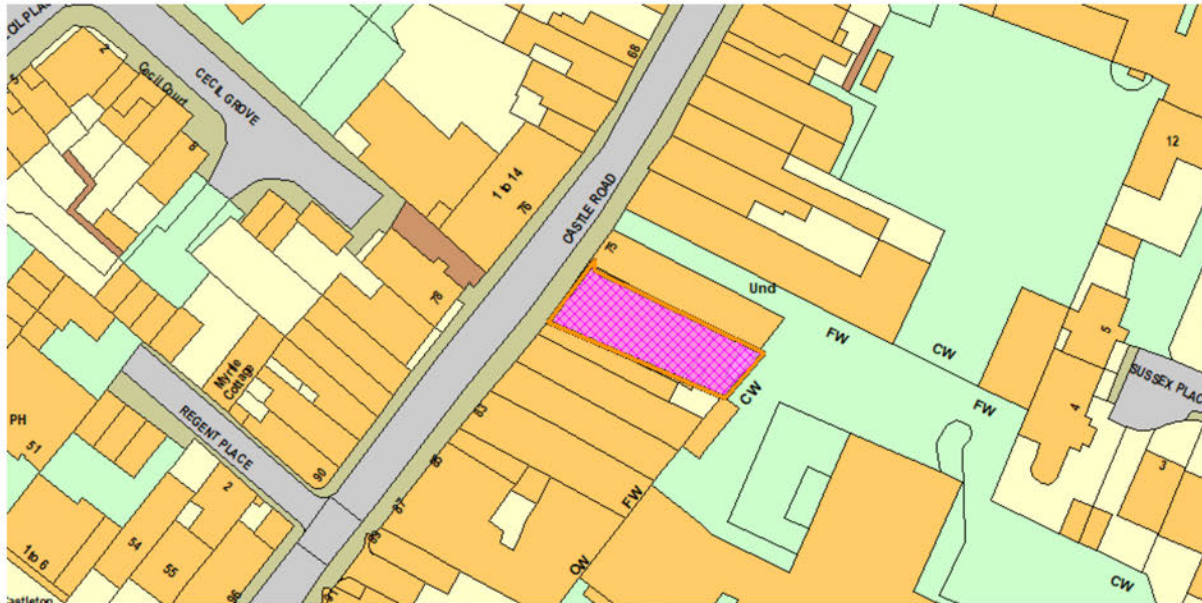
Annex 4 – Premises and location plan

Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



Location Plan: 77B Castle Road Southsea



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. LICENCE AGREEMENT NUMBER LA100019671- PORTSMOUTH CITY COUNCIL

APPENDIX C

Dear Licensing team

I am writing to object to Delaneys request to extend their licensing hours on Fridays and Saturdays.

The original license was granted despite advice from Environmental Health to the contrary. They cited the fact that there were several flats directly above Delaneys and the mezzanine floor in the cafe made any soundproofing inadequate. Further to this they highlighted the fact that Castle road is a heavily residential road, quite narrow, and with high buildings; the neighbours opposite Delaneys and along the road would therefore also be inconvenienced considerably by music and general merriment which goes hand in hand with an alcohol licence.

The decision to grant the licence was made with the proviso that it would be until 9.00pm in consideration of the above advice.

There have been several occasions when Delaneys has taken advantage of the opportunity to take extended license hours for special occasions. At these times no consideration has been given to neighbours and music has been played at an unacceptable level, despite promises to the contrary.

The general volume of people talking and imbibing in the premises, and once they spill onto the street, has been unacceptable to many of us along the road, but I am very much aware that it is worse still for those living above the premises. Imagine being unable to hear your television above the noise, or having to wear ear muffs in bed when trying to sleep. I have been upset to learn that this is what life is for a lady in her late 80's, because of Delaneys change to a licensed premises. The noise travels down the road and can be heard close to Hambrook Street where I live, making it impossible to have windows open during the summer, this is not a healthy way to live.

The owner makes promises to keep noise to a minimum but is often not there, and cannot police this, even if her intentions are honourable.

Having a licence at all is not acceptable, but discarding the licensing team's earlier attempts to minimise the impact to the residents in the street by extending the hours would be untenable.

Regards Pamela McGuinness

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APPENDIX C

Dear Licensing team

I am writing to object to Delaneys request to extend their licensing hours on Fridays and Saturdays.

They currently have been granted hours till 21:00, to which a number of times they have abused and extended with very loud customers against residents knowledge, and have disrupted Castle roads atmosphere, this has been reported to the council and also to environment health. To extend the hours to 22.30 on these evening is just not acceptable. Firstly, it will slowly become more 23.00 as their time keeping is already shocking. Secondly, they will these days when it is a bank holiday. Thirdly the overbearing constant noise will be unbearable for us residents that also have work early on the weekends and have our evening and sleep disrupted.

We already have Montys constantly open till past midnight with very loud drunk customers screeching the entire evening. To have the two bars so close together in such a tight, small built up residential road is not acceptable. Causing more arguments and abusive language especially when waiting for taxis or smoking and deciding to urinate in alleyways and private driveways. It is also not a safe environment for us residents to even pop to the coop or convenient store.

No matter how much Delaney's promise to toe the line. They can not control the current noise level of their clientele, this weekend with the nice weather has proved that.

Kind regards

Sarah McGuinness

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APPENDIX C

Dear Licensing Team

Please accept this as my formal objection to Delaneys (Castle Road) extended licensing and opening hours.

This is a residential area with flats opposite and residents living in flats above the bar. The noise from this bar is beyond what should be expected in a residential area.

Environmental health reported that a bar on this site was not healthy for residents and yet it still went ahead. Increasing their opening times would just be adding insult to injury.

Regards

Lee Baldwin - Castle Road resident.

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APPENDIX C

Dear Licensing

I object to the extended license for Delaney's on Castle Rd.

This street is 80% residential with a few independent shops, two restaurants and originally two daytime cafes. This is not an appropriate location for a bar.

Originally Delaney's was a lovely daytime cafe. It then requested opening until 9pm to hold occasional supper clubs. It now simply wants to be a bar which is not suitable for the street - with its narrow road and three storey buildings, all noise is amplified and Delaneys has residents above and opposite who are already greatly disturbed by the noise of music, the drinkers and the clear up at the end of the night.

The residents of Castle Rd must be protected by the Council, this road is not the place for developing night time economy, it is a lovely street where people live and they should be allowed to do so in peace.

The licence should remain at 9pm

Regards

Amanda O'Reilly (71 Castle Rd)

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Appendix C

Dear Licensing

I object to the extended license for Delaney's on Castle Rd.

This street is 80% residential with a few independent shops, two restaurants and originally two daytime cafes. This is not an appropriate location for a bar.

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The residents of Castle Rd must be protected by the Council, this road is not the place for developing night time economy, it is a lovely street where people live and they should be allowed to do so in peace.

As I write this now, music is blaring from the venue with no consideration at all for their immediate neighbours or the whole of the street as I can hear it clearly from 50 yards up the street.

The licence should remain at 9pm

Regards

David O'Reilly (71 Castle Rd)

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APPENDIX C

From: Alan Roche

Sent: 15 March 2022 20:14

To: Licensing Shared Email

Subject: Delaney's

Please note my objection to Delaney's extending their late evening license.. this is a residential area not the Guildhall square. We have enough issues with drinking in castle rd without adding to it

Hi..my address is flat 6 castle court opposite Delaney's post code po5 3az

My objections to the late license are ..

Noise levels of people drinking in the street, this is a residential area, people urinating in our carpark or by the garages because they can't be bothered to go inside Delaney's to use the facilities..also their patrons either using our private carpark for their vehicles or parking across the entrance blocking access..I could go on but I think you probably get the drift

This page is intentionally left blank

Appendix C

From: Janet May

Sent: 23 March 2022 19:11

To: Licensing Shared Email

Subject: Objection

Objection to License extension Delaneys Castle Road

I am writing to object to the application to extend the alcohol license at Delaneys, Castle Road.

Noise and disruption is ongoing. I attach a few email trails of some of the incidents from various dates - but I can provide proof of all incidents if required. I keep everything meticulously documented in the event of any doubt in my word and honesty - so rest assured I have proof of everything !

I have made many attempts to resolve noise issues over the last 12 months directly with Belinda and can provide all emails exchanges if required.

Belinda now has a full time additional business venture elsewhere and therefore is not at the premises very often anymore.

Unfortunately, the staff don't seem able to do as they are asked.

Belinda has made promises in order to get her license extended - but despite her best of intentions it is quite clear it is impossible to keep to them without being there to supervise her staff constantly.

The main issues throughout have been the back door being left wide open constantly (all the way throughout the winter aswell!), volume of music and the late finish times clearing up after they close.

Soundproofing was carried out above the kitchen area - but this was absolutely pointless when the door is kept open constantly - so the noise and music carries through regardless and staff traffic under the back door for breaks is still an issue as conversations are clearly audible.

Belinda stated the door has to be kept open because of the cooking.

At the hearing the issue was raised and Belinda stated she does not need an extractor fan so she can close the door as only light meals are being cooked - if this is the case surely there isn't a need for the door to be left open constantly?

I have asked and asked and asked for the door to be closed - particularly after 9pm on Thursday, Friday and Saturday and this has not been done - I have monitored it closely.

In addition, further incidents have led to complaints and this is when they leave 10-10.30 pm on a Thurs, Friday and Saturday. So, now with this new application extension - they will be there banging around until 12 at night if not later. They are there until 10-10.30 pm the with current 9pm license.

At the hearing it was stated there would never be a request for later license and here we are a year later with it being just that.

I believe you have an ongoing file of complaints which have been made from all residents over the last 12 months - so I assume you will revisit these to support objections made? People have taken time and effort to tell you why this license should not be extended with reasons and evidence, I sincerely hope the objections received and what people are stating is taken seriously.

In conclusion, the fact that Belinda is fully aware that her business and noise which is now licensed premises is a nuisance to all the residents around her in the late hours - yet she still wants to press on no matter who she inconveniences is very disappointing.

