
NOTICE OF MEETING

LICENSING SUB-COMMITTEE

MONDAY, 22 AUGUST 2022 AT 3.00 PM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Karen Martin
Email: Democratic@Portsmouthcc.gov.uk

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

Committee Members: Councillors Scott Payter-Harris (Chair), George Madgwick (Vice Chair), Yinka Adeniran, Dave Ashmore, Kimberly Barrett, Stuart Brown, Tom Coles, Jason Fazackarley, Lewis Gosling, Ian Holder, Leo Madden, Asghar Shah, Benedict Swann, Linda Symes and Daniel Wemyss.

The panel today consists of : Councillors Scott Payter-Harris, Dave Ashmore and Daniel Wemyss
The reserve member has not yet been appointed.

(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.

AGENDA

- 1 Risk Assessment: Council Chamber**
- 2 Appointment of Chair**
- 3 Apologies**
- 4 Declarations of Members' Interests**

5 Licensing Act 2003 - Application for variation of a premises licence - Deco, 128 Elm Grove, Southsea (Pages 3 - 64)

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 matter has been referred to the committee for determination following receipt of relevant representations from other persons namely residents in close proximity to the venue. Ten objection representations have been received and four in support of the application.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Agenda Item 5

REPORT TO: LICENSING SUB-COMMITTEE

22nd AUGUST 2022

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

**Licensing Act 2003 - Application for variation of a premises licence - Deco,
128 Elm Grove, Southsea, Hants**

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 namely residents in close proximity to the venue. Ten objection representations have been received and four in support of the application. 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 Mr Matthew David Alexander Becker and relates to premises known as Deco and situated at 128 Elm Grove, Southsea, Hants.

The proposed licensable activities and changes to the current authorisation are as follows:

An extension to the sale of alcohol currently Monday to Sunday 09:00 until 00:00 to Sunday to Thursday 09:00 until 01:00 and Friday and Saturday 09:00 until 03:00

An extension to late night refreshment provision currently Monday to Sunday 23:00 until 01:00 to extend this until 03:00 on a Friday and Saturday.

An extension to opening hours currently Monday to Sunday 08:00 until 01:00 to Sunday to Thursday 08:00 until 01:30 and Friday and Saturday 08:00 until 03:30.

Additionally, the seasonal variation will extend until 03:30 on Bank Holiday Sundays.

Four existing conditions are to be removed and a change to the SIA licensed door staff on Fridays and Saturdays to cover the extended hours plus the introduction of an ID scanner from 21:00 on Fridays and Saturdays.

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**.

This variation process *cannot be used* to extend a time limited licence or to vary substantially the premises to which it relates. Equally, there are separate and distinct provisions in the Act for minor variations, a change to the name or address of the licence holder and to specify and/or remove the Designated Premises Supervisor.

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

¹ Revised Statutory Guidance issued by the Home Office

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."

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

The pub has traded as Deco since October 2005 under its present owner. The pub originally traded as the Elms and was constructed in 1936, replacing an earlier tavern of the same name that had existed since at least the mid 19th century.

In July 2006 a Licensing Sub-Committee approved a variation to the Premises Licence to extend its hours of operation to the current permitted hours.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

There have been no representations from any of the responsible authorities.

Relevant representations have been received from Councillor Smyth local ward councillor, concerning the potential for noise and a suggested 01:00 closure time. Some local residents have described the late hour applied for as likely to cause a general noise nuisance in the area and make reference to general noise, nuisance and anti-social behaviour emanating in general within that area of Southsea, with a few representations specifically mentioning smokers outside Deco and the noise from motorcycles starting up and leaving at closing time. There are four support representations, two from residents in very close proximity to the premises.

Copies of the redacted representations received are attached as **appendix C**.

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 and to consider any public sector equality duty requiring public bodies to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are as follows:

² Revised statutory guidance issued by the Home Office

- 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 - 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:

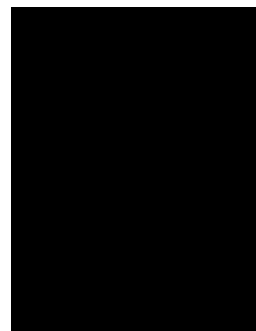
- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the variation of the premises licence together with a schedule of proposed changes to the licence conditions if necessary
- B.** Copy of the current premises licence
- C.** Copies of the redacted relevant representations received

THE COMMITTEE IS REQUESTED TO DETERMINE THE VARIATION APPLICATION



For Licensing Manager
And on behalf of Head of Service

APPENDIX A



* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

JOSW

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Matthew David Alexander

* Family name

Becker

* E-mail

[REDACTED]

Main telephone number

Include country code.

Other telephone number

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text" value="Hampshire"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Jon"/>
* Family name	<input type="text" value="Wallsgrove"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is your business registered outside the UK?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Note: completing the Applicant Business section is optional in this form.

