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# NOTICE OF MEETING

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## LICENSING SUB-COMMITTEE

**TUESDAY, 24 JANUARY 2023 AT 3PM OR AT THE CLOSE OF THE CABINET MEMBER FOR PLANNING POLICY & CITY DEVELOPMENT'S DECISION MEETING, WHICHEVER IS LATER.**

## **COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH**

Telephone enquiries to Democratic Services 023 9283 4060

Email: [Democratic@Portsmouthcc.gov.uk](mailto:Democratic@Portsmouthcc.gov.uk)

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

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### **Public health guidance for staff and the public 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 1 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 public health 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 1 April advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April, anyone with a positive Covid-19 test result is 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

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: Scott Payter-Harris, Charlotte Gerada and Ian Holder  
The reserve member is Dave Ashmore.

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(NB This agenda should be retained for future reference with the minutes of this meeting).

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

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

**A G E N D A**

- 1 Appointment of Chair.**
- 2 Declarations of Members' Interests**
- 3 Licensing Act 2003 - Application for variation of a premises licence - Carioca Emporio Limited, 88 Clarendon Road, Southsea, PO5 2PB (Pages 5 - 92)**

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 a responsible authority, Lorraine Astill Public Protection, Environmental Health Service, and from twenty one other persons who are local residents. Further detail about the representations received is shown at paragraph 4.

**RECOMMENDED that the Licensing Committee determine the matter.**

- 4 Licensing Act 2003 - Temporary Event Notice 4 February 2023 - Consideration of Objection Notice - Carioca Emporio Limited, 88**

**Clarendon Road, Southsea, PO5 2PB** (Pages 93 - 130)

*This item was added to the agenda on 23 January 2023.*

Purpose

The purpose of this report is for the committee to consider an objection notice given by a relevant Regulatory Service in respect of a Temporary Event Notice received by the licensing authority reference (23/00267/LATENS).

**RECOMMENDED that the committee determine this matter.**

**5 Licensing Act 2003 - Temporary Event Notice 5 March 2023 - Consideration of Objection Notice - Carioca Emporio Limited, 88 Clarendon Road, Southsea, PO5 2PB** (Pages 131 - 168)

This item was added to the agenda on 23 January 2023.

Purpose

The purpose of this report is for the committee to consider an objection notice given by a relevant Regulatory Service in respect of a Temporary Event Notice received by the licensing authority reference (23/00269/LATENS).

**RECOMMENDED that the committee determine this matter.**

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.

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# Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 24 January 2023

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

**Licensing Act 2003 - Application for variation of a premises licence - Carioca Emporio Limited, 88 Clarendon Road, Southsea, PO5 2PB**

## 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 a responsible authority, Lorraine Astill Public Protection, Environmental Health Service, and from twenty one other persons who are local residents. 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 Carioca Emporium Limited and relates to premises known as Carioca Emporio Limited and situated at 88 Clarendon Road, Southsea, PO5 2PB.

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

Re-location of bar within the premises as per the submitted plan, the provision of regulated entertainment, Late Night Refreshment and the extension to alcohol sales until 03:00 Monday to Saturday.

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 new proposed layout is shown in the attached plan as **appendix B**.

The current licence is attached as **appendix C**.

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

**Paragraph 8.42** *"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand: 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*

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

*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.

**Officer note :**

***The premises have been operating without regulated entertainment permission. As a result of a visit to the premises by your reporting officer this variation application was submitted.***

The premises are located at the Strand Roundabout in a residential part of Southsea. The building itself is in the old betting shop and is flat roofed.

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

Relevant representations have been received from Lorraine Astill, Environmental Health, who has submitted detailed information raising noise concerns and highlighting the unsuitability of

the premises to operate as requested by this application. These concerns are endorsed by a number of local residents, many of which have been affected by how these premises have already operated and the noise disturbance that they have experienced.

All representations are attached as **appendix D**

The statutory guidance states:

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

**Paragraph 9.12** *"Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing".*

## **5. POLICY AND STATUTORY CONSIDERATIONS**

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

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

- The current statutory guidance<sup>2</sup> issued by the Home Secretary in accordance with section 182 of the Act;
- The representations, including supporting information, presented by all the parties; and
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to consider any public sector equality duty requiring public bodies to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are as follows:
- I) age, ii) disability, iii) gender reassignment, iv) pregnancy and maternity v) race - this 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.