Kind regards

Janet & Anthony May

Flat 1 Castle Road

Directly above Delaneys

APPENDIX C

From: Janet May
Sent: 05 April 2022 17:17
To: Licensing Shared Email
Subject: Fw: Delaneys

Afternoon

You should have this recorded but this is a copy of another incident.

J May

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Tuesday, April 5, 2022, 5:10 pm, Janet May wrote:

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Sunday, November 21, 2021, 3:27 pm, Janet May wrote:

Afternoon

Just to let you know that I have had to complain to Delaneys since you gave them an extension which I knew nothing of until noise occurred until 10pm on Wednesday.

This was always my concern when we are in bed trying to sleep for work and staff are shouting under my bedroom window, the door wide open and music blaring.

I do believe you will receive other complaints also on the matter.

Belinda assured she would make some adjustments after last Wednesday but I believe there was separate incident on Friday which you will receive information on.

This is to make you aware.

Regards

Janet May

This page is intentionally left blank



RE: Delaneys - variation

AA

On Friday, February 11, 2022,
3:40 pm, Belinda Delaney

[REDACTED]

wrote:

Hi Janet

I'm sorry I've only just
seen this email.

I will call them now I'm
sorry that will be sonny !

Kind regards

Belinda

On Fri, 11 Feb 2022 at
14:13, Janet May

[REDACTED]

> wrote:

Belinda

The music is blaring!



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On Fri, 11 Feb 2022 at 18:42, Belinda Delaney [REDACTED]

wrote:

I will make sure sonny is kept in tow
I have told him on so my occasions

Kind Regards

On Fri, 11 Feb 2022 at 18:33, Janet May [REDACTED]

wrote:

Belinda

I measured the decibels today and it was nearly 80 at some points and anything over 65-70 is considered highly intrusive as environmental health is concerned, and that is on a crappy iPhone- so with the proper equipment this is probably more.

Not being horrible I am just stating facts and the truth

Kind regards

Janet



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Me

To [Belinda Delaney & 3 m...](#)



12 Feb at 15:44

Belinda

I am sorry to say that given how things have gone since our conversation I will be making an objection as well if you apply for the extension with evidence. You promised the door would be closed at 9pm and the music is way above what environmental health find acceptable.

I have avoided getting environmental health involved on several several occasions I have been very fair with you, but I will not back down. I have tried and have the evidence to prove it, I have also sought legal advice.

Please reconsider the extension as this is the last straw for many.

I always tell you the truth but you have put us through hell.



put us through hell.

Having to deal with this constantly is very tiring. Please put yourself in our shoes you go home to a quiet home. This is not a place for a bar.

I have tried to be fair, but let's face it you cannot do it despite your best efforts unless you are there to constantly keep your staff in tow.

As mentioned, the music exceeded 80 decibels taken from my phone at 1-3pm yesterday. I believe this is way above acceptable even in the day.

It was established that you could not deal with the situation for 2 hours and I have never approached your staff but I have to put up with it until you can ring and tell them.

As always I am being honest.

Kind regards

Janet

Sent from Yahoo Mail for iPhone



On Friday, August 20, 2021, 9:01 pm, Janet May <janetmay39@yahoo.co.uk> wrote:

Belinda

I am writing to you in hope that we can come to some compromise or agreement. You got the soundproofing installed but this is no use whatsoever if your back door is open constantly and your staff are outside shouting all day long.

I am not sure you are aware how clearly I can hear every word of your conversations with the windows closed. I am happy to share a few examples so you can understand. I heard the whole conversation when you said you were feeling ill on your holiday and we're trying to get a doctor appointment for example. I appreciate you have a new set of staff turnover and they may not be aware how loud sitting outside and the conversations are.

Are you willing to at least make your new staff aware please?

I know they have to have breaks and you are running a business and I have no argument with that never have but please try and compromise.

Please try and meet us half way here.

We have to try and work together I don't



staff aware please.

I know they have to have breaks and you are running a business and I have no argument with that never have but please try and compromise.

Please try and meet us half way here. We have to try and work together. I don't want to take things further. You always said why didn't I ever speak to you and now I am and giving you the opportunity to be fair.

—

Even the doors open I will accept but the constant shouting outside all day is unacceptable.

Please remember we live here. You go home to peace and quiet, we have to listen to everything all day every day.

I am trying to appeal to you so we can settle this amicably. Please accept.

We have both been here a long time and don't intend going anywhere so let's try and solve it. I am giving you the opportunity...

I have not informed anybody else of this



and solve it. I am giving you the opportunity...

I have not informed anybody else of this conversation in hope we can work this out ourselves.

I have tried to put up with it but I am my wits end and until you, as the Manager give some guidance it will never improve.

You may have realised now that I like to do things "by the book" but very articulate, honest and fair.

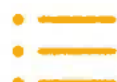
Again, I have put up with this for weeks and have been pushed to the absolute limit before appealing to you

Look forward to your response.

Kind regards

Janet May [Sent from Yahoo Mail for iPhone](#)

[View less](#)



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Appendix C

From: Harry Roberts
Sent: 21 March 2022 13:58
To: Licensing Shared Email <
Subject: Delancys license extension

Dear sir madam I am a resident of castle road a carer for my disabled mother and live above the premises since opening we have experience regular loud music and noise every Friday and Saturday nights till late it is affecting everyone I do not want further noise and disturbance with music playing till ten thirty please consider this carefully before making a decision think of the residents and not greedy business owner

Dear Mr Roberts Mon, 21 Mar 2022, 14:13

Can I have your address as I believe there are two flats over the premises.

Have you reported the noise issues to environmental health?

Regards

Debbie Robson

Senior Licensing Officer

From: Harry Roberts
Sent: 21 March 2022 14:18
To: Licensing Shared Email
Subject: Re: Delancys license extension

Flat 1 flat 2 flat 3 77castle road southsea Portsmouth

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Appendix C

Comments for Licensing Application 22/01448/LAPREM

Application Summary

Application Number: 22/01448/LAPREM

Address: 77B Castle Road Southsea PO5 3AY

Proposal: Premises Licence

Case Officer: MR DEREK STONE

Customer Details

Name: Mr Pete Codling

Address: 86 Castle Road, Southsea PO5 3AZ

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Comment Reasons:

Comment:06/04/2022 8:06 PM As a close neighbour to the premises and fellow trader on the street I fully support this very reasonable extension to hours.

As a regular evening customer along with many other neighbours at Delaney's, I see no problem with the local clientele, mostly middle age and senior customers. I have not witnessed anything that would make me consider this an unreasonable request. The local family owners have striven to build a viable business in very difficult times and are a great asset to our community and the city's restaurant and bistro culture.

As PCC representatives will appreciate, it is unfortunately caught up in the local politic with a very small but vocal, and too often misled minority, hostile to any change as part of the, now resolved, road closure.

Not with standing the occasional anti social behaviour in any busy street, Castle Road remains a friendly village like neighbourhood and a very pleasant place to live, work and socialize in the evening. It is not a late evening/nightclub destination, and never will be, and I see no reason to object to a small practical extension to open hours for a family restaurant.

In fact, having an open local owned business, in the middle of the street, at these 'slightly' later hours can only discourage anti social and criminal behaviour that might otherwise go unwitnessed or policed by the local community.

I understand how others may fear mission creep. But that is not based on the facts, aspirations or good will of the broader local community. I fully support the extension to this particular business.

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APPENDIX C

From: Lewis Mason

Sent: 05 April 2022 17:28

To: Licensing Shared Email

Subject: Delaneys - Castle Road PO5 3AY

Dear Licensing Team,

I am writing to support the extension of licensing hours for Delaneys on Castle Road (PO5 3AY) on Friday and Saturdays.

As the owner of the property directly opposite Delaneys, I am perfectly situated to discuss noise, anti-social behaviour or any issues resulting from their opening hours. I supported Delaneys previous licensing request due to the owners diligent and considerate approach to our community. Since my support was given, Delaneys have shown the upmost consideration to their neighbours. Delaneys have also become a community hub for many residents and businesses of Castle Road. This is due to their outstanding community integration.

It is often cited that increased licensing hours bring noise issues. This has not been the case with Delaneys since their previous licensing application approval and I can only commend the owners on their efforts to maintain their reputation as a considerate community oriented business. In fact, the noise has been so low that I often wonder if they are open due to me being unable to hear anything from them. With my door/window approximately 10-15 foot away from their seated area and about 20 foot from their doorway, it is evident I am a position to observe noise levels appropriately. Even with my window open, I cannot hear any noise from inside the business. Due to my locality to Delaneys, I can assure you that I would not be putting my support behind an extension to hours if I was not happy with their actions since the previous licensing application. This is quite the opposite and I am very happy to show support to Delaneys licencing extension application and I hope to see this family owned independent business flourish after the what has been a nightmare two years for the hospitality industry.

It is also cited that increased licensing hours can increase anti-social issues from patrons. Like my stance on any noise issues, I can only discuss how Delaney's have managed their patrons since their previous licensing application. In regard to any anti-social behaviour, I am yet to witness anything deemed anti-social from their patrons and from what I have seen, their patrons respect the residential properties and leave quietly. Like I said previously, I do not hear them.

To clarify, I am in full support of Delaneys recent application to extend their licensed hours. They are very respectful with noise intrusion and anti-social behaviour from their building/patrons non-existent. Please forward my support to the necessary licensing hearing.

Kind regards,

Lewis Mason

78 Castle Rd, Southsea PO5 3AZ, UK

Appendix C

From: J Drew

Sent: 06 April 2022 11:33

To: Licensing Shared Email

Subject: Delaneys - Southsea - Licence Application

Good morning,

I have tried to add the following comments via your website although I keep receiving 'Error while submitting comments'

Would you please be able to add my comments below to the application for Delaneys in Southsea,

Many thanks

Mr Jamie Drew

I am writing in support of this licence application.

Having been a regular customer of Delaneys for many years, I was absolutely delighted when they transformed from a Sandwich Bar and daytime venue to also opening in the evenings offering a great menu. This is a first class, well run, independent family owned establishment and always a pleasure to visit and support.

This is my first choice restaurant in Portsmouth and a great location to meet with local family and friends, I also believe it is a great asset to Castle Road along with the other independent businesses and I will support it in any way I can.