Business name	<input type="text" value="John Gaunt & Partners"/>
VAT number	<input type="text" value="-"/>
Legal status	<input type="text" value="Partnership"/>
Your position in the business	<input type="text" value="Partner"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	Unit 37 Haslar Marine Tech Park
Street	Haslar Road
District	
City or town	Gosport
County or administrative area	Hampshire
Postcode	PO12 2AG
Country	United Kingdom

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APPLICATION DETAILS

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.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name	Deco
Street	128 Elm Grove
District	Southsea
City or town	Portsmouth
County or administrative area	Hampshire
Postcode	PO5 1LR
Country	United Kingdom

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

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VARIATION

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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.

To extend the hours for licensable activities as set out in the operating schedule and to remove conditions and add others to ensure the conditions are clear and enforceable.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

Hot food and drinks for consumption on the premises only

Continued from previous page...

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Bank Holiday Sunday until 0300

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Bank Holiday Sunday until 0300

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years as per existing condition

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Bank Holiday Sundays until 03:30

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

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

Annex 2 conditions: 1, 6, 11, 13

- I have enclosed the premises licence
 I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

There shall be a minimum of 2 SIA licensed door supervisors on Friday and Saturday between 2100 and close.

On Fridays and Saturdays from 2100 hours the premises will use a device to scan and store customers ID. Any customer refusing to have their ID scanned will be refused entry. The data from this scan will be stored for a period of 21 days and made available to the police upon lawful request, compliant with the Data Protection Act.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/portsmouth/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

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PREMISES LICENCE
Licensing Act 2003

Part 1 – Premises Details

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

Address: Deco 128 Elm Grove Southsea PO5 1LR	Map Ref (E) : 464652 Map Ref (N): 99254 UPRN: 001775024726
Telephone 9282 2000	

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
- ▶ Late night refreshment
- ▶ Exhibition of a film
- ▶ Performance of live music
- ▶ Playing of recorded music

The times the licence authorises the carrying out of licensable activities

- ▶ Sale by retail of alcohol
Monday to Sunday 09:00 until 00:00
- ▶ Exhibition of a film
Monday to Sunday 08:00 until 01:00
- ▶ Performance of live music
Monday to Sunday 12:00 until 23:00
- ▶ Playing of recorded music
Monday to Sunday 00:00 until 23:59
- ▶ Late night refreshment
Monday to Sunday 23:00 until 01:00

The opening hours of the premises

- ▶ Monday to Sunday 08:00 until 01:00

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: Mr Matthew David Alexander Becker

Address: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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 Matthew David Alexander Becker

Address: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Telephone: [REDACTED]

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: 185

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: 17 October 2005

Date last amended: 22 June 2011

Type: Transfer



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

Portsmouth City Council is committed to complying with the Freedom of Information Act 2000 (FOIA) which applies to all recorded information that it holds or is held on its behalf. Information that is provided to or held by the City Council will be processed and disclosed strictly in accordance with the FOIA, the Data Protection Act 1998 or other appropriate legislation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information go to www.portsmouth.gov.uk and search for 'National Fraud Initiative'.

PORTSMOUTH CITY COUNCIL, Licensing Service,
Civic Offices, Guildhall Square, Portsmouth PO1 2AL

Telephone (023 9283 4607/023 9268 8367) Fax 023 9283 4811 Email Licensing@portsmouthcc.gov.uk

Annex 1 – Mandatory Conditions

01 In accordance with section 20 of the Licensing Act 2003, no child shall be admitted to any film exhibition unless that exhibition has been granted a certificate by the British Board of Film Classification or the licensing authority itself.

02 Where a programme includes a film in the 12A, 15 or 18 category, no person appearing to be under the age of 12 (and unaccompanied by a person over the age of 18 years in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

03 Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board indicating the category of the film. For a film passed by the Licensing Authority, notices shall be displayed both inside and outside the premises so that persons entering can readily read them and be aware of the category attached to any film or trailer.

04 If the Licensing Authority does not agree with the category in which any film passed by the British Board of Film Classification is placed, they shall be at liberty to alter such category, and, on notice of such alteration being given by the Licensing Authority to the licence holder, the film thereafter shall be treated as having been placed in the altered category and the conditions applicable to the exhibition of films in such altered category shall be complied with.

If the Licensing Authority requests the licence holder to exhibit to them any film, he shall do so at such reasonable time as the licensing authority may, in writing, direct.

05 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.

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

07 (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 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).

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

09 (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.

10 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.

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

(2) For the purpose of 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) "value 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 --



Portsmouth
CITY COUNCIL
Licensing

Annex 2 – Conditions consistent with the operating schedule

01 From one hour before proposed closing time there will be no supply of alcohol and any further admissions or readmissions. This applies even when due to a dynamic management on the night, a premise prepares to close earlier than the licence conditions allow. In addition, 30 minutes before closing time there will be no consumption of alcohol, wind down music and increased lighting will be utilised and the supply of non alcoholic drinks should continue until closing time.

