

NOTICE OF MEETING

LICENSING SUB-COMMITTEE

TUESDAY, 20 SEPTEMBER 2022 AT 10.00 AM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services 023 9268 8014 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.

Information with regard to public access due to winter coughs, colds and viruses, including COVID-19.

- Following the government announcement 'Living with COVID-19' made on 21 February and the end of universal free testing from 1st April, attendees are no longer required to undertake any 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 any boosters they are eligible for.
- If unwell we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1st 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 still 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 protects us from coughs, colds and winter viruses, including Covid-19.
- 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.

<u>Committee Members:</u> 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.

<u>The panel today consists of:</u> Councillors George Madgwick, Leo Madden & Tom Coles The reserve member is Councillor Lewis Gosling

(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 Appointment of Chair
- 2 Declarations of Member's Interest
- Licensing Act 2003 Application for grant of a premises licence -Kwikimart,
 373 London Road, Portsmouth, PO2 9HJ (Pages 3 - 44)

<u>PURPOSE</u>

The purpose of this report is for the committee to consider an application for the premises licence pursuant to section 18 of the Licensing Act 2003 ("the Act").

The Licensing Sub-committee is requested to determine the application.

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

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

This meeting is webcast (videoed) and viewable via the council's livestream account at <u>Portsmouth City Council on Livestream</u>

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE

20 September 2022

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Application for grant of a premises licence - Kwikimart, 373 London Road, Portsmouth, PO2 9HJ

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the grant of a new premises licence pursuant to section 18 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of two representations from other persons namely Councillor Simpson ward councillor and a nearby resident Ms Smith. Further detail about the representations received is shown at paragraph 4 below.

2. THE APPLICATION AND PROPOSED OPERATING SCHEDULE

The premises licence application has been submitted on behalf of Mr Panchalingam Aranan and relates to premises known as Kwikimart situated at 373 London Road, Portsmouth.

The following licensable activities have been requested for off sales only:

Proposed Licensable Activity	Days and Times of Operation
Sale by retail of alcohol	Monday to Sunday 06:00 until 00:00
With the hours of opening and closing being	ng:

Days of the WeekOpenCloseMonday to Sunday06:0000:00

The applicant has detailed in the operating schedule the steps intended to support and promote the licensing objectives. These can be found in the redacted application form attached as **appendix A**.

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

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;

¹ Revised Statutory Guidance issued by the Home Office

- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."

Paragraph 8.43 "Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."

Paragraph 8.44 "It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."

Paragraph 8.47 "Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."

3. BACKGROUND INFORMATION

The provisions relating to the grant of a premises licence are contained within part 3 of the Licensing Act 2003 and associated statutory regulations.

Public notice has been given by way of press notice, a premises notice and local ward councillors have been notified of the application. There are no germane grounds for the committee to reject the application for non-compliance with the prescribed advertising requirements.

The premises is located on the corner of Meredith Road and London Road, and has been a retail shop in various forms. The premises were purpose built as a retail outlet on the ground floor with private accommodation above. There are additional shops on both sides of the road plus a car sales and the Green Posts public house close by.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

There are no representations from any of the responsible authorities.

Relevant representations have been received from Councillor Simpson who objects to the hours that have been applied for on the basis that he believes it could breach the promotion of the Licensing objectives for public nuisance and anti-social behaviour. The representation from Ms Smith raises a concern about the wide pavement area at the front of these premises which could encourage groups to gather and disturb local residents.

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

Attached at **appendix D** is correspondence from the applicant's solicitor, forwarded to Councillor Simpson and Ms Smith, which explains in more detail the application and trading experience of Mr Aranan, inviting Councillor Simpson and Ms Smith to withdraw their representations.

Attached at **appendix E** is the reply received to this correspondence.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the application, the committee must have regard to:

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgments of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory 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:
- 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.

² Revised statutory guidance issued by the Home Office

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 antisocial 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 what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

Paragraph 10.8 "The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."

Paragraph 10.9 "It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."

Members are reminded about the review provisions contained in chapter 11 of the guidance and, in particular:

Paragraph 11.1 "The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."