I notice there are other restaurants with later licences in the same road so would not understand if this application is denied.

The only down side to Delaneys currently is that if you are looking for an evening meal you have to dine so early in the evening and then leave when we do prefer to stay and enjoy our evening a little later than is currently possible.

We are certainly not a rowdy crowd and I have never been to Delaneys whilst there have been any other loud or rowdy customers and the atmosphere is always perfect. In fact, another attraction of Delaneys is the clientele who are always a very pleasant mix of people. If I wanted to visit somewhere in

Portsmouth with loud customers and music there are many, many bars and restaurants to choose from, this is another reason for particularly choosing Delaneys to dine in the evenings.

The whole experience is always a pleasure including the food, staff and service with the ambience being ideal with the low volume music being played in the background at just the right level whilst also being able to have a conversation at the table without having to raise your voice.

I would be delighted if the licence is granted, as I say just to be able to eat that little bit later without feeling rushed and then being able to enjoy our evening a little later, but not too late, to enjoy the perfect evening.

Comments for Licensing Application 22/01448/LAPREM

Application Summary

Application Number: 22/01448/LAPREM

Address: 77B Castle Road Southsea PO5 3AY

Proposal: Premises Licence

Case Officer: null

Customer Details

Name: Mrs Marilyn Lombardi

Address: Myrtle Cottage, Regent Place, Southsea, Portsmouth City Council PO5 3BA

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Comment Reasons:

Comment: 19/03/2022 9:41 AM I have supported Delaneys over many years both as a customer and neighbour . They are a small business on a street that is becoming a much nicer place to be . Castle road is going to be a lovely place when the road is eventually sorted and Delaneys is just the sort of business we need to enhance the road.

A small adjustment to the licensing hours will be absolutely fine in my opinion. Other restaurants in Castle road are able to trade later into the evenings Delaneys should also be able to .

APPENDIX C

From: Lorraine Randell
Sent: 26 March 2022 16:02
To: Maidment, Hazel
Subject: Licensing application Delaneys 22/01448

Good afternoon Hazel

I hope you don't mind the direct email, I have tried numerous times to get onto the Portsmouth website to add my comments but it won't accept any of my email addresses.

I would like to add my voice to support the application from Belinda Delaney for the extension of her current licensing hours. Belinda has worked tirelessly to evolve her business to keep it afloat, spending a fortune in the process and has put up with a lot of unnecessary hassle from several locals who are intent on causing problems for her. She has been a mainstay of Castle Road for I believe around 10-15 years now and her business is an asset to the road. I wish her all the luck in her application and hope it is successful.

Thank you

Kind regards

Lorraine Randell
Revive Interiors
85 Castle Road
Southsea
Hants
PO5 3AY

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APPENDIX C

From: anne-marie skilling
Sent: 03 April 2022 07:46
To: Licensing Shared Email
Subject: Licence Extension Delaney's PO5 3AY

To whom it may concern

I would like to confirm that I am in favour of granting a extension License for Delaney's for Friday and Saturday night. This would mean that Diners would get more Dining experience time.

Thanking you

Anne-Marie Skilling (Castle Road Resident)

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APPENDIX C

From: Chris Williams
Sent: 04 April 2022 08:33
To: Licensing Shared Email
Subject: Delaneys PO5 3AY

To whom it may concern

I am writing in support of the application for an extension to the licencing hours of the above premises. I welcome the opportunity to dine in such a pleasant environment further into the evening.

Yours sincerely Chris Williams 66 Castle Road

Sent from Samsung Mobile on O2
Get [Outlook for Android](#)

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APPENDIX C

Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 04/04/2022 10:46 AM from Mr Clive Padfield.

Application Summary

Address:	77B Castle Road Southsea PO5 3AY
Proposal:	Premises Licence
Case Officer:	MR DEREK STONE

[Click for further information](#)

Customer Details

Name:	Mr Clive Padfield
Email:	
Address:	Shop, 65 Castle Road, Southsea PO5 3AY

Comments Details

Commenter Type:	Contributor (Other)
Stance:	Customer made comments in support of the Licensing Application
Reasons for comment:	
Comments:	04/04/2022 10:46 AM It's the perfect business for this street. After working in the street for many years and still having hugely close ties still, but also now socialising with my family there. I can't see any reason why this could not happen. Other venues in the locality have it and Delanys is a safe, well run and respected space.

Kind regards

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APPENDIX C

From: Victoria Giordano
Sent: 04 April 2022 21:04
To: Licensing Shared Email
Subject: Delaneys, Southsea, PO53AY

To whom it may concern,

I am a local business woman and resident, I absolutely love living in Southsea.

Of course, being so close to the coast is an absolute privilege us locals enjoy but also frequenting the wide mix of retail and social establishments, all within walking distance.

I am writing in support of the proposed later closing hours at Delaneys on a Friday and Saturday evening, it would be most welcomed by my family, colleagues, clients and local friends.

Kind regards

Victoria

Victoria Giordano

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Appendix C

Customer Details

Name: Miss Kate Thatcher

Email:

Address: Flat 2, 83 Castle Road, Southsea PO5 3AY

Comments Details

Commenter
Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Reasons for
comment:

Comments: 04/04/2022 7:28 PM I'm lucky enough to live on castle road and just a stones throw away from Delaney's, I fully support this application, this local business compliments the street beautifully, the owners and staff are friendly and supportive of other local businesses and residence. I've never had a problem with any part of the running of the business and personally I look forward to hopefully spending more time there.

Kind regards

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Appendix C

From: Ciara Rosell
Sent: 05 April 2022 10:58
To: Licensing Shared Email
Subject: Licensing at Delaney's

Hi there,

I am writing in support for Belinda Delaney's extension of licensing hours.

It is a fantastic place that is just starting to get busier in the evenings with their lovely evening menu. However, due to the shortness of the evenings people feel they need to rush eating their food. It would be great for the business so we have more time to enjoy the experience of an evening in Delaney's and trying their delicious food.

I live in Kent Road which is right around the corner so would be lovely to see the place grow into more of a restaurant.

Kindest regards,

Ciara

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APPENDIX C

-----Original Message-----

From: Natasha Soans

Sent: 05 April 2022 12:53

To: Licensing Shared Email

Subject: Delayneys Extended License

Good Afternoon,

I hope you are well. I'm writing to voice my approval for the extension of the license at Delayneys. I am a regular and would love the place to stay open a little later, as it shuts so early I often feel I have to rush out rather than stay for a drink or two after my meal.

Many thanks,

Natasha

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Appendix C

From: Tina Young
Sent: 05 April 2022 12:53
To: Licensing Shared Email
Subject: Delaneys extended license

Sent from my iPhone

To whom it may concern,

I'm just writing to voice my approval for the extended license at Delaney's restaurant, I feel having the extra time will help with dinners not having to rush there meal and be able able to enjoy the evening more.

Yours sincerely

Tina pilbeam

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APPENDIX C

From: Jeanette Burgoyne
Sent: 05 April 2022 19:14
To: Licensing Shared Email
Subject: Delaney's

I write in support of the application, allowing Delaney's to extend the licensing hours on Friday and Saturday's from 9 pm until 10.30 pm.

. I am sure it will be very beneficial to customers and the business, this is a very popular venue and would encourage more people to enjoy all that Delaney's has to offer.

I am a regular customer and it would make a more enjoyable evening for all.

Jeanette Burgoyne

Sent from my iPad

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Appendix C

From: julie swaine

Sent: 06 April 2022 14:21

To: Licensing Shared Email

Subject: Support Delaneys

Hi

I am writing to support Delaneys, Castle Road, PO5 3AY request for an extension of their licence on a Friday & Saturday night.

I believe that this would make a huge difference to the success of their business

Kind regards

Julie Swaine

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Appendix C

From: Hannah Francis
Sent: 06 April 2022 14:41
To: Licensing Shared Email
Subject: Delaneys castle road PO5 3AY

Good afternoon

I would like to submit a rep in support of the extension of Delaneys, castle road licensing hours from 9pm to 10.30pm on Friday and Saturday evenings.

It's a lovely little venue that doesn't cause trouble and adds a lovely vibe to this beautiful street in southsea.

I'm quite surprised that montys and Giuseppees have late licensing and Delaneys doesn't.

Also being an ex employee of the venue, there has never been any trouble just a few locals and families enjoying a selection of spirits and fine dining.

I hope you take my opinion on board it's so sad to see small independents in southsea not reaching their true potential.

Kind regards
Hannah

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Appendix C

From: Anna Pond

Sent: 07 April 2022 08:12

To: Licensing Shared Email

Subject: Delaneys Castle Road PO5 3AY

To whom it may concern,

I am writing this email as I have tried several times to comment on the City Council website, however was unsuccessful due to it crashing. I am in support of the above premises being extended a later license/ closing time. I feel due other premises along the street being able to close later then Delaneys (whom also sell fabulous food) should be able to as well. I have eaten and had drinks in the premises many times, and the atmosphere is amazing and friendly, it just a shame that it has to close so early.

Many Thanks

Anna Cripps

Customer.

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Appendix C

Stone, Derek

From: Licensing Shared Email
Sent: 07 April 2022 07:27
To: Robson, Debra; Stone, Derek
Subject: FW: Comments for Licensing Application 22/01448/LAPREM

From: [REDACTED]
Sent: 07 April 2022 00:12
To: Licensing [REDACTED]
Subject: Comments for Licensing Application 22/01448/LAPREM

Comments summary

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 07/04/2022 12:09 AM from Ellen Ball.

Application Summary

Address:	77B Castle Road Southsea PO5 3AY
Proposal:	Premises Licence
Case Officer:	MR DEREK STONE

[Click for further information](#)

Customer Details

Name:	Ellen Ball
Email:	[REDACTED]
Address:	80 Castle Road, Southsea PO5 3AZ

Comments Details

Commenter Type:	Neighbour
Stance:	Customer made comments in support of the Licensing Application
Reasons for comment:	
Comments:	07/04/2022 12:09 AM Delaneys is a great asset to Castle Road creating a vibrant, warm and welcoming atmosphere for both residents and visitors. Castle Road has a unique community spirit and in my opinion, Delaneys is a brilliant local business that has a significant role in enhancing this. I live almost directly opposite Delaneys and fully support this application.