If the premises are to be closed by 23:59 hours, there will be an interval of 30 minutes between the finish time for the 'Supply of Alcohol' and the finish time for the 'Hours the Premises are open to the Public'.

02 The licence holder shall comply with the following requirements concerning the use of CCTV at the premises.

Operation and storage.

The CCTV system must be fully operational whilst the venue is open to the public.

The recording equipment should be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. A record should be kept of any access made to information held on the system.

The system should be regularly maintained and serviced.

The system clock should be checked regularly for accuracy taking account of GMT and BST. Tapes should be changed daily and kept for 31 days before being re used. Tapes should be replaced after 12 usages i.e. annually.

Digital systems should 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 should 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).

03 The licence holder shall ensure that regular inspections by staff and management of internal and external areas of the premises are undertaken in order to limit any noise pollution when entertainment is being offered within the premises.

04 The licence holder shall ensure that doors and windows are kept closed at any time that noise pollution is likely to emanate from the premises. I.e when there is any entertainment above normal background music levels.

05 The licence holder shall ensure that people arriving and leaving the venue will be appropriately managed.

06 The licence holder shall ensure that regular risk management and risk assessments are in place to the standards are required by the relevant legislation.

07 Children under 18 years of age will only be permitted entry to the premises under adult supervision.

08 No person under the age of 18 shall be permitted on the premises after 21:00 hours.

09 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Such identification may include photo-driving licence, passport, PASS (Proof of Age Standards Scheme).

10 The permitted hours restrictions do not prohibit:

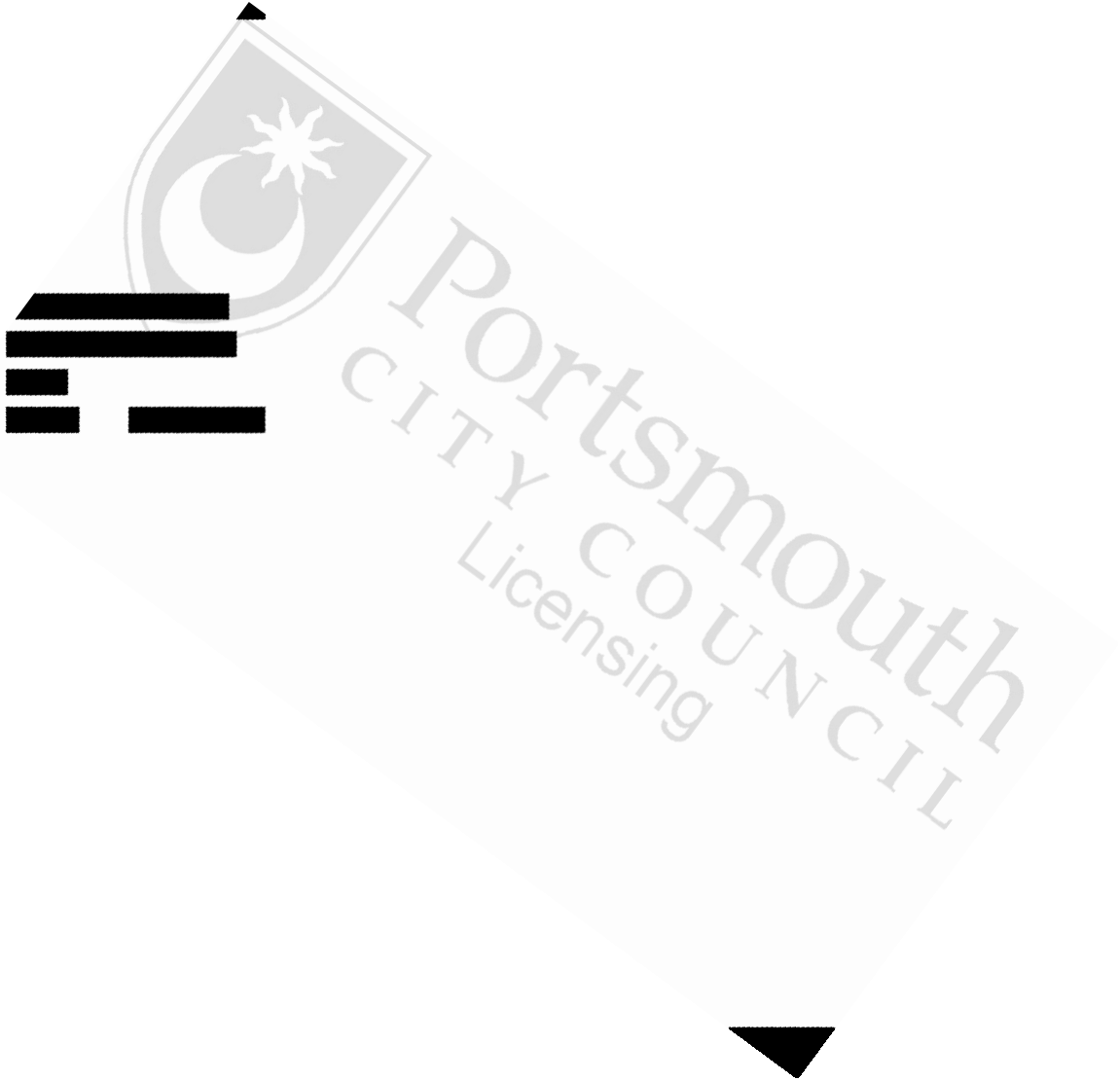
- a) during the last twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or
- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