Paragraph 11.2 "At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."

Determination of an application

Where an application to grant a premises licence has been made in accordance with section 17 of the Act and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant, each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:

- **grant** the licence subject to such conditions as are consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions.
- **exclude** from the licence any of the licensable activities applied for.
- **refuse** to specify a person in the licence as the premises supervisor (if the application relates to the sale of alcohol).
- **reject** the application.

In discharging its duty in accordance with the above, the Committee may grant a premises licence so that it has effect subject to different conditions in respect of:

- different parts of the premises concerned;
- different licensable activities.

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

Paragraph 13.10 "It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to grant a premises licence.

Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence. Equally appeal provisions apply against the exclusion of licensable activities and/or refusal to specify a person as a premises supervisor.

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

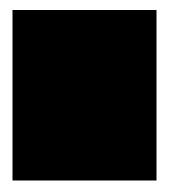
- a) that the licence ought not to have been granted, or
- b) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded activities and/or the premises supervisor,

He may appeal against the decision.

7. APPENDICES

- **A.** Copy of the redacted application for the grant of a premises licence together with any supporting document(s)
- **B.** Plan of premises
- **C.** Copies of the redacted relevant representations received
- D. Correspondence sent to Councillor Simpson and Ms Smith on behalf of the applicant
- E. Reply received to the above.

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



For Licensing Manager And on behalf of Head of Service

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APPENDIX A

Application for a premises licence to be granted under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We MR. PANCHALINGAM ARANAN

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of	of premises or, if none, ordnance	e survey map reference	or description
GROUND FLOO 373 LONDON R			
Post town	PORTSMOUTH	Postcode	PO2 9HJ

Telephone number at premises (if		
any)		
Non-domestic rateable value of	2	
premises	L	

Part 2 - Applicant details

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

a)	an individual or individuals *			please complete section (A)	
b)	a person other than an individual *				
	i	as a limited company/limited liability partnership		please complete section (B)	
	ii	as a partnership (other than limited liability)		please complete section (B)	
	iii	as an unincorporated association or		please complete section (B)	
	iv	other (for example a statutory corporation)		please complete section (B)	

c)	a recognised club	please complete section (B)
d)	a charity	please complete section (B)
e)	the proprietor of an educational establishment	please complete section (B)
f)	a health service body	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

Mrs Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname ARANA	N	First na	mes PANCHALING	GAM
Date of birth	I am 18	years old or ove	r Please tick ye	s 🗸
Nationality E	BRITISH			
Current residential address if different from premises address				
Post town			Postcode	
Daytime contact to number	elephone			
E-mail address (optional)				
Where applicable (i work checking serv (please see note 15	ice), the 'share coo	right to work vi de' provided to	a the Home Office o the applicant by tha	nline right to t service

Second individual applicant (if applicable)

Mr	Mrs	Miss	Miss Ms		Other Title (for example, Rev)		
Surname				First na	ames		
Date of bi or over	rth		l am 1	8 years o	old Plea	ase tick yes	
Nationalit	у						
Current re address if from prem address	different						
Post town					Postcode		
Daytime c number	ontact t	elephone					
E-mail add (optional)	dress						
work check	Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)						

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name			
Address	 		

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

D	D	Μ	М		Y	YYYY		
0	1	0	8	2	0	2	2]

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY		

Please give a general description of the premises (please read guidance note 1)

GROUND FLOOR RETAIL SHOP USED TO BE A SHOP SELLING CARPETS

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Pro 2)	vision of regulated entertainment (please read guidance note	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)	
Supply of alcohol (if ticking yes, fill in box J)	YES

In all cases complete boxes K, L and M

A

Stand timing	Plays Standard days and timings (please read guidance note 7)		Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors
guida	guidance note 7)			Outdoors
Day	Start	Finis h		Both
Mon			Please give further details here (please rea 4)	ad guidance note
Tue				
Wed			State any seasonal variations for performi (please read guidance note 5)	ng plays
Thur				
Fri			Non standard timings. Where you intend to premises for the performance of plays at co to those listed in the column on the left, pl	lifferent times
Sat			(please read guidance note 6)	
Sun				