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Appendix C

From: R A
Sent: 07 April 2022 19:57
To: Licensing Shared Email
Subject: DELANEYS CASTLE ROAD PO5 3AY

I would like to submit a rep in support of extention of Delany's licensing hours til 1030 pm on Thursday Fridays and Saturday.

Kind regards

Mr Raja Ali

Sent from Samsung Mobile on O2

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Appendix C

From: Philippa Band
Sent: 04 April 2022 10:52
To: Stone, Derek
Subject: Re: Delaney's application

Derek

Sorry, yes, typing too fast with lots of noise. Leave could I confirm, I meant conscientious!!
As in very thoughtful and caring!!

Hope that makes more sense!

Pippa.

Sent from Pippa

On 4 Apr 2022, at 09:13, Stone, Derek wrote:>

Pippa
Thank you for the below support Rep

Can I just clarify the use of the word contentious ?
Contentious means controversial and likely to cause an argument !
Did you mean conscious meaning aware and responding to one's surroundings ?
If you can confirm or amend that would be very helpful

Kind regards

Derek

>
> -----Original Message-----
> From: Philippa Band
> Sent: 04 April 2022 09:06
> To: Licensing Shared Email
> Subject: Delaney's application
>
> To whom it may concern:
>
> Re Delaneys - PO5 3AY
>
> I am writing in support of the application of the above establishment for a late license on a
Friday and Saturday. The business is run by a local family who represent everything the city
should be supporting. They are hard working and very contentious of their surrounding
environment.
>

> As a local resident I am very keen we should support these small independent applications.

>

> I hope this is looked on favourably.

>

> Thanks

>

> Pippa Kadinopoulos.

>

> Sent from Pippa



NOTIFICATION OF DECISION

Licensing Act 2003 - Licensing Sub-Committee

PORTSMOUTH CITY COUNCIL as licensing authority in accordance with the Licensing Act 2003 ("the act") and regulations made thereunder, hereby give notice pursuant to section 23 of the act to:

Name: **Miss B Delaney & Mr P Melville**

Address: **Not Recorded**

Status: **Applicant**

That a hearing was held on: **13 January 2021**

To consider an application for the **GRANT of a premises licence** made in accordance with Section 17 of the Act. The details of the applicant and premises are:

Name of Applicant: **Miss Belinda Delaney**

Premises and address: **Delaneys
77B Castle Road
Southsea
PO5 3AY**

Decision of The Licensing Authority:

In determining and considering the application pursuant to section 18 of the act, the Committee had regard to:

- The Licensing Act 2003
- The promotion of the licensing objectives
- The council's adopted statement of licensing policy for the time being in force
- The statutory guidance issued by the Secretary of State for the time being in force
- Any relevant case law
- The representations (including supporting information) presented by all the parties

Decision:

The Sub Committee has considered very carefully the application for a premises licence at Delaneys. 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.

The Sub Committee noted that there had been a representation from a responsible authority (Environmental Health) and three residents objecting to the grant of the licence due to concerns about noise / prevention of public nuisance.

Representations were also received in support of the application from residents.

After having heard all of the above evidence the Sub Committee determined to grant the proposed application, subject to limiting the proposed hours as follows:

- The sale of alcohol shall cease at 21.00 hrs. on Thursdays, Fridays and Saturdays
- The sale of alcohol shall cease on Sundays, Mondays, Tuesdays and Wednesdays at 17.00 hrs.
- The opening hours for the premises shall have a terminal hour of 21.30 hrs. on any day (save for New Year's Eve) and opening hour as applied for
- The proposed hours for New Years Eve as set out in the application are granted as applied for.

Reasons For Decision:

Objection from residents (two of the three objecting attended the hearing) focussed upon the existing poor sound insulation and the level of sound already interfering with enjoyment of their property. Fears were expressed in relation to sound from both within and outside the premises (e.g. patrons outside and use of bins etc.). A recording submitted showed that voices could currently be heard from the kitchen area of the premises. Previous complaint about building works at the premises were not taken into consideration by the Sub-Committee as they do not relate to the proposed licensable activity and the impact that this might have. Past experience tended to show a lack of regard for neighbours and did not give confidence for future operation. A bedroom is located directly above the kitchen area of the premises and noise levels are already unacceptable.

Environmental Health expressed concern regarding the grant of a premises licence where residents' properties are structurally joined and expressed concern that with an 'on licence' in place, music (recorded or live) might be provided until 23.00. Concern was raised over reverberant sound within the premises, particularly clearing up at the end of the evening. The smoking ban could lead to noise nuisance outside from patrons smoking outside. It was stressed that the premises is within a densely populated area and was built in the (likely) Victorian era - with, as a result, the likelihood of very poor insulation between floors. Regarding the mezzanine floor it was stated that this would be very difficult to address with

sound proofing due to need to reduce height of ceiling. Similar issues with same type of premises locally were outlined. It was confirmed that being able to hear conversations suggests very limited insulation and experience from other similar premises is that insulation can only ever partly address concerns. An extraction system would be required for increased cooking at the premises.

The applicant outlined their intention not to run terribly differently to the existing operation save for extending hours to provide an early evening supper menu. At other times it would allow a glass of prosecco or beer with food. Advice had been sought on reducing noise from the premises and steps that would be taken included insulation to the ceiling above the kitchen area and installation of a door to that area. Fixed seating had been installed to prevent sound from moving furniture. Rugs, throws, soft furnishings etc. had been used to absorb sound within the premises and acoustic panels could be implemented moving forward. Advice is being sought regarding insulation and would also include consultation on other measures that could be implemented. The premises had utilised three temporary event notices (TENs) in the run up to Christmas. There was no intention to provide live music or loud amplified music at the premises, simply background music from speakers mounted on brick walls adjoining commercial rather than residential premises. Bottles would only be emptied to outside bins at reasonable hours (mid-morning) and access to bins generally would be monitored to avoid disturbance. The premises has a maximum capacity of 30 and the intention is not to create a bar or pub but to allow alcohol to accompany their existing operation. In relation to cooking and use of the kitchen it is not anticipated that there will be any intensification and certainly not a move to industrial use. The early evening suppers would be from a limited menu. Notices would be displayed at the premises which was envisaged to run in a similar manner to a tea room rather than bar. The premises have had no warnings or enforcement action to date and will be run in a respectful and competent manner.

The Sub-Committee noted that there is a right, for all parties, to bring the licence back for review if there are any issues undermining the licensing objectives resulting from the licensable activity at the premises. If nuisance persists residents are encouraged to liaise with Environmental Health and report the matter promptly. In this respect residents can be reassured that if the premises changes hands or changes the nature of the operation, or indeed fails to implement the steps indicated and this leads to public nuisance, the matter can be brought back to the licensing authority for action to be taken.

The Sub-Committee balanced all of the above issues and determined that in the first instance the applicant be granted the ability to operate in the manner described and implement the steps proposed to reduce the impact of sound and nuisance upon residents in close proximity. Accordingly it was considered appropriate to grant the licence with the timings as set out to balance the interests of residents with those of the business.

Appeal Provisions:

In accordance with the provisions of Schedule 5 of the Act, appeal provisions exist in respect of applications made to the Licensing Authority. Those provisions are outlined as follows:

The applicant:

Where the Licensing Authority rejects an application for a premises licence, the applicant may appeal against the decision - *Part 1, paragraph 1(a) of the Act*.

Where the Licensing Authority grants a premises licence, the holder of the licence may appeal against any decision:

- to impose conditions on the licence; or
- to take any step to exclude a licensable activity or refuse to specify a person as premises supervisor - *Part 1, paragraph 2(2) of the Act*.

A person who made relevant representations:

Where a person who made relevant representations in relation to the application desires to contend:

- that the licence ought not to have been granted, or
- that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or should have excluded any of the licensable activities to which the application relates or to refuse to specify a person in the licence as the premises supervisor

he may appeal against the decision – *Part 1, paragraph 2(3) of the Act*.

Note: The applicant for the licence is to be the respondent in addition to the Licensing Authority in relation to any appeal lodged by a person(s) who made relevant representations.

General Provisions About Appeals:

An appeal must be made to the Magistrates' court for the petty sessions area in which the premises concerned are situated.

An appeal must be commenced by notice of appeal given by the appellant to the designated officer for the Magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.¹

Action that may be taken by the Magistrates' Court:

On an appeal against a decision of the Licensing Authority, a Magistrates' court may:

- dismiss the appeal;
- substitute for the decision appealed against, any other decision which could have

¹ The period of 21 days will commence from the date on which written notice is given, or in the case of electronic transmission, when the text is received.

been made by the Licensing Authority; or

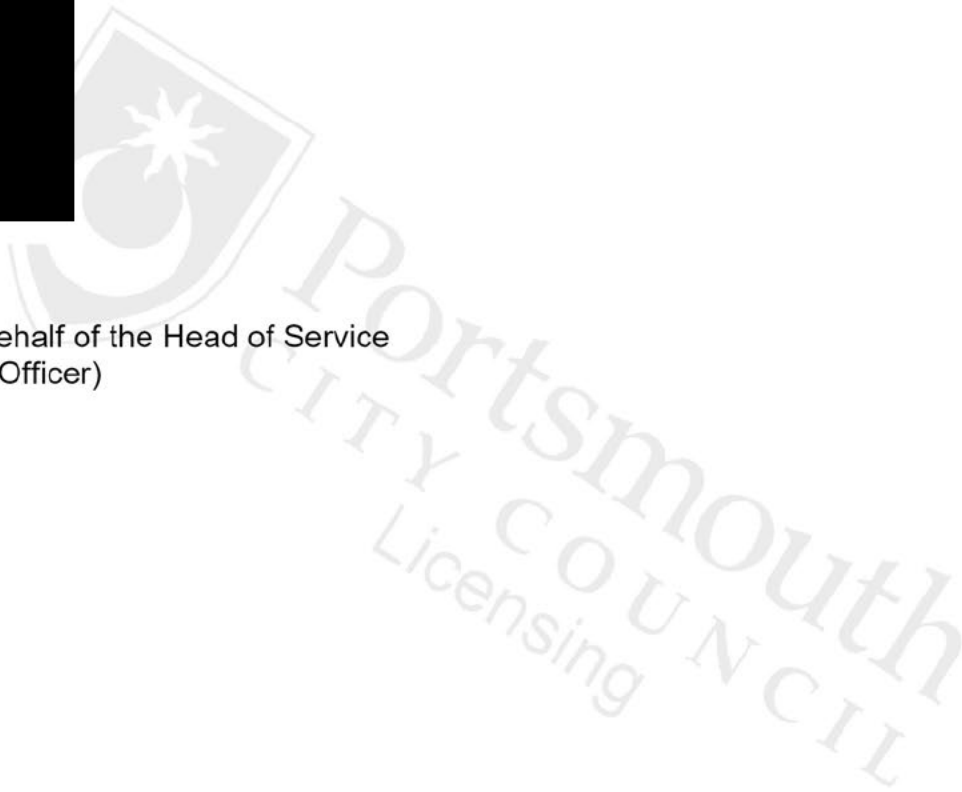
- remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

and may make such order as to costs as it thinks fit.