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

## 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 plan showing new bar position
- C.** Copy of existing premises licence
- D.** 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

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

### Application to vary a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

**I/We** Carioca Emporio Ltd

*(Insert name(s) of applicant)* being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

**Premises licence number** 22/02069/LAPREM

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 88 Clarendon Road			
Post town	Southsea	Postcode	PO5 2PB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ [REDACTED]

#### Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]
Current postal address if different from premises address	[REDACTED]

#### Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

DD MM YYYY

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**describe briefly the nature of the proposed variation** (Please see guidance note 1)  
Provision of regulated entertainment which is not currently included on the licence and  
increase the sale of alcohol licensed hours to 3am Mon – Sat. Relocation of the bar.

If your proposed variation would mean that 5,000 or more people are

expected to attend the premises at any one time, please state the number expected to attend:

#### **Part 4 Operating Schedule**

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

##### **Provision of regulated entertainment**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)  
✓
- f) recorded music (if ticking yes, fill in box F)  
✓
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

✓

**Sale by retail of alcohol** (if ticking yes, fill in box J)

✓

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
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 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			
Fri			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 read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling	Will the boxing or wrestling entertainment take place	Indoors	
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Standard days and timings (please read guidance note 6)			guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)	Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	✓
		Outdoors	

Day	Start	Finish		Both	
Mon	11:00	03:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	11:00	03:00			
Wed	11:00	03:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	11:00	03:00			
Fri	11:00	03:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	11:00	03:00			
Sun	11:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	✓
					Outdoors	
Day	Start	Finish			Both	
Mon	11:00	03:00	<u>Please give further details here</u> (please read guidance note 3)			



Tue	11:00	03:00	
Wed	11:00	03:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)
Thur	11:00	03:00	
Fri	11:00	03:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat	11:00	03:00	
Sun	11:00	23:00	

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	
					Outdoors	
Day	Start	Finish			Both	
Mon			<b>Please give further details here</b> (please read guidance note 3)			

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

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	
Mon				Outdoors	<input type="checkbox"/>

				Both	
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri					
Sat			<b>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</b> (please read guidance note 5)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	✓
Mon	11:00	03:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	11:00	03:00			
Wed	11:00	03:00	<b>State any seasonal variations for the provision of late night refreshment</b>		

			(please read guidance note 4)
Thur	11:00	03:00	
Fri	11:00	03:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Sat	11:00	03:00	
Sun	11:00	23:00	

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)		On the premises	
					Off the premises	
Day	Start	Finish			Both	✓
Mon	11:00	03:00	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)			
Tue	11:00	03:00				
Wed	11:00	03:00				
Thur	11:00	03:00	<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			

Fri	11:00	03:00
Sat	11:00	03:00
Sun	11:00	23:00

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)	<b><u>State any seasonal variations</u></b> (please read guidance note 4)
---	---

Day	Start	Finish	
Mon	11:00	03:00	
Tue	11:00	03:00	
Wed	11:00	03:00	
Thur	11:00	03:00	
Fri	11:00	03:00	
Sat	11:00	03:00	
Sun	11:00	23:00	

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

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

NONE

Please tick as appropriate

I have enclosed the premises licence

✓

I have enclosed the relevant part of the premises licence

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

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

**M**

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

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

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

Since the license was originally granted the bar has been moved to the front of the building and all speakers moved to the rear, moving the sound source away from the door and any windows. The number of speakers will be reduced which will reduce the overall volume within the building. The entrance door will be shut from 11pm which will additionally reduce the noise nuisance to surrounding buildings.