Films Will the exhibition of films take place Indoors Standard days and indoors or outdoors or both - please timings (please read tick (please read guidance note 3) guidance note 7) Outdoors Finis Day Start Both h Mon Please give further details here (please read guidance note 4) Tue Wed State any seasonal variations for the exhibition of films (please read guidance note 5) Thur Fri 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 (please read guidance note 6) Sat Sun

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event Stand timing	or sportir s lard days is (please nce note	and read	Please give further details (please read guidance note 4)
Day	Start	Finis h	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			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 (please
Fri _			read guidance note 6)
Sat			
Sun			

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enter	ng or wre tainment lard days	s	<u>Will the boxing or wrestling</u> <u>entertainment take place indoors or</u> <u>outdoors or both – please tick</u> (please	Indoors	
	timings (please read guidance note 7)		read guidance note 3)	Outdoors	
Day	Start	Finis h		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend premises for boxing or wrestling entertain different times to those listed in the colum	ment at	
Sat			please list (please read guidance note 6)		
Sun					

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Stand	Live music Standard days and timings (please read quidance note 7)		Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors
guida	guidance note 7)			Outdoors
Day	Start	Finis h		Both
Mon			Please give further details here (please rea 4)	ad guidance note
Tue				
Wed			State any seasonal variations for the performance music (please read guidance note 5)	ormance of live
Thur				
Fri			Non standard timings. Where you intend to premises for the performance of live musi times to those listed in the column on the	c at different
Sat			(please read guidance note 6)	
Sun				

Stand	Recorded music Standard days and timings (please read		Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	guidance note 7)			Outdoors	
Day	Start	Finis h		Both	
Mon			Please give further details here (please rea 4)	ad guidance no	te
Tue					
Wed			State any seasonal variations for the playi music (please read guidance note 5)	ing of recorde	d
Thur					
Fri			Non standard timings. Where you intend to premises for the playing of recorded musi times to those listed in the column on the	c at different	st
Sat			(please read guidance note 6)		
Sun					

F

dance	Performances of dance Standard days and timings (please read		Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors
timings (please read guidance note 7)		e read	(production galaxies (control)	Outdoors
Day	Start	Finis h		Both
Mon			Please give further details here (please rea 4)	ad guidance note
Tue				
Wed			State any seasonal variations for the performance (please read guidance note 5)	ormance of
Thur				
Fri			Non standard timings. Where you intend premises for the performance of dance at to those listed in the column on the left, p	different times
Sat			(please read guidance note 6)	
Sun				

G

simila to tha (e), (f Stand timing	ning of a ar descri at falling) or (g) lard days gs (please nce note	within and e read	Please give a description of the type of enter be providing	tainment you v	will
Day	Start	Finis h	Will this entertainment take place indoors or outdoors or both – please	Indoors	
Mon			tick (please read guidance note 3)	Outdoors	
				Both	
Tue			Please give further details here (please read guidance not 4)		ote
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			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 (please read guidance note 6)		
Sun					

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	night hment ard days	and	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please	Indoors	
timing	timings (please read guidance note 7)		read guidance note 3)	Outdoors	
Day	Start	Finis h		Both	
Mon			Please give further details here (please rea 4)	ad guidance note	
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend premises for the provision of late night re different times, to those listed in the colur	freshment at	
Sat			please list (please read guidance note 6)		
Sun					

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Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

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r			
open Stand timing	s premis to the p lard days is (please nce note	and e read	<u>State any seasonal variations</u> (please read guidance note 5) N/A
Day	Day Start Finis		
Mon	06:00	00:00	
Tue	06:00	00:00	
Wed	06:00	00:00	
		_	Non standard timings. Where you intend the premises to be open to the public at different times from those listed
Thur	06:00	00:00	in the column on the left, please list (please read guidance note 6)
Fri	06:00	00:00	N/A
Sat	06:00	00:00	
Sun	06:00	00:00	