Date of Notice: **14 January 2021**



Signed on behalf of the Head of Service
(Authorised Officer)



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Appendix E Exchange of E mails between applicant and Janet May August 2021

On Fri, 20 Aug 2021 at 21:01, Janet May wrote:

Belinda

I am writing to you in hope that we can come to some compromise or agreement.

You got the soundproofing installed but this is no use whatsoever if your back door is open constantly and your staff are outside shouting all day long.

I am not sure you are aware how clearly I can hear every word of your conversations with the windows closed. I am happy to share a few examples so you can understand. I heard the whole conversation when you said you were feeling ill on your holiday and we're trying to get a doctor appointment for example.

I appreciate you have a new set of staff turnover and they may not be aware how loud sitting outside and the conversations are.

Are you willing to at least make your new staff aware please?

I know they have to have breaks and you are running a business and I have no argument with that never have but please try and compromise.

Please try and meet us half way here.

We have to try and work together. I don't want to take things further. You always said why didn't I ever speak to you and now I am and giving you the opportunity to be fair.

Even the doors open I will accept but the constant shouting outside all day is unacceptable.

Please remember we live here. You go home to peace and quiet, we have to listen to everything all day every day.

I am trying to appeal to you so we can settle this amicably. Please accept.

We have both been here a long time and don't intend going anywhere so let's try and solve it. I am giving you the opportunity...

I have not informed anybody else of this conversation in hope we can work this out ourselves.

I have tried to put up with it but I am my wits end and until you, as the Manager give some guidance it will never improve.

You may have realised now that I like to do things "by the book" but very articulate, honest and fair.

Again, I have put up with this for weeks and have been pushed to the absolute limit before appealing to you

Look forward to your response.

Kind regards

Janet May

On Friday, August 20, 2021, 9:13 pm, Belinda Delaney wrote:

Good Evening Janet

Thank you for your email.

Im sorry to hear you are still hearing the staff I can only apologise. I will look into this for you. I have not been able to be there very much at all, with the exception of a couple of visits here and there and I helped out over the castle road weekend.

[REDACTED]

We have had a bit of a turnover of staff, one with me not being around as much and the fall out from covid and brexit people have got used to being at home and don't like having to go out to work anymore, we will get there eventually.

I will speak to everyone this weekend and hope for some immediate improvement.

I will hope to be able to spend some more time there in the next couple of week.

Kind Regards

Belinda

On Friday, August 20, 2021, 10:49 pm, Janet May wrote:

Belinda,

Thank you so much, I am so relieved and grateful for your [response.it](#) has been really difficult as I work from home still and have to wear headphones because my colleagues could hear the conversations in the background. I swear on my life I am not exaggerating!

Hey I am being really genuine and honest with you, I don't want any trouble just want us to try and find a compromise.I can honestly tell you every word for word and I am sure that's your business not mine!

I have put up with it for some time now and it has been stressing me out and have tried to put up with it but I have had to approach you. I suppose I thought you might think I am just picking, but I promise you I am not I swear.I have always said I know you have a business to run but I can hear all the conversation word for word all day. Your chef and another few others are out there for large portions of the day conversing and on their phone I can relate it all word for word all day everyday I am telling you the absolute gospel truth.

I don't want to have trouble with you.you always said I should have spoken to you and I am. I am not trying to cause trouble honestly.

I hope we can resolve this just between us.

I am really grateful you have taken what I have said on board. Contrary to what you might think, I found it really hard to send you the email I don't like being difficult but when pushed to the limit I am afraid I must speak my mind.

I take no pleasure in having to send these comments, things were different before when we were out all day and we weren't affected and you left earlier.

It has got so bad, I have to do something and I hoped if I told you the truth and you honestly believed I wasn't exaggerating or being difficult you may try and comprise

I would be so grateful I am sorry to hear you haven't been well. I know I probably haven't always been popular with you with my frankness but I have always been honest and fair and if you could put yourself in our shoes I think you may agree we have been more than fair.

Kind regards

Janet

----- Forwarded message -----

From: **Janet May**

Date: Fri, 20 Aug 2021 at 23:10

Subject: Re: Re:

To: Belinda Delaney

Belinda,

I just want to say how much I appreciate your response. I thought you might think I was being difficult and I really I am not, truly. Contrary to what you may think I don't like or take any pleasure in complaining and it upsets me having to do so, but I can't take it any longer.

Thank you

Kind regards

Janet

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Appendix E E mail exchange between Applicant and Janet May 25th August 2021

On Wed, 25 Aug 2021 at 13:51, Janet May wrote:

Afternoon Belinda

I just wondered if you had a chance to speak to your staff yet at all?

Yesterday and Monday was lot quieter but it has been horrendous so far today with three of them out there shouting at several intervals.

I just wanted to know if you have had an opportunity yet. I would be very grateful if you could let me know. Thank you.

Kind regards

Janet

On Wednesday, August 25, 2021, 3:06 pm, Belinda Delaney wrote:

Hi Janet

Thank you for your email.

Yes I did ask them to keep the noise down and refrain from going outside and talking back into the kitchen with whoever is there.

Apologies they probably have forgotten themselves it is quite stressful trying to tiptoe around and not make any noise.

I will try and get hold of them to remind them.

Just let me know how it is.

Kind Regards

Belinda

On Wed, 25 Aug 2021 at 16:43, Janet May wrote:

Belinda,

Thank you.

By no means at all do I expect you all to tip toe around, I know you have a job to do, I am not unfair in that respect you know that.

It's just the frequency and volume of the conversations if they can be avoided. It was several occasions up to 1pm and all out there at one point all talking together so you can imagine..and then all the separate phone calls....

Just an awareness and reduction in frequency and volume is all I am hoping for.

I hope you agree that is reasonable?.

Thank you for your help
I really appreciate your response.

Kind regards

Janet

[On Wednesday, August 25, 2021, 3:53 pm, Belinda Delaney wrote:](#)

Hi Janet

Thank you for your email.

I have reminded them and hope that will slow down now.

I will make sure it is addressed in the next meeting and we will remind them frequently that they need to keep it down.

Kind Regards

Belinda

From: Janet May

Date: Wed, 25 Aug 2021 at 16:16

Subject: Re: Re:

To: Belinda Delaney

Belinda,

Thank you, very much appreciated.

Kind regards

Janet

Appendix E

From: **Belinda Delaney**
Date: Sat, 18 Sept 2021 at 14:22
Subject: Re: Delaneys
To: Janet May

Hi Janet

Thank you that is greatly appreciated.

Have a lovely weekend.

Kind Regards

Belinda

On Sat, 18 Sep 2021 at 14:00, Janet May wrote:
I appreciate you letting me know, I only saw this after
It's all fine xxx

[On Saturday, September 18, 2021, 10:31 am, Belinda Delaney wrote:](#)

Hi Janet

I hope you are well.

Just to let you know that we are having to replace the back door step at some point later on this afternoon.

It may be a bit noisy but unavoidable. It's shouldn't be too long a job hopefully.

Thank you

Kind Regards

Belinda

--

Sent from Gmail Mobile

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Appendix E E mail exchange between Applicant and Janet May 24th/25th September 2021

On Friday, September 24, 2021, 6:48 pm, Janet May wrote:

Belinda,

I am sure when you see an email from me you think “what is she moaning about now” ha ha.

However, I am going to surprise you!

Contrary to what you might think I am as quick to pass compliments and give credit when it is due as I am to email you as I have previously (which I take no pleasure in - but at my wits end).

The difference this week has been absolutely fantastic. Absolutely brilliant 🥰

I had a big meeting today and thought I’d be so brave and use my speaker (which picks up background noise) and then someone started drilling ha ha.

Anyway, I just think receiving positive vibes and a little compliment wouldn’t go amiss. I am fair and thought you might appreciate some positive and appreciative words for a change ha ha.

Take care and thanks

Kind regards

Janet

On Fri, 24 Sep 2021 at 19:05, Janet May wrote:

Ps thank you to all your staff aswell :) xx

On Saturday, September 25, 2021, 8:28 pm, Belinda Delaney wrote:

Hi Janet

I hope you are well.

Thank you for your email, that’s great news, and much appreciated.

Good feedback is always welcome.

Sorry for the late reply I have been non stop.

I hope you have a lovely weekend.

Kind Regards

Belinda

From: **Janet May**

Date: Sat, 25 Sept 2021 at 21:17

Subject: Re: Re:

To: Belinda Delaney

Have a good rest of weekend :))

Appendix E E mail from Janet May dated 24th Sept 2021

From: **Janet May**
Date: Fri, 24 Sept 2021 at 19:05
Subject: Re:
To: Belinda Delaney

Ps thank you to all your staff aswell :) xx

[Sent from Yahoo Mail for iPhone](#)

On Friday, September 24, 2021, 6:48 pm, Janet Mayy wrote:

Belinda,

I am sure when you see an email from me you think “what is she moaning about now” ha ha.

However, I am going to surprise you!

Contrary to what you might think I am as quick to pass compliments and give credit when it is due as I am to email you as I have previously (which I take no pleasure in - but at my wits end).