**e) The protection of children from harm**

Checklist:

**Please tick to indicate agreement**

I have made or enclosed payment of the fee. ☐ I applicable. have sent copies of this application and the plan to responsible authorities and others where ☐

I understand that I must now advertise my application. ☐

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

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

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

**Part 5 – Signatures** (please read guidance note 10)



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

Signature	[REDACTED]
Date	23/11/22
Capacity	Owner

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

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

Miss Fatima Souza

[REDACTED]

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

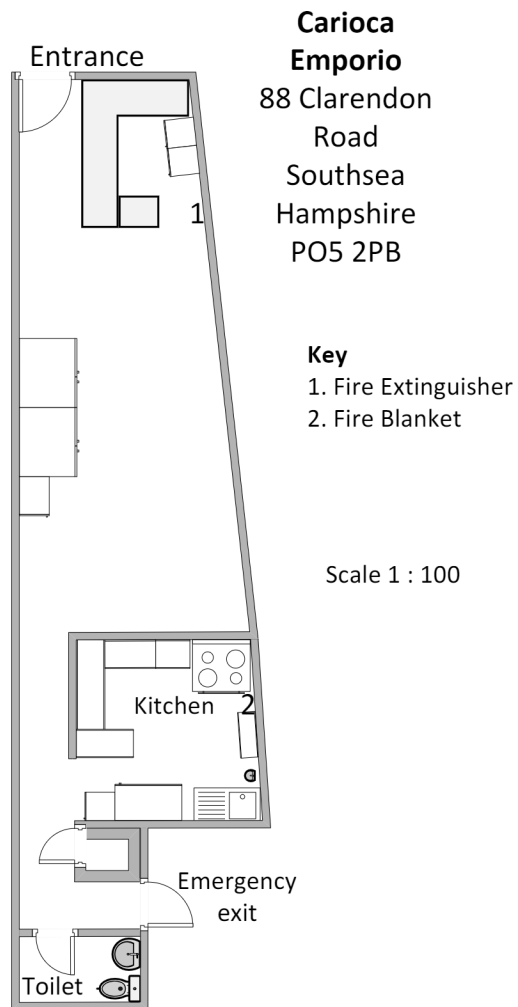
#### Notes for Guidance

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these offsupplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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

## APPENDIX B







# PREMISES LICENCE

## Licensing Act 2003

### Part 1 – Premises Details

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

**Address:** Carioca Emporio Limited  
88 Clarendon Road  
Southsea  
PO5 2PB

**Map Ref (E) :** 464923  
**Map Ref (N):** 98364  
**UPRN:** 001775014429

**Telephone**

#### Where the licence is time limited the dates

This licence is **NOT** time limited

#### Licensable activities authorised by the licence

- ▶ Sale by retail of alcohol
- ▶ Late night refreshment

#### The times the licence authorises the carrying out of licensable activities

- ▶ Sale by retail of alcohol
 

Sunday	11:00 until 23:00
Monday to Saturday	11:00 until 02:00
- ▶ Late night refreshment
 

Monday to Saturday	23:00 until 02:00
--------------------	-------------------

#### The opening hours of the premises

- ▶ Sunday 11:00 until 23:00
- ▶ Monday to Saturday 11:00 until 02:00

#### 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: Carioca Emporium Limited

Address: 

Telephone:

Email:

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

13778608

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

Name: Ms Fatima Monica Souza

Address: 

Telephone:

Email:

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**Personal Licence No: 

Issuing Authority: Winchester 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: 29 June 2022

Date last amended: 29 June 2022

Type: New



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

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

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



**Annex 1 – Mandatory Conditions**

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

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

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

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

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

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

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

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

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

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

06 The responsible person must ensure that:

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

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

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

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

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

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

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

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

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

where -

(i) P is the permitted price,

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

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



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

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

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

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

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

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

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

**-- END --**

**Annex 2 – Conditions consistent with the operating schedule**

01 The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas. CCTV warning signs to be fitted in public places. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 31 days. Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained. The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a format that can be viewed on readily available equipment without the need for specialist software.

In the event of technical failure of the CCTV equipment, the premises licence holder/DPS MUST report the failure to the Hampshire Eastern Police Licensing Unit [licensing@hampshire.pnn.police.uk](mailto:licensing@hampshire.pnn.police.uk) within 24 hours, and arrangements made to repair the fault without delay. A competent trained person in the use of and operation of the CCTV must be in attendance at the premises at all times that licensable activities take place and there must be a person present, nominated by the data controller, who is able to fully operate the CCTV system to be able to download at the times of the visit onto a CD/DVD/USB stick any information lawfully requested by Police or Portsmouth City Council authorised officers.