11 In accordance with paragraphs 6(8) and 18 (5) of Schedule 8 of the Licensing Act 2003, the licence holder shall have regard to the statutory provisions contained within the Children and Young Persons Act 1933 (as amended).

12 In respect of New Year's Eve, the permitted hours shall continue from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

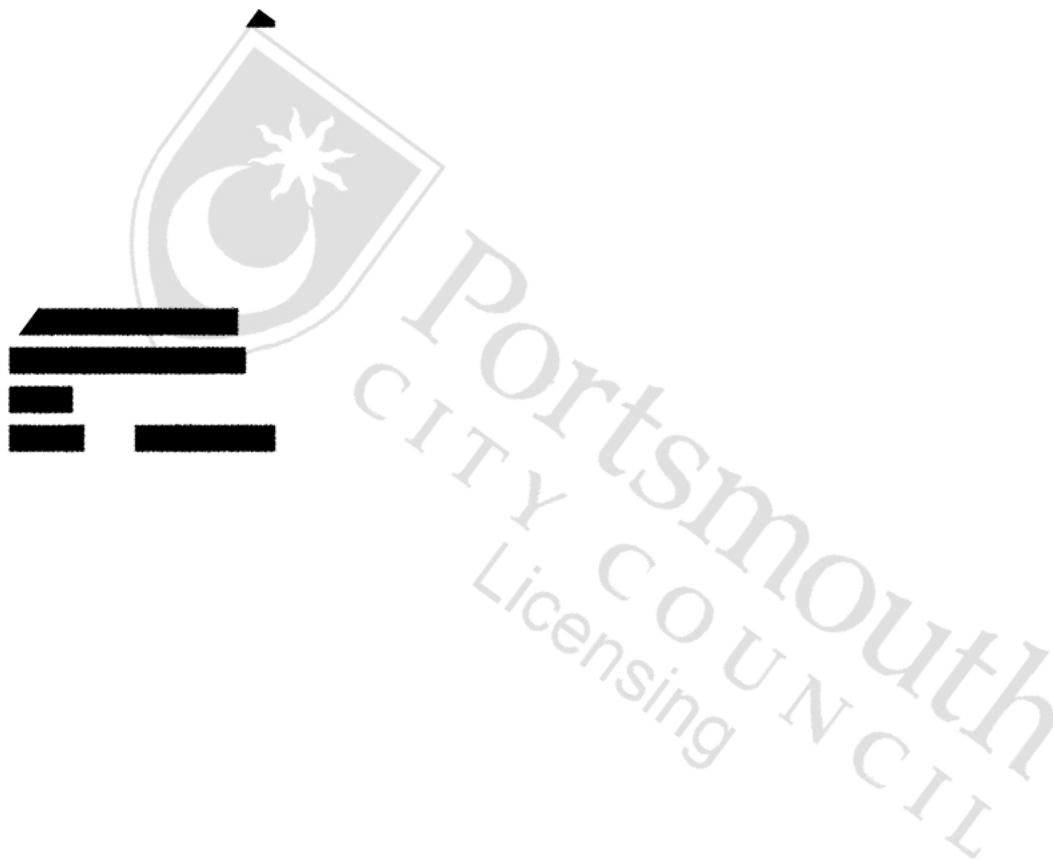
13 The off sales department (as previously indicated on the plan deposited with the licensing justices in accordance with the Licensing Act 1964) shall not be used for consumption on the premises.