The difference this week has been absolutely fantastic. Absolutely brilliant 😊

I had a big meeting today and thought I’d be so brave and use my speaker (which picks up background noise) and then someone started drilling ha ha.

Anyway, I just think receiving positive vibes and a little compliment wouldn’t go amiss. I am fair and thought you might appreciate some positive and appreciative words for a change ha ha.

Take care and thanks

Kind regards

Janet

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Appendix E E mail exchange between Applicant and Janet May October 2021

On Tuesday, October 19, 2021, 10:00 am, Belinda Delaney wrote:

Hi Janet

I hope you are well.

Just a quick note to say sorry if there has been a bit of noise this morning we have had a new fridge delivery which as always is not straight forward.

So please accept my apologies for any noise.

Kind Regards

Belinda

On Tue, 19 Oct 2021 at 10:16, Janet May wrote:

Belinda

No problem at all, you have your business to run, I get that.

Overall, there has been a massive difference outside the back and I am really grateful.

Kind regards

Janet

On Tue, 19 Oct 2021 at 10:39, Belinda Delaney wrote:

Thank you Janet

Kind Regards

Belinda

On Tuesday, October 19, 2021, 5:29 pm, Belinda Delaney wrote:

Hi Janet

Just to let you know phil will

Probably call in this evening to level everything up and then I will call back near 9pm to switch it on in case you hear anything.

Kind Regards

Belinda

From: **Janet May**

Date: Tue, 19 Oct 2021 at 17:32

Subject: Re: Today

To: Belinda Delaney

Belinda,

Thanks, no problem

Kind regards

Janet

Appendix E E mail re work at premises 20th October 2021

From: **Belinda Delaney**

Date: Wed, 20 Oct 2021 at 18:59

Subject: Re:

To: Janet May

Oh that's good

We had to dismantle it and there was a quite a bit of banging involved so luckily you were out at the right time.

Hopefully all done now, phew.

Enjoy your evening.

Kind Regards

Belinda

On Wed, 20 Oct 2021 at 18:09, Janet May wrote:

I finished work and we went out.

Thanks for update and thinking of us. Had my headphones on so work can't hear that's the main thing. Thanks 😊

On Wednesday, October 20, 2021, 4:52 pm, Belinda Delaney wrote:

Hi Janet

Apologies the new ceiling was put in after the old fridge went into kitchen and now we are having a hell of a job getting it out sorry for the noise.

It's unavoidable but hopefully not for too long.

Kind Regards

Belinda

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Appendix E E mail from Janet May 21st December 2021

On Tue, 21 Dec 2021 at 09:57, Janet May wrote:

Belinda

Apologies but a lot of laughing / shouting under the door this morning All out there smoking. Sorry it has been better lately...

Kind regards

Janet

On Tuesday, December 21, 2021, 11:14 am, Belinda Delaney wrote:

Hi Janet

Sorry, they are preparing the Christmas dinner for our regulars today, they are obviously getting a bit carried away I've let them know they are being a bit noisy.

Many Thanks

Kind Regards

Belinda

From: **Janet May**

Date: Tue, 21 Dec 2021 at 11:46

Subject: Re: Re:

To: Belinda Delaney

Thank you...

Don't want to be a kill joy - I can ignore it for so long - but constant today.

Many thanks

Janet

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Appendix E E mail from Applicant to Janet May re Meeting

On Monday, January 17, 2022, 7:56 am, Belinda Delaney wrote:

Good Morning Janet

I hope you are well and had a good weekend.

I wonder if you would be free to pop down for a coffee at all in the next day or two?

I just wanted to have a chat and run a few things by you, if that's ok with you.

I will look forward to hearing from you.

Kind Regards

Belinda

On Mon, 17 Jan 2022 at 08:22, Janet May wrote:

Belinda

I have a day off today.

I can pop down at some point?

Kind regards

Janet

On Monday, January 17, 2022, 8:24 am, Belinda Delaney wrote:

Hi Janet

That will be great would 10.30 suit you?

Kind Regards

Belinda

On Mon, 17 Jan 2022 at 08:31, Janet May wrote:

Yes, I see you then

Janet

On Monday, January 17, 2022, 12:06 pm, Belinda Delaney wrote:

Hi Janet

Thank you for coming down to see me today it's very much appreciated.

I completely forgot I was going to let you know that phil is hoping to come about 3pm today to sand down a couple of the tables to re varnish them as they have a horrible sticky oil on them.

It can be quite noisy but if you are not working this afternoon would it disturb you if he did a couple out the back if you are in the lounge? He was hoping to come around 3pm ish ?

I will look forward to hearing from you.

Many thanks

Belinda

On Mon, 17 Jan 2022 at 12:09, Janet May wrote:

Yeah that's ok, no work today thanks for letting me know

Kind regards

Janet

From: **Janet May**

Date: Mon, 17 Jan 2022 at 13:34

Subject: Re: Coffee

To: Belinda Delaney

Just sent you an email of summary see what you think

Appendix E E mail exchange between Applicant and Janet May 17th January 2022

On Mon, 17 Jan 2022 at 13:30, Janet May wrote:

Afternoon Belinda

Following our chat I thought I would summarise what we have discussed and agreed

1. You wish to extend licence on a Friday and Saturday only to 10.30 pm, premises vacated by 11.30pm at the latest

2. Occasional TENS licence which you will let us know about, with the intention to limit these to the weekend where possible

3. Licence will stay as it is for all other nights when we go to bed early and have to work

4. The back door will be closed and staff will not cause noise outside the back door after 9pm on Thursday Friday and Saturday (this will apply also in the event of TENS licence events)

If with the extended licence to 10.30 problems arise, I will endeavour to resolve any issues with you directly

I don't think it would be unfair to state that if problems do occur and I have not been to come to a solution/ problem (s) reoccur on a regular basis then I may have to take it further.....

However, from our conversation - I believe you will ensure it doesn't come to this - but you can understand why I need to be honest on this point?

Please let me know if I have missed anything and confirm this is an accurate summary of what we have discussed.

Can I confirm that if you continue to open late Thursday, the licence will stay as it is now and the extension is just Fri and Sat 10.30?

Look forward to hearing from you.

Kind regards

Janet

On Monday, January 17, 2022, 3:18 pm, Belinda Delaney wrote:

Good Afternoon Janet

Thank you for compiling a summary of what we discussed this morning.

I can confirm that all of the above is indeed as we discussed, and to confirm I am looking to extend the licensing hours on a Friday and Saturday only and not on a Thursday. I did also discuss the possibility of a Tens application on the very rare occasion on a Thursday to host a singles night which is something I would discuss with you prior to making that application.

Kind Regards

Belinda

On Mon, 17 Jan 2022 at 16:09, Janet May wrote:

Belinda,

Thank you.

I will accept your email as agreement of the points made and therefore not make an objection to you requesting extension to your licence until 10.30 pm Friday / Saturday.

Should any issues arise I will make every effort to resolve such issues and hopefully this will result in avoiding any involvement with outside parties unless absolutely necessary in the future.

I feel you are genuinely committed to keeping to our agreement and I hope having spoken honestly and openly you have confidence that I will always be fair and accommodate your business ventures wherever possible —so long it doesn't severely disrupt on any of the weekday evenings as discussed or repeatedly breach what we have agreed - on the later hours when extended. I hope you know by now if there is an issue - it is a genuine one and I don't just moan for the sake of it to be awkward or nasty.

I cannot say 🙏 but I don't think Greg will object either.

So, I hope this gives you a bit of peace of mind and helps you with some plans.

I know it's still not ideal for either of us for various reasons, but we are making the best of it by talking and trying to compromise to make both our lives easier and I think it's our best shot at finding a happy medium. Hope you agree.

Kind regards

Janet

On Monday, January 17, 2022, 7:23 pm, Belinda Delaney wrote:

Hi Janet

Thank you for taking the time to meet with me today and carefully consider my thoughts and points and reply in writing.

It is very much appreciated and hopefully something, we can all be happy with moving forward.

You have my assurance that we will do everything we can to take all steps to make sure all runs as smoothly and peacefully as possible, with little disruption to yourselves and Greg and Jean. I accept that should there be any cause for you to complain, it will not be for the sake of it and we will deal with anything that should arise, and I would like to think that you can take me at my word.

Thank you for putting my mind at rest and giving us to opportunity to prove we can find a happy medium and keep harmonious all round.

Have a lovely evening.

Kind Regards

Belinda

From: **Janet May**

Date: Mon, 17 Jan 2022 at 19:53

Subject: Re: Licence

To: Belinda Delaney

Belinda

It has never been the intention to make things difficult for the sake of it. It is not my way. I put up with so much not addressing issues that were making me so unhappy - it made me unwell as I didn't want to cause trouble - but I had to speak up. Did not enjoy it believe me. I hope having spoken you, you see a bit of the person I am which is not so bad and indeed very fair.

I appreciate the steps you will take to ensure we meet a level compromise and i will meet you in these efforts in order we meet a happy medium.

Kindest regards

Janet

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Appendix E E mail exchange between Applicant and Janet May 20th January 2022

On Thursday, January 20, 2022, 12:30 pm, Janet May wrote:

Belinda,

I confess, I have been having sleepless nights worrying.

What if even with the door closed the noise until 11.30-12 is still unbearable. I know it's the weekend but still.

I really hope you can keep to your word and keep the door closed. I am not going back on anything but I suppose I am just voicing what I am worried about.

Unfortunately we are such close proximity it's a problem which we will struggle to solve. I just worry that the noise is 10-10.30 pm now so we are looking at possibly 12 or later aren't we?

Kind regards

Janet

On Thu, 20 Jan 2022 at 12:45, Janet May wrote:

Belinda

Just to add it is probably something I will have to ask licensing about do you think?

If I do write anything I will make sure I copy you in.

I will just ask a few questions that is all, is that ok with you?

I assume you will keep me informed of plans and confirm your application etc?

Thanks

Janet

On Thursday, January 20, 2022, 1:07 pm, Belinda Delaney wrote:

Good Morning Janet

Please don't have sleepless nights (especially as we are only just filling in the forms.)

Please be assured we will do our utmost to keep to what we have agreed and as we discussed if you have any concerns at all we will deal with it immediately.