CCTV shall cover the full licensable area.

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

- Sale of alcohol to persons under 18
- Challenge 25 and acceptable forms of identification
- Signs of Drunkenness
- Refusal register and when/how to use
- The Licensing Objectives
- This training shall be documented and records kept on the premises

Police and the Portsmouth Licensing Authority shall have access to an individual's training records upon request.



03 The premises shall operate a challenge 25 policy. Any persons appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance. Signage of this policy will be visible to customers

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

05 A notice will be displayed asking customers to leave the premises quietly.

06 Children under the age of 16 shall not be permitted on the premises after 21:00 hours unless accompanied by an adult or attending a pre-booked function.

**-- END --**

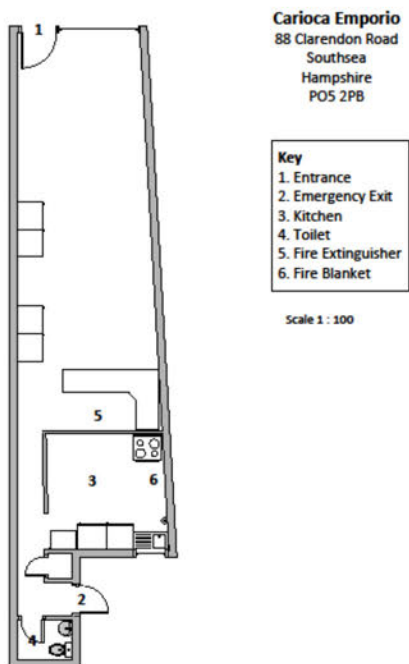
**Annex 3 – Conditions attached after a hearing by the licensing authority**

-- 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: 88 Clarendon Road Southsea



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

## APPENDIX D

### Carioca Bar and Kitchen 88 Clarendon Road

#### Background information

Carioca Bar and Kitchen 88 Clarendon Road is situated adjacent to four other commercial premises, a cafe, a chip shop and a small retail shop (see plan attached). There is also a nightclub called Moon and Shine opposite on the corner of Granada Road. The majority of other properties in the area are residential. This location is not classed as part of the night time economy area for Portsmouth.

At this present time it is unclear as to whether planning permission has been granted for permitted use for the bar and kitchen at 88 Clarendon Road, however the owner does have a premise licence which permits them to sell alcohol until 02:00hrs and also allows them to provide regulated entertainment under the Live Music Act until 23:00hrs.

The applicant has applied for a variation to their premise licence to extend the opening hours until 03:00hrs including the sale of alcohol and the provision of entertainment.

Prior to this the Premise Licence Holder has applied for Temporary Event Notices (TEN's) to extend the opening hours as proposed by the variation application, however both the Police (10<sup>th</sup> December) and Regulatory Services (19<sup>th</sup> November 23:00 to 20<sup>th</sup> November 04:00hrs) have made representations for late TEN's under the grounds of the likelihood of public nuisance and public safety. These events have not taken place.

#### Complaint History

Three noise complaints were received by Regulatory Service in July 2022; this was approximately two months after the initial premise licence was granted. Complaints are continuing to be received concerning loud music escaping from the building and from noise from customers smoking outside. Below is a summary of complaints received by Regulatory Services:

On 22nd July 2022, an officer visited the premise in relation to a complaint concerning loud music and spoke with the premise licence holder. She was notified of the complaints and requested to keep the door closed whilst she was having entertainment.

On 23rd July 2022, a local resident contacted the duty out of hour's officer 21:05hrs reporting that there was loud music emanating from Carioca 88 Clarendon Road. When the officer arrived at the complainant's property, the music had been reduced and the door to the premise had been closed.

On 31st July 2022, an officer visited the area at 23:11hrs and witnessed folk music emanating from Carioca Bar. The music was escaping from the bar when customers entered and left the building. The music from the premise was still on going at 23:20hrs when the officer left the area. The music was therefore witnessed beyond the permitted licensable hours.