-- END --



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

-- END --



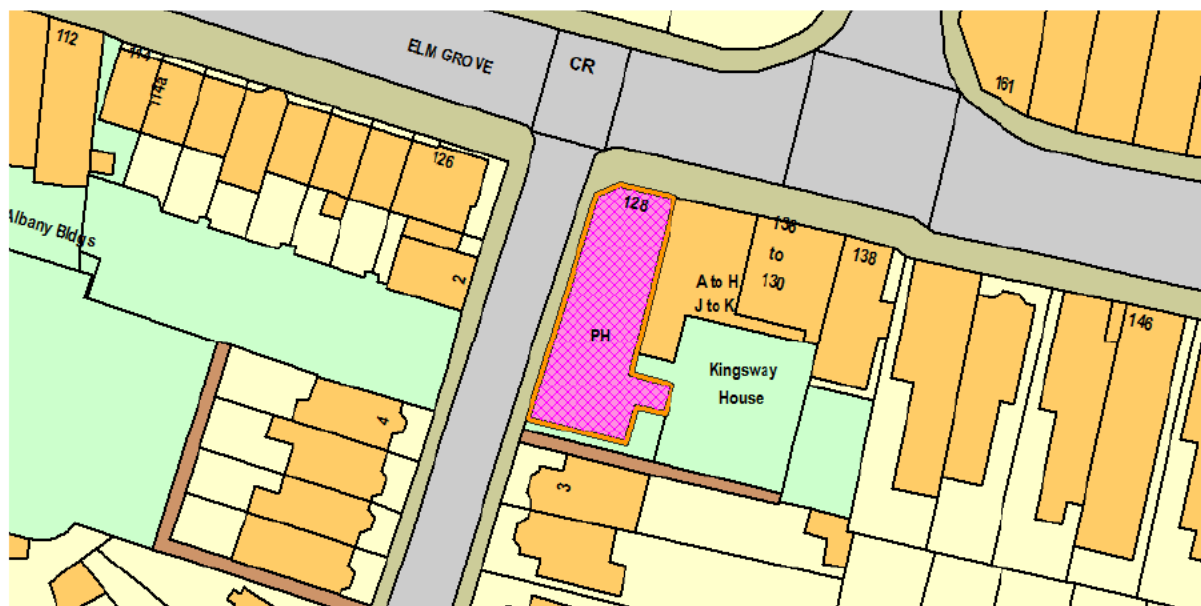
Annex 4 – Premises and location plan

Premises Plan(s)

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



Location Plan: 128 Elm Grove Southsea



REPRODUCED FROM THE ORDINANCE 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

Portsmouth
C O U N C I L
Licensing



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 29/07/2022 9:07 AM from Ms jacqueline ford.

Application Summary

Address: 128 Elm Grove Southsea Hants PO5 1LR

Proposal: Premises Licence

Case Officer: Ms Debra Robson

[Click for further information](#)

Customer Details

Name: Ms jacqueline ford

Email:

Address: 3 Albany Road, Southsea PO5 2AB

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments:

29/07/2022 9:07 AM I wish to object to the extension of this licence.

1. The Deco has made no attempt to inform the residents that will be affected by this change other than putting a small notice in their window.
 2. The patrons of the pub congregate outside of the pub and the noise becomes unacceptable in a residential area and this would then go on to the early hours of the morning.
 3. When the establishment closes they do nothing to ensure that people leave the area meaning the noise often continues after closing time.
 4. There is often bottles and other rubbish left by patrons in the residential area.
 5. On a regular basis motorcycles are positioned outside of the pub and then the noise is totally unacceptable as when they leave they sit on their bikes revving them for a period of time and causing a disturbance and this will now happening into the early hours of the morning.
- There are already problems with noise in this area associated with Kingsway House and the old Library and this will just make the situation worse for the residents that live and pay council tax in this area.
-

Kind regards

APPENDIX C

Subject: Comments for Licensing Application 22/02389/LAPREM

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 01/08/2022 10:27 AM from Mr Greg Duncan.

Application Summary

Address: 128 Elm Grove Southsea Hants PO5 1LR

Proposal: Premises Licence

Case Officer: Ms Debra Robson

[Click for further information](#)

Customer Details

Name: Mr Greg Duncan

Email: [REDACTED]

Address: 4 Albany Road, Southsea PO5 2AB

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for
comment:

Comments: 01/08/2022 10:27 AM We object to this application. The premise is located in a residential and conservation area. The application is excessive and will have a considerable impact on my family and the lives of local residents. The premises has no garden, smokers occupy the streets outside the premises, this can be over 30 people, and will result in noise emanating from the premises beyond 4am. Customer's journey through Stafford Road, Hereford Road, Cavendish Road and the Thicket to access the Deco via Albany Road. Proposed changes will increase footfall and urination on these roads. Antisocial behavior is on the increase in the area due to Portsmouth City Council locating the rough sleeping hub at Kingsway House. Local residents did not object to the hub, it's unfair that local residents will be inflicted with further antisocial behavior if this application is granted. The Deco is notoriously popular with motorcyclists, these bikes make horrendously loud noises. Residents will have to endure this disturbance even further into night. Security services are not provided Sunday to Thursday. This will bring considerable risk to residents. The Deco has provided no evidence or credible reason why opening hours should be extended. Local residents have not been correctly informed of this application. The Deco placed a small A4 sized paper notice of the application in the window of the Albany Roadside. The Licensing Act 2003 states that applications must display a sign at or outside the premises and an advertisement in a locally circulating newspaper. An A4 sized paper notice on the inside window of the pub is not a sign, and we have no evidence that the Deco have placed an advertisement in the Portsmouth News. At the very least the expiry date for consultation should be extended, so that more residents can review the application and be given the opportunity to object.