We had a staff meeting on Tuesday afternoon and I spoke to them regarding our conversation and have asked everyone to be mindful once again I explained that if we get the extended Friday and Saturday evenings then we have a huge responsibility to ensure everything runs smoothly and you are not disturbed, we talked through all of the points that you and I discussed.

We obviously had the tens extension through December and with the exception of the first Wednesday which we didn't continue after you had emailed me to say you were disturbed, but we had the other later evenings and as far as I know you were not affected by any of them, which is how we wish to continue.

The licence will be until 10.30 which means that's it last orders and customers out by 11 then the staff should be able to do the majority of the clearing up whilst people are finishing up so it would just be cleaning table over sweep mop cash up and so on the staff have been briefed on the closing of the door at 9pm and any bottles can be bagged up and put out the following day. This can all be done relatively quietly and hopefully they should be gone by 11.30 at the latest and quietly. Please feel free to contact Licencing with any questions.

I have asked for the paperwork which I am filling in as we speak and today I have applied for the tens for 28th Jan for a Burns Night meal.

I will Let you know when I am ready to submit the paperwork.

Have a good day and please don't worry you have my word, I want this to work for all of us and we can, I'm sure make that happen.

Kind Regards

Belinda

From: **Janet May**

Date: Thu, 20 Jan 2022 at 13:51

Subject: Re: Re:

To: Belinda Delaney

Thank you

I will just ask what I asked you, I will keep you informed - you know that.

Kind regards

Janet

Appendix E E mail exchange between Applicant and Janet May 24th January 2022

On Monday, January 24, 2022, 8:36 am, Belinda Delaney wrote:

Good Morning Janet

I hope you had a good weekend.

We have applied for the tens for the 28th which is Friday.

This is for burns night which is a 3 course meal and a poem which is all very civilised.

I have arranged for a piper which will be lovely but a little loud he will literally play for 5 mins at around 8pm to pipe the haggis in and around 7 when guests arrive. He is coming today at around 2 pm to do a sound test. We want to see how it sounds if it's not too loud to pipe each guest in on arrival or just do it once everyone is there.

It would be nice to do it as each guest arrives swing as he his the same price to play twice or a couple of times.

Kind Regards

Belinda

On Mon, 24 Jan 2022 at 09:29, Janet May wrote:

Thanks

I will probably hear the sound check- I can hear the music and Sonny talking ha ha.

Janet

On Monday, January 24, 2022, 10:01 am, Belinda Delaney wrote:

Sorry,

I think the whole road can hear Sonny we need to get him a mussel ha ha

I just wanted to let you to know so you didn't jump out of your skin or are on an important a call (have a tea break) 😊

Many thanks

Belinda

On Mon, 24 Jan 2022 at 10:04, Janet May wrote:

I am on a call actually 13.30-14.30,

I will have headphones on and will turn it up

On Monday, January 24, 2022, 10:10 am, Belinda Delaney wrote:

Oh no !

He is coming approx pm so hopefully he will be in and out just a quick blast !

On Mon, 24 Jan 2022 at 15:20, Janet May wrote:

He was over an hour late ha ha!

On Monday, January 24, 2022, 4:29 pm, Belinda Delaney wrote:

You heard him then ? Ha ha

He had his days mixed up he thought it was tomorrow.

I think in view of how loud it is (my ears are still ringing) he can just play once every one has arrived somewhere between 7-730 and then to pipe the haggis in.

Also I have realised why you could hear pump up the jam as only one of the speakers is on and it was obviously up louder so we will sort that out tomorrow and normal service will resume.

Have a lovely evening.

Kind Regards

Belinda

From: **Janet May**

Date: Mon, 24 Jan 2022 at 17:04

Subject: Re: Burns night

To: Belinda Delaney

Belinda,

Not complaining - just highlighting how clear it is when you just want a bit of background music. I can name most of the tunes you had on ha ha.

Bagpipes quite pleasant - no problems for when you want it as planned but you see how the noise carries - I heard it perfectly from the time I quoted -so not being awkward or anything.

After us talking I have to say that I believe you will do everything you can, but I am going to be honest and i am trying to help you here (you may not think or believe it now), I think it is going to be impossible to find a balance and not disturb residents that are around you (not just me). I may end up being the least of your problems. I do think you need to seriously consider this. You can take or leave this.

I just honestly think you will be not able to control it as hard as you try unless you stand guard every Friday and Sat. Then you are divided between keeping your customers happy and not disturbing people. If this has already been a concern for you then this isn't going to help.

All I am suggesting is think a bit more about it and at least consider what I have said. I know I have been the most demanding, rightly so being directly affected and able to prove it, but what about others, may be a step too far for some...?

I know it directly affects us and I have had my say but you may need to consider the bigger picture.

Please do not take this the wrong way. This has consumed my thoughts and made me worry all over again and I am just being honest with you ok.

Kind regards

Janet

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Appendix E E mail exchange between Applicant and Janet May 11th February 2022

On Fri, 11 Feb 2022 at 14:13, Janet May wrote:

Belinda

The music is blaring!

Janet

On Friday, February 11, 2022, 3:40 pm, Belinda Delaney wrote:

Hi Janet

I'm sorry I've only just seen this email.

I will call them now I'm sorry that will be sonny !

Kind regards

Belinda

On Fri, 11 Feb 2022 at 16:08, Janet May wrote:

Yes it was ha ha he likes Adele and Girls wanna have fun!

Jokes aside, it was blaring - I am not just moaning for sake of it. It's ok now

Thanks

On Friday, February 11, 2022, 4:14 pm, Belinda Delaney wrote:

Hopefully it's all quiet now 🙏

Kind Regards

Belinda

On Fri, 11 Feb 2022 at 18:33, Janet May wrote:

Belinda

I measured the decibels today and it was nearly 80 at some points and anything over 65-70 is considered highly intrusive as environmental health is concerned, and that is on a crappy iPhone- so with the proper equipment this is probably more.

Not being horrible I am just stating facts and the truth

Kind regards

Janet

On Fri, 11 Feb 2022 at 18:42, Belinda Delaney wrote:

I will make sure sonny is kept in tow I have told him on so my occasions

Kind Regards

On Friday, February 11, 2022, 6:46 pm, Belinda Delaney wrote:

Just to check was that when he had it right up ?

On Fri, 11 Feb 2022 at 19:12, Janet May wrote:

Yes it was thumping through the floor Belinda honestly

On Friday, February 11, 2022, 7:29 pm, Belinda Delaney wrote:

Ok that's fine

We can keep that monitored I've down loaded the decibel app so all being well that will keep it within.

Kind Regards

Belinda

On Sat, 12 Feb 2022 at 09:54, Janet May wrote:

I don't want to lose my temper with him but you better warn him I will be having a word with him if he carries on he is taking the piss when you are not there. He knows quite well and still does it.

On Saturday, February 12, 2022, 9:57 am, Belinda Delaney wrote:

Hi Janet

Is there a problem again now ?

On Sat, 12 Feb 2022 at 10:12, Janet May wrote:

No, just thinking about yesterday.

The thing is the music was blasting for 2 hours before he was told to turn it down.

I have never never interfered and come to you to handle it but sometimes I have to put up with it for a long time until it is sorted.

Do I have your permission to tell them to tone it down in the event you are not available to handle it?

Janet

On Saturday, February 12, 2022, 10:36 am, Belinda Delaney wrote:

Hi Janet

Yes unfortunately I was driving to Worthing and back yesterday so I didn't see it until I got back.

Yes by all means give them a call at the shop if it happens again, I do hope it won't.

Please also let me know if you have had to call.

Many Thanks

Belinda

From: **Janet May**

Date: Sat, 12 Feb 2022 at 15:44

Subject:

To: Belinda Delaney Pam Mcguinness Castle Rd & Area Residents Association

licensing@portsmouthcc.gov.uk

Belinda

I am sorry to say that given how things have gone since our conversation I will be making an objection as well if you apply for the extension with evidence.

You promised the door would be closed at 9pm and the music is way above what environmental health find acceptable.

I have avoided getting environmental health involved on several several occasions I have been very fair with you, but I will not back down. I have tried and have the evidence to prove it, I have also sought legal advice.

Please reconsider the extension as this is the last straw for many.

I always tell you the truth but you have put us through hell.

Having to deal with this constantly is very tiring. Please put yourself in our shoes you go home to a quiet home. This is not a place for a bar.

I have tried to be fair, but let's face it you cannot do it despite your best efforts unless you are there to constantly keep your staff in tow.

As mentioned, the music exceeded 80 decibels taken from my phone at 1-3pm yesterday. I believe this is way above acceptable even in the day.

It was established that you could not deal with the situation for 2 hours and I have never approached your staff but I have to put up with it until you can ring and tell them.

As always I am being honest.

Kind regards

Janet

This page is intentionally left blank

Appendix E E mail exchange between Applicant and Janet May March 2022

On Monday, March 14, 2022, 3:14 pm, Belinda Delaney wrote:

Hi Janet

I hope you are well.

Sorry I had to rush off to parents evening on Thursday, so I didn't get a chance to catch up.

Just to let you know phil will need to put a shelf up in the kitchen, possibly tomorrow or Wednesday if he's back from work in time but he can do it after 5pm, if you just let me know what time you will be finished on the computer, so he doesn't disturb your work.

Also I said I would let you know when I put the application in to extend Fridays and Saturdays so I have done that now.

Kind Regards

Belinda

On Mon, 14 Mar 2022 at 16:28, Janet May wrote:

Belinda,

I will be finished by 4pm each night.

Thanks for letting me know.

As stated in my last email after more incidents, I will objecting as well as unfortunately Sonny cannot do what he is asked - so you can thank him for my change of heart, as you know despite severe doubts I was going to give benefit of the doubt but I always knew in my heart of hearts that the promises you made are impossible to keep to although I believe you may have tried but you simply cannot be there all the time to enforce it.

Despite promises the door has never been closed at 9pm and the incident a few Fridays ago was the last straw.

I am just being honest and don't want it to come a surprise and I wanted to tell you the reasons why.