J

Supply of alcohol Standard days and timings (please read		and	Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	
	guidance note 7)			Off the premises	x
Day	Start	Finis h		Both	
Mon	06:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	06:00	00:00	NONE		
Wed	06:00	00:00			
Thur	06:00	00:00	Non standard timings. Where you intend premises for the supply of alcohol at diffe those listed in the column on the left, plea	rent times to	
Fri	06:00	00:00	read guidance note 6)		
Sat	06:00	00:00			
Sun	06:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	MR PANCHALINGAM ARANAN
Date of bir	th
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known) PORTSMOUTH CITY COUNCIL	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

I will ensure that all times when the shop is opened for selling alcohol, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. I shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police. I will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises. The CCTV system will conform to the following points:

Cameras will be sited to observe the entrance and exit doors both inside and outside and capture full frame shots of the heads and shoulders of all people entering the premises. Cameras viewing till areas will capture frames not less than 50% of screen. 4. Cameras overlooking floor areas will be wide angled to give an overview of the premises will be capable of visually confirming the nature of the crime committed. They will provide a linked record of the date, time and place of any image, Provide good quality images. They will operate under existing light levels within and outside the premises and the recording device will be located in a secure area. We will have a monitor to review images and recorded picture quality regularly maintained to ensure continuous quality of image capture retention. I will have signage displayed in the customer area to advise that CCTV is in operation. Digital images will be kept for 31 days. Police will have access to images at any reasonable time and the equipment will have a suitable export method, so that the police can make an evidential copy of the data they require.

c) Public safety

Appropriate fire safety procedures will be in place including fire extinguishers, fire blanket, internally illuminated fire exit signs, smoke detectors and emergency lighting. All appliances will be inspected annually. All emergency exits shall be kept free from obstruction at all times.

d) The prevention of public nuisance

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All staff will be trained for underage sales prevention regularly. A register of refused sales shall be kept and maintained on the premises

¹⁷ Page 27

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Checklist:

Please tick to indicate agreement

		X
•	I have made or enclosed payment of the fee.	
•	I have enclosed the plan of the premises.	X
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	x
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	x
•	I understand that I must now advertise my application.	X
•	I understand that if I do not comply with the above requirements my application will be rejected. [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	x

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 - Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	 [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
	 The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	2717122
Capacity	owwer

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

MR PANCHALINGAM A	RANAN	

Post town	Postcode
Telephone number (if any)	
If you would prefer us to correspond with yo newkwikimart@hotmail.co.uk	u by e-mail, your e-mail address (optional)

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 2. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
- 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- For example the 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.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. 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.
- 8. 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'.

- 9. 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.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.
- 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:
 - A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:
 - does not have the right to live and work in the UK; or
 - is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

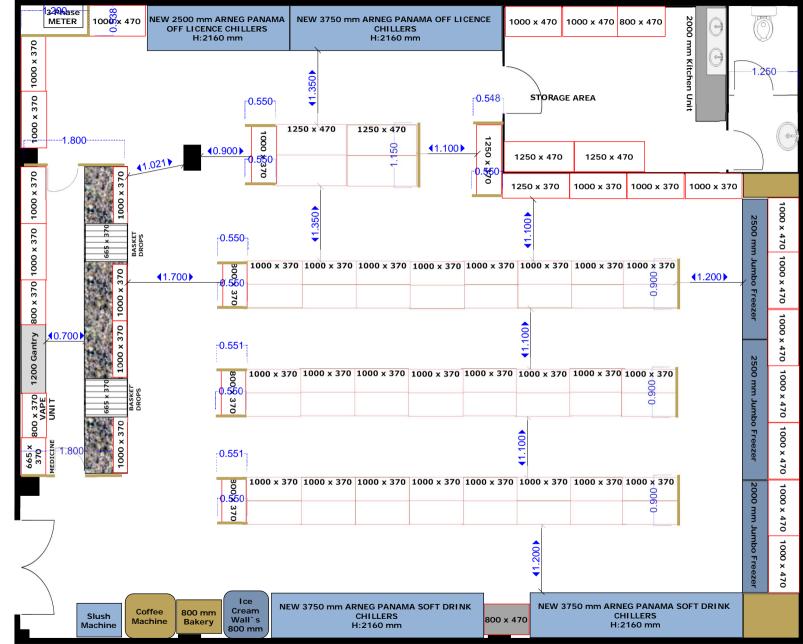
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at https://www.gov.uk/prove-right-to-work) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance. This page is intentionally left blank