Kind regards

APPENDIX C

Subject: Comments for Licensing Application 22/02389/LAPREM

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 01/08/2022 9:56 PM from Mr Lawrence Martin.

Application Summary

Address: 128 Elm Grove Southsea Hants PO5 1LR

Proposal: Premises Licence

Case Officer: Ms Debra Robson

[Click for further information](#)

Customer Details

Name: Mr Lawrence Martin

Email: [REDACTED]

Address: 5B Albany Road, Southsea PO5 2AB

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 01/08/2022 9:56 PM I strongly object to the proposed extension of both the licence hours and opening hours for the following reasons:

- The proposed extension of hours will have an adverse effect on the nearby residents, adding additional noise and disturbance to the surrounding area. The noise inside the premises can be heard from the nearby properties, and the proposed extension will also increase the congregation and disturbance outside the pub.
- In the application there is no mention of measures to prevent public nuisance, an issue currently with noise often occurring long after closing time.
- The proposed extension of license hours will add an additional 10 hours license time in total Sunday-Thursday and 8 hours on Friday and Saturday. I believe these hours are unreasonable.
- There are already issues with noise and disturbance occurring late in the evening during the current license hours, a problem that will only be exacerbated by the proposed extension.
- The proposed change will have a detrimental effect on the character of the neighbourhood, and a damaging effect on the Conservation Area 02 - Owen's Southsea, of which the Deco is part of.
- Neither the Applicant nor the Agent has made any effort to consult or inform the residents that will be adversely affected by this proposed change.

Kind regards

APPENDIX C

From: [Robson, Debra](#)
To: [Smyth, Judith \(Cllr\)](#)
Cc: [Mason, Hugh \(Cllr\)](#); [Heaney, Graham \(Cllr\)](#)
Subject: RE: Deco extension of licence
Date: 15 July 2022 08:44:14

Dear Councillor Smyth

Thank you for your email. Apologies I forgot to copy you and Councillor Heaney into the reply to Councillor Mason below.

Do you still wish to make a representation? If the application is referred to a Hearing then the report will contain the information below. The licence holder is applying due to other premises in the vicinity having similar hours.

Regards

Debbie Robson
Licensing

From: Robson, Debra
Sent: 12 July 2022 15:05
To: Mason, Hugh (Cllr) [REDACTED]
Subject: RE: Application to vary Premises Licence - Deco, 128 Elm Grove - 22/02389/LAPREM

Dear Councillor Mason

The Fat Fox, 13 Victoria Road South, has 03:00 Friday and Saturday for sale of alcohol, close at 3.30 am.

One Eyed Dog, 177-185 Elm Grove, the same as the Fat Fox.

Huis, 62 Elm Grove, Friday and Saturday again until 03:00 and closing at 03:00 am.

I think the licence holder of Deco decided to ask if he could extend the hours due to the premises around him closing at those times.

Hope this helps

Regards

Debbie Robson
Licensing

From: Smyth, Judith (Cllr) [REDACTED]
Sent: 13 July 2022 18:04
To: Robson, Debra [REDACTED]; Mason, Hugh (Cllr)
[REDACTED] cllr.graham.heaney [REDACTED]
Subject: Deco extension of licence

I am very much against the extension of the licences until after 12.00 or at the very latest 1.00 in exceptional circumstances.

Not only is it a real nuisance for people living very near to the venues but it is also difficult for people living on neighbouring roads and the main walking routes back from these places.

I object to the extension of the premises licence for Deco at 128 Elm Grove for that reason.

With best wishes

Judith

Councillor Judith Smyth
St Jude ward, Southsea

[REDACTED]
[REDACTED]

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 31/07/2022 10:19 PM from Dr LAURENCE DUNN.

Application Summary

Address:	128 Elm Grove Southsea Hants PO5 1LR
Proposal:	Premises Licence
Case Officer:	Ms Debra Robson

[Click for further information](#)

Customer Details

Name:	Dr LAURENCE DUNN
Email:	[REDACTED]
Address:	14 Albany Road, Southsea PO5 2AB

Comments Details

Commenter Type:	Neighbour
Stance:	Customer objects to the Licensing Application
Reasons for comment:	

Comments:

31/07/2022 10:19 PM Dear Sir/Madam,

I strongly object to the extension in licensing hours for the Deco, as defined in this variation of licensing application. The reasons for my objection are as follows:

I feel that if this variation of licensing application is granted it will result in the following, all of which will adversely affect my quality of life:

More noise along Albany Road, even later at night than is currently the case;

More anti-social behaviour;

More disturbed sleep for me and my family;

More cases of people urinating down Albany Road;

General increase in public nuisance down Albany Road, which is a quiet residential street;

Greater feeling of living in an unsafe environment.