I hope you can understand I am not being awkward or unfair - I have allowed so many chances and let things go. I have avoided involvement of recording from EH on many occasions so far but may be forced into this option if this is the only solution. What will be will be I suppose.

Thanks for letting me know anyway

Kind regards

Janet

On Monday, March 14, 2022, 4:34 pm, Belinda Delaney wrote:

Hi Janet

Thank you for confirming the time you will be finished. That's great.

I know you will challenge the application as per your last email.

I understand that you have your reasons and I will not ask you to change your mind. I know that's made up, but hopefully if we do get the extension we can prove that it's really nothing to worry about.

Have a lovely evening.

Kind Regards

Belinda

From: **Janet May**

Date: Mon, 14 Mar 2022 at 18:36

Subject: Re: Shelf and license

To: Belinda Delaney

Belinda

Just wanted to be honest with you - I always have been.

Kind regards

Janet

Appendix E Exchange of E mails between Applicant and Janet May

On Thu, 18 Nov 2021 at 09:06, Janet May wrote:

Belinda,

Hope you don't mind me asking but there was a lot of noise until late last night. Talking outside back door and music etc. I thought you would only be open late like that Thurs, Friday, Sat?

Really difficult for us as we were in bed with work the next day.

As you know it was always my concern being kept awake during the week when we have work.

Please do not think I am being difficult.

The noise has really improved overall - I think you may have a new guy who was there last night that may not be aware?

Many thanks

Janet

On Thursday, November 18, 2021, 11:32 am, Belinda Delaney wrote:

Hi Janet

I hope you are well.

Apologies if you were disturbed last night.

We have a TENS extension from now until Christmas which includes a Wednesday evening. This will enable us to take christmas bookings. The 9pm cut off on the License has been incredibly difficult to work with. As you can imagine most people will book to go for dinner at 7.00-7.30pm to allow them time to get home from work and time to get ready etc. As a result with our last food orders being at 8pm (to give people time to eat) we have had very few bookings. Basically we are having to ask people to finish up as soon as they start effectively, and take any pleasure out of the whole dining experience. In the summer its quite different as a lot of people will go for a walk and an early drink or meal, but in the Autumn and winter that has really changed.

This is having a detrimental effect on business, and we need to make the most of the opportunity that Christmas brings, to make up for some of the lost revenue, which includes offering a Wednesday sitting.

We had invited a few people to try out the new festive menu last night and did not envisage it being late or noisy, but we just had a couple of people in for drinks in addition. It is not really the intention to be open on Wednesday evening but if we get an inquiry we can accommodate a booking. I know everyone was pretty much out including the chef by 9.30 and Dan just cashed up and left by 10pm.

I will remind them all about the noise and music. Dan did turn off the speaker nearest to the kitchen as he said he had seen you look out of the window, so he realised when he had seen you, and after that, and made adjustments.

I'm glad the noise is continuing to be better overall and of course please do let me know anytime there is a change in that.

Kind Regards

Belinda

On Thu, 18 Nov 2021 at 12:25, Janet wrote:

So may I ask what the extension to the licence has been made please?

I thought you may have made me aware.

It is disruptive when we are trying to sleep that late at night.

Can you at least keep the door shut and stop people shouting outside?

Janet

On Thursday, November 18, 2021, 2:16 pm, Belinda Delaney wrote:

Hi Janet

Sure no problem.

The additional Wednesdays are 17th 24th Nov 1st 8th and 15th December. I am sorry I didn't let you know prior I have been snowed under, as you know I do always try to keep you informed of any possible upcoming disruption.

I have spoken to Dan and Luke the chef and they apologise for and noise they may have made last night by going out the back during service, I don't think they were shouting. They were all done in the kitchen by [9.30 pm](#). They know not to go out the back after 8pm on the weds.

Kind Regards

Belinda

On Thu, 18 Nov 2021 at 14:24, Janet May wrote:

Belinda

Thank you.

I think keeping door closed as much as possible so the voices and music are reduced and not talking under window outside would make a big big difference if that is ok.

Even when someone is just talking to someone inside from the outside door it is crystal clear word for word like I sent in the recording to you. It is that loud that it seems like shouting

It is a real issue / concern in the week when we have work as I am sure you appreciate.

Kind regards

Janet

On Thursday, November 18, 2021, 2:29 pm, Belinda Delaney wrote:

Hi Janet

That's understandable and we will take all measures to make sure we do our very best not to disturb you as much as possible.

Please don't hesitate to let me know should that not be the case.

We will make sure the speaker nearest the kitchen is not on on the weds evening too.

Kind Regards

Belinda

On Thu, 18 Nov 2021 at 16:24, Janet May wrote:

Thanks Belinda

I think the measures I have mentioned should help a lot :)

Kind regards

Janet

On Wednesday, December 8, 2021, 6:19 pm, Belinda Delaney wrote:

Hi Janet

I hope you are well.

I just wanted to let you know that we will be in early Tomorrow and Friday morning around 5.30am, as we have an early take away breakfast order. I know you get up very early during the week so hopefully it won't disturb you. We will of course try and be as quiet as possible.

Have a lovely evening.

Kind Regards

Belinda

On Thursday, December 16, 2021, 1:45 pm, Belinda Delaney wrote:

Hi Janet

I hope you are well and looking forward to Christmas. I can't believe it's only just around the corner !!!

We have been talking about doing a New Year Eve (buffet and drinks) for several people on the road inc friends and family. We have had a lot of people asking what we are doing and I have not committed to anything as yet. As you know we were granted the late licence for the new year so that is not an issue. BUT I really don't want to upset anyone i.e. yourself and Anthony and Greg and

Jean the last thing we want is to cause any upset between us. There is of course every possibility that you will have plans and celebrate anyway but i just wanted to run it by you to see what your thoughts are.

I look forward to hearing from you.

Kind Regards

Belinda

On Wed, 8 Dec 2021 at 19:11, Janet May wrote:

Thank you 😊

On Thu, 16 Dec 2021 at 14:59, Janet May wrote:

Belinda,

New Year is not an issue at all as far as we are concerned (myself and Anthony)

We don't have work the next day and we certainly won't be going to bed early...so fill your boots ha ha. We are not complete miseries ha ha.

Can't really speak for Greg and his Mum - but I will mention it to him.

No problem as far as we we are concerned anyway.

I appreciate you asking. I had expected you would be doing something and although we arn't doing anything interesting - we will be trying to get rid of this year in some fashion or another with a few



Kind regards

Janet

On Thursday, December 16, 2021, 4:02 pm, Belinda Delaney wrote:

Hi Janet

Thank you for your email that's great.

I would appreciate you letting Greg know if that ok, the last thing we want is any ill feeling and we just want everyone including yourselves and us to have a lovely evening and be happy with what's going on.

Kind Regards

Belinda

On Thursday, December 16, 2021, 4:26 pm, Janet May wrote:

Belinda

My main issue has always and will always be when we are at work / working next day and go to bed early

Since this is not the case on both counts I do not have any issue at all.

I will let Greg know. I would hope it being New Years Eve allowances have to be made.

No problem from us anyway

Kind regards

Janet

On Fri, 17 Dec 2021 at 10:37, Janet May wrote:

Belinda,

I have spoken to Greg and he has view that it's New Year and allowances must be made - so enjoy yourselves (I take it it won't be until 4am or something?) - we will be lucky if we are not locked down by then!

I am still working until next Tuesday so appreciate ongoing care at the back during the day, but ok after 22nd until 4 Jan.

Kind regards

Janet

On Friday, December 17, 2021, 11:03 am, Belinda Delaney wrote:

Hi Janet

Thank you for your email, much appreciated we will hope to be out by 1am. I have no intention of being up that late. I can't do it anymore with or without a drink.

Yes, who knows what is in store.

We are hoping to do our usual christmas dinner for the regulars on Tuesday and then we will close about 5pm latest on Christmas eve and then we will be back in on 29th/30th all being well.

Stay safe

Kind Regards

Belinda

From: **Janet May**

Date: Fri, 17 Dec 2021 at 11:33

Subject: Re: Re:

To: Belinda Delaney

Belinda

I think we might get through Christmas just about without new restrictions.

We don't want repeat of last year surely.

We better make the most of it!

Kind regards

Janet

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Appendix E Letter to resident

5/4/2022

Dear David and Amanda

I hope you are well.

I wanted to take the time to contact you with regards to our application at Delaneys, for an extension to our licencing hours on Fridays and Saturday evenings from 9pm until 10.30pm.

The purpose to extend our licensed hours is, that we struggle to gain evening bookings for the restaurant, and indeed the licencing hours of 9pm is working as a deterrent to diners, leaving us empty and more attractive to people out for drinks. I know there is a concern from one or two people that we want to operate solely as bar which is not the case. I am sure you can appreciate, that if you are going for dinner, and you are out for an evening, you want to enjoy the whole experience. The 9pm licence is just not working. (Hypothetical scenario) You and your party work, you get home shower and change and are ready for the evening, you book a table for dinner for 7.30pm, two of your party are slightly late waiting for the babysitter, or the taxi was late they arrive at 7.45pm. You then have 1 ¼ hours for your meal. If you want to eat that quickly you would go to a drive through.

Take a look at Ning's and Giuseepe's both restaurants on Castle Road, and most evenings the tables are full and there is very little room for drinkers there is no reason we should be any different.

Monty's is a completely different entity to Delaneys but I am afraid a few people have taken it upon themselves to decide that we are going to be another Monty's, asking such questions as, you are not going to be another Monty's are you? I don't suppose these questions were asked when the owners of Ning's moved in. Some of the clientele that Monty's attracts (mainly on a Saturday) is not the clientele we want to encourage at Delaneys.

The road closure has been as much a struggle for me as a business and has been financially detrimental to the business along with the ongoing stalemate situation of the road close and timescales for completion.

I know you have submitted an objection to our extension and having spoken to a couple that live in the street with concerns, it has become apparent that there may be a misunderstanding, thinking this extension will apply to the outside seating, but that is not the case, the outside seating hours will remain as they are.

This has not in any way been sent to encourage a retraction of your objection but to encourage better communications between you and ourselves. I would much prefer that you come and talk to me about any concerns.

Kind Regards

Belinda

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