APPENDIX B



MAIN ENTRANCE

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APPENDIX C

From: anne Sent: 05 August 2022 20:59 To: Licensing Shared Email Subject: 22/02498/LAPREM

To whom it may concern,

I wish to register my objection to the application ref 22/02498/LAPREM to sell alcohol at the premises 373 London Road Portsmouth PO2 9HJ Monday to Sunday 6am to midnight.

We already have alcohol on sale directly opposite in the Premier shop, the Spar shop about 200m away and the Green Posts public house next door but one.

In front of these premises is quite a wide area of pavement which could encourage groups to gather especially if they are selling alcohol after the pub has closed for the evening. The area is very populated with several flats above the premises and also on the opposite corner. Any extra noise caused by people chatting will disturb local residents especially during the warmer weather when all the windows are open.

Thank you for taking my objections into consideration

Kind regards

Anne Smith

1 Meredith Road

Portsmouth PO2 9NL This page is intentionally left blank

APPENDIX C

From: Simpson, Russell (Cllr) Sent: 02 August 2022 15:25 To: Robson, Debra Subject: Re: Application for Premises Licence - 373 London Road - 22/02498/LAPREM

Hi Debbie,

Can this be pushed to the licensing sub committee. I find the hours inappropriate to the area. It could breach the promotion of licensing objectives for public nuisance and ASB.

May I suggest 10am-11pm as that would be more suitable.

Many thanks

Cllr Russell Simpson

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APPENDIX D

From:	Jon Wallsgrove
To:	Stone, Derek
Subject:	RE: 373 London Road Application
Date:	30 August 2022 12:30:51

Derek,

I would be grateful if you would send on the below email to the two objectors as I do not have their contact details. Thank you.

Dear Ms Smith and Councillor Simpson,

I am representing Aranan who has applied for a premises licence for his new shop in London Road. There have been no other objections to this application other than yours. The matter will now be listed before a licensing sub-committee for a hearing, unless you decide to withdraw your representation. My purpose in writing is to set out some of the key points I will be submitting to the Committee in the hope that on hearing those you may be persuaded to withdraw your objection and remove the necessity for that hearing; thus saving considerable time and cost for the Council. May I say at the outset if you would like to meet with myself and Aranan to discuss this more fully we would be happy to do so?

Aranan operates numerous convenience stores throughout the Portsmouth area all of which are licensed to sell alcohol, the majority until at least midnight. He has had shops in the area for more than a decade. He has an excellent working relationship with the police and he would like to reassure you that in selling alcohol until midnight at this location, it will not lead to any increase of issues of anti-social behaviour. That is a view which is supported by the police, as they have not objected to this application. Had there been a genuine risk of this occurring the police would, I am sure, have raised concerns. Aranan would like to reassure you that from his experience of owning other shops in similar residential areas across Portsmouth, that there will not be crowds of people gathering outside his shop. It is of course detrimental to his business if he allowed this as it would deter a number of people from visiting those premises to shop. There are other off licences in the vicinity and we do not believe they are experiencing issues of disorder, groups gathering outside, or being a nuisance in the local community. Had there been such issues I am sure you would have raised those in your letters.

The application as you know is for a licence to sell alcohol until midnight and that is the only matter on which the council will need to make a decision. The Committee cannot regulate whether this premises becomes a convenience store and neither can they regulate the opening hours of the store. Accordingly even if the licence is refused the premises will be a convenience store opening until midnight, or similarly if the Committee granted a licence to sell alcohol until 11pm it would still be open until midnight. Under section 182 of the Licensing Act the Secretary of State can issue guidance to Local Authorities which they must take into account. That guidance at paragraph 10.15 states that shops should normally be free to provide sales of alcohol for all the hours they open unless there is good reason based on the licensing objectives for restricting those hours. The guidance at Paragraph 9.12 also makes it clear that the Committee must give weight to the views given by responsible authorities who are considered "experts" in their respective fields. Given neither the police (crime and disorder) nor environmental health (Public nuisance, public safety) have objected the Committee in my respectful view should only be persuaded to depart from their views on the basis of substantial and credible evidence that the concerns you raise would actually arise.