I'm probably not alone in my objections.

Kind regards

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 05/08/2022 10:29 AM from Dr Trevor Keeble.

Application Summary

Address: 128 Elm Grove Southsea Hants PO5 1LR

Proposal: Premises Licence

Case Officer: Ms Debra Robson

[Click for further information](#)

Customer Details

Name: Dr Trevor Keeble

Email: [REDACTED]

Address: 12 Albany Road, Southsea PO5 2AB

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 05/08/2022 10:29 AM I object to the proposed extension of licencing and opening hours of the Deco public house for the following reasons:

- 1) The Deco sits at the corner of Elm Grove and Albany Road. Albany road is a mixed residential area that includes young families and elderly pensioners. Residents already experience night time disruption and noise from the Deco and other neighbouring pubs and bars. Extension of the Deco's licencing / opening hours further into the early morning will exacerbate and prolong this.
 - 2) The Deco does not have any garden or outside space which means its customers use its pavement for smoking which naturally creates undue noise throughout its opening hours.
 - 3) There are already a number of pubs with extended opening hours within the immediate vicinity of the Deco therefore there is no commercial need for extension of the Deco's hours.
 - 4) This request is excessive and unwarranted. The licencing / opening hours of the Deco are already sufficient to support a thriving business.
-

Kind regards

Enforcement

Licensing Section

Portsmouth City Council

Civic Offices

Grudhall Square

Portsmouth PO1 2AL



Mohammed Ahmed

126 Elm Grove, Southsea,
Portsmouth, PO5 1LP

Friday 29th July 2022

About: The Deco Pub, 128 Elm Grove. Alcohol License Application - Opening Hours Extension (Sunday - Thursday 1am and Friday - Saturday 3am) Any Bank Holiday 3am).

We are opposing this for the reasons

- 1) Deco has unilaterally extended its opening hours beyond the terms of its license
- 2) The pub does nothing to ensure that patrons disperse when it does eventually close.
- 3) People congregating outside The Deco are frequently using the back of 118-126 Elm Grove as a urinal
- 4) The motor ~~bikes~~ bikers park not only outside the pub but outside residential properties. These are very noisy when revving up late at night.
- 5) This pub is therefore currently creating a public nuisance.

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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 05/08/2022 12:26 PM from Mr Grant Reeves.

Application Summary

Address: 128 Elm Grove Southsea Hants PO5 1LR

Proposal: Premises Licence

Case Officer: Ms Debra Robson

[Click for further information](#)

Customer Details

Name: Mr Grant Reeves

Email: [REDACTED]

Address: 6 Albany Road, Southsea PO5 2AB

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 05/08/2022 12:26 PM I would like to object to the license extension application.

The extension requested is excessive and will move the inevitable noise associated with leaving the premises to unreasonable times both during the week and at weekends. This will affect the sleeping patterns of local residents.

The noise made by the sometimes large and constant groups of smokers congregating at the entrance will also last longer into the night also affecting the sleep & comfort of local residents.

The provision for later drinking is already adequately provided for in other establishments close by.

Kind regards

APPENDIX C

From: rick carter

Sent: 05 August 2022 21:08

To: Planning Reps Shared Email < >

Subject: 128 Elm Grove. Licensing application variation Ref: 22/02389/LAPREM

Dear Sirs,

I am unable to submit our on-line **objection** to the License variation application by The Deco. I am unsure why the login fails to work in this instance.

In the circumstances could you please accept this email as an alternative form of submission.

The reasons for objection relate to the negative impact upon the residential neighbourhood including excessive late night noise, public nuisance and unruly behaviour by the clientele late at night.

The current situation is bad enough but to consider extending the licensing hours further makes it intolerable for the local residents which includes ourselves at Stafford Road.

Please do not grant this application as the effect on the local neighbourhood and character of the Conservation Area will be detrimental leading to further decline in the quality of this residential area.

Thank you

R Carter & Ms C Stewart

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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 05/08/2022 10:20 AM from Miss suzie clarke.

Application Summary

Address: 128 Elm Grove Southsea Hants PO5 1LR

Proposal: Premises Licence

Case Officer: Ms Debra Robson

[Click for further information](#)

Customer Details

Name: Miss suzie clarke

Email: [REDACTED]

Address: 5C Albany Road, Southsea PO5 2AB

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for
comment:

Comments: 05/08/2022 10:20 AM Whilst I appreciate it's a popular place for many to socialise it can get very loud with drunks and fights outside the later it gets. 1am feels bearable and respectable but not 3am so close to our homes

Kind regards

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 03/08/2022 5:52 PM from Mr pat beaumont.