A complainant contacted the duty out of hour's officer on 12th August 2022 and the officer visited the area at 23:30hrs. The music was audible in both complainant's living room and bedroom with the windows open. A female was singing on microphone and the music was very loud at times. The volume was likely to be increasing when the door to the bar was opened. The officer visited the bar where it was identified that two females were singing on microphones. The entertainment was set up close to the window at the front of the restaurant. The officer requested for the volume of the microphone to be reduced. The officer also recommended the music be moved away from the window and closer to the bar. The premise licence holder said she would rearrange the restaurant the following day.

A further call was made to the duty out of hours on 13th August 2022 at 21:00 by the time the officer arrived in the area (21:35) the volume of the music had been reduced at the restaurant due to the doors being closed.

On 14th August 2022, a complainant left a voice message on the night noise mobile at 00:47 alleging that they had been woken up by music from the restaurant.

On 28th October 2022, the duty out of hours officer received two calls from residents concerning loud music from Carioca. The officer arrived in the area at 22:55hrs. There were 20-30 people stood drinking outside the Carioca Bar. Music was breaking out of premises particularly whenever door opened. However, most of the noise was caused by people stood outside. The officer visited the restaurant and customers were entirely blocking the highway. The officer had to walk into the road to get round the customers. There was also a group of about 20 stood on the opposite side of the road by the strand mural. The officer spoke with the premise licence holder and explained that all the customers standing outside her premise were causing a noise disturbance, the Premise Licence Holder she said that she would bring them back inside.

The officer identified that the music was coming from the Carioca Bar and also that there was music coming from 86 Clarendon Road - Moggys Cafe. The officer saw the premise licence holder enter 86 Clarendon Road. It was later discovered after the event that premise licence holder had extended her Halloween party into Moggys Café (an unlicensed premise) as her venue was not large enough for the event she had organised.

#### **Suitability of structure of the building**

In relation to the last TEN's for the 10<sup>th</sup> December the applicant had advertised for an event which had proposed a live DJ - Anjunaesque. This was advertised as a night club event - see advert from Facebook.

Also a Facebook post has proposed that the bar is aiming to provide live bands on a Friday night and a DJ on a Saturday night next year.

The structure of the building is not suitable for these type of events as the majority of the front façade is single glazed and music played with a high bass content can travel through the glazing. Customers also have to enter and leave through the glass door on the front façade to the smoking area which is on the pavement outside the bar. There is no lobby on the door to the bar to prevent music noise from escaping from the building.

#### **Variation to extend opening hours with the provision of entertainment**

The premise already has a licence for the sale of alcohol until 02:00hrs and under the Live Music Act they are permitted to provide entertainment until 23:00hrs. Since the licence was granted complaints have been received by Regulatory Services and these are still under investigation.

The applicant has been spoken to on numerous occasions when entertainment has been provided and requests to reduce the volume of the music has been made. Due to the confined space of the bar and the provision of entertainment the music escapes through the single glazing and the door when it is opened and closed. This has caused a disturbance to local residents in the area, along with noise from the congregation of customers outside smoking.

The premise licence holder has not demonstrated that they have any measures in place to control the noise from either customers or the music escaping from the building under the existing premise licence operational hours (entertainment to finish at 23:00hrs). Events have been advertised on



Facebook promoting entertainment by a DJ that clearly aimed to increase the volume of music after 23:00hrs (if this event had been allowed to go ahead). It is therefore likely that to allow the provision of entertainment to continue from 23:00hrs to 03:00hrs will cause significant disturbance and sleep deprivation to local residents in the area.

It is unlikely that conditions on the premise licence will prevent a nuisance from being caused if permission was granted for the operational hours to be extended with the provision of entertainment until 03:00hrs. There would also be significant cost implications if the building were to be altered to make it suitable for the provision of entertainment until the early hours of the morning.

It is therefore recommended that the provision of entertainment remains under the Live Music Act and concludes at 23:00hrs.

## Anjunaesque Opening Night

Sat 10th Dec at 8:00pm-Sun 11th Dec at 2:00am

Carioca Bar & Kitchen, Portsmouth

Free + Booking fee (see below)

Age restrictions: 25+

**Anjunaesque**

25 Followers

### Tickets

Free Entry [More](#)

Sold Out  
Free

Qty

Nothing selected yet  
Get Tickets

## Anjunaesque Opening Night

Organic deep melodic progressive.....

2am close, 50 capacity, real intimate venue, FREE entry

Great sound system