I appreciate that sounds like a particularly daunting mountain to climb for you and that is exactly why the legislation provides for a review of the premises licence being sought by anybody at any time. This allows a light touch to be applied on the grant of a licence when it may not be certain given the evidence, what might happen as a result of a licence being granted. If the fears expressed in representations actually become a reality it is a very quick and simple process for the licence to be reconsidered, where various sanctions are available including reducing the hours and indeed revocation.

As I have said however, Aranan is a successful convenience store owner with decades of experience

of operating in the Portsmouth area. His staff we well trained and he works closely with the police to ensure his shops are an asset to the community.

I would be grateful if you would confirm whether on the basis of the above and knowing you could review the licence at any time you would be willing to withdraw your representation. Please reply to both Derek Stone and myself. Thank you for taking the time to read this email.

Kind Regards,
Jon
Jon Wallsgrove
Partner
<u>JWallsgrove@john-gaunt.co.uk www.john-gaunt.co.uk</u>
T: 03300 584 150 M: 07900 905849 F: 0114 267 9613
John Gaunt and Partners
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undefined
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Unit 37 Haslar Marine Technology Park Haslar Road, Gosport I

Unit 37 | Haslar Marine Technology Park | Haslar Road, Gosport | PO12 2AG Premises Licences | Personal Licences | DPS Changes | Temporary Event Notices APLH Courses |Reviews | Due Diligence | Betting and Gaming | eLearning*Plus* For more details on our services please click on the links above.

APPENDIX E

Stone, Derek

From:	Simpson, Russell (Cllr)
Sent:	31 August 2022 11:20
То:	Stone, Derek
Subject:	RE: Notice of Hearing KwikiMart 373 London Road

High

Hi Derek,

Importance:

Sure, no worries.

Many Thanks

Cllr Russell Simpson

Hilsea Ward

From: Stone, Derek Sent: 31 August 2022 11:18 To: Simpson, Russell (Cllr) Cc: Robson, Debra Subject: RE: Notice of Hearing KwikiMart 373 London Road

Cllr Simpson

Are you happy for me to pass this e mail address for you to the Solicitor Jon Wallsgrove so you can arrange that between you rather than I get involved

Derek

From: Simpson, Russell (Cllr) Sent: 31 August 2022 11:16 To: Stone, Derek Cc: Robson, Debra < Subject: RE: Notice of Hearing KwikiMart 373 London Road Importance: High

Morning Derek,

I'm currently sitting in Planning Committee, however, I will be going forward with my objection. I am also open to meeting the applicant and his solicitor to recommend he changes his request from 6am-12am to 10am-11am.

Many thanks

Cllr Russell Simpson

Hilsea Ward

From: Stone, Derek Sent: 31 August 2022 11:12 To: Simpson, Russell (Cllr)Cc: Robson, DebraSubject: Notice of Hearing KwikiMart 373 London Road

Dear Cllr Simpson

Further to my e mail yesterday supplying you with additional information from the applicant's solicitor, whilst I await your response as to whether you wish this matter to still proceed to a Licensing Sub-Committee hearing or whether you are happy to withdraw your representation, It is necessary for me to cover all eventualities.

Additionally we have to work to set Hearing Regulations and notification times.

Democratic Services officers are currently securing 4 councillors (1 x reserve) to determine this application should that be necessary, and the Council Chambers have been reserved.

This application, unless I hear otherwise from you, will be determined at a Licensing Sub-Committee hearing on Tuesday 20th September 2022 in the Council Chambers at the Guildhall.

Please see attached 'Notice of Hearing'.

In preparation for this hearing, please complete part 3 of the attached 'Notice of Hearing' and return to the address shown (or e mail direct to me) indicating whether you will be attending this hearing or not in order to address the panel with the concerns you have raised.

Kind regards

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