Application Summary

Address: 128 Elm Grove Southsea Hants PO5 1LR

Proposal: Premises Licence

Case Officer: Ms Debra Robson

[Click for further information](#)

Customer Details

Name: Mr pat beaumont

Email: [REDACTED]

Address: 120 Elm Grove, Southsea PO5 1LP

Comments Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Reasons for
comment:

Comments:

03/08/2022 5:52 PM I'm a resident who lives four doors along from the deco I support the proposed extension to the decos opening times due to

- the deco it's self is very well managed with welcoming staff
- it's very well maintained inside and especially out
- very family friendly
- I haven't experienced any antisocial behaviour when the deco closes from there patrons it is more from the homeless hub(kings way house)
- and even on Friday or Saturday night we dont hear any music

So as far as I can see there is no reason why I wouldn't support the extension

Kind regards

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 03/08/2022 7:49 PM from Mr Jack Evans.

Application Summary

Address: 128 Elm Grove Southsea Hants PO5 1LR

Proposal: Premises Licence

Case Officer: Ms Debra Robson

[Click for further information](#)

Customer Details

Name: Mr Jack Evans

Email: [REDACTED]

Address: Flat 1, 31 St Andrews Road, Southsea PO5 1EP

Comments Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Reasons for
comment:

Comments: 03/08/2022 7:49 PM The Deco is a vibrant pub in an area already well known for venues with a high footfall. It is well known for being a home to alternative music culture and providing a place to go for people who don't want to listen to the generic "floor fillers" played in the other pubs. It has character and charm while also being home to a community of like minded people who have no other venue in the city. Because of this the patrons of The Deco are more prone to respect for the establishment and surrounding area.

Increasing The Deco's opening hours will not increase noise and disorderly behaviour in the area as it is already present due to the numerous other venues on Albert Road. The other late opening venues in the area (The One Eyed Dog and The Fat Fox) are extremely near keeping the radius of late opening venues in this area small and reducing the need for patrons to travel large distances between them. This also allows security to react between venues should there be any trouble, which could potentially increase response times in the area and reduce disorderly conduct.

Kind regards

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 03/08/2022 8:32 PM from Mr David Bailes.

Application Summary

Address: 128 Elm Grove Southsea Hants PO5 1LR

Proposal: Premises Licence

Case Officer: Ms Debra Robson

[Click for further information](#)

Customer Details

Name: Mr David Bailes

Email: [REDACTED]

Address: Flat 3, 159 Elm Grove, Southsea PO5 1LJ

Comments Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Reasons for
comment:

Comments: 03/08/2022 8:32 PM I would like to voice my support for the application of extended hours. The Deco is located in an area filled with pubs, restaurants and other after hours venues. These venues may at times attract what some may describe as undesirables or undesirable behavior but this is true of any venue in any area. What these venues also do is build a sense of community. They bring the residence together in a place they feel comfortable, where they can unwind and enjoy themselves and I believe this applies to the Deco more so than any other establishment in the immediate area. This, I am sure, is owed to the amazing staff and management and their relentless efforts to provide a friendly welcoming atmosphere. Always looking out for not only their patrons but also their community. My bedroom is located no more than 20 meters from the Deco and not once have I heard loud music or loud patrons. Not once have I seen anyone step outside of the premises with a bottle or a can. Why? Because the staff recognise that they are not just a business but also part of a community. And that means respecting their neighbors. Unfortunately I cannot say the same courtesy is extended by the residents of Kingsway House or the old Library, which is where I believe almost all of the antisocial behavior in the local area stems from.

With these points in mind, I cannot see a reason to reject this application.

Kind regards

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 03/08/2022 3:16 PM from Miss Erin Nash.

Application Summary

Address: 128 Elm Grove Southsea Hants PO5 1LR

Proposal: Premises Licence

Case Officer: Ms Debra Robson

[Click for further information](#)

Customer Details

Name: Miss Erin Nash

Email: [REDACTED]

Address: 29 Bramble Road, Southsea PO4 0DT

Comments Details

Commenter Type: Contributor (Other)

Stance: Customer made comments in support of the Licensing Application

Reasons for
comment:

Comments: 03/08/2022 3:16 PM The Deco is one of the only venues where individuals can feel safe in meeting like minded others. I am representative of the Univerisity Rock Society and this venue has been essential for those who do not feel comfortable in other environments. Extending the license, in my opinion, will help to reduce group violence in other venues and places. Where often, groups who do not follow the 'rock music scene' may target those who do.
The deco has always been a safe space for these individuals, and should be able to continue to offer these opportunities.

Kind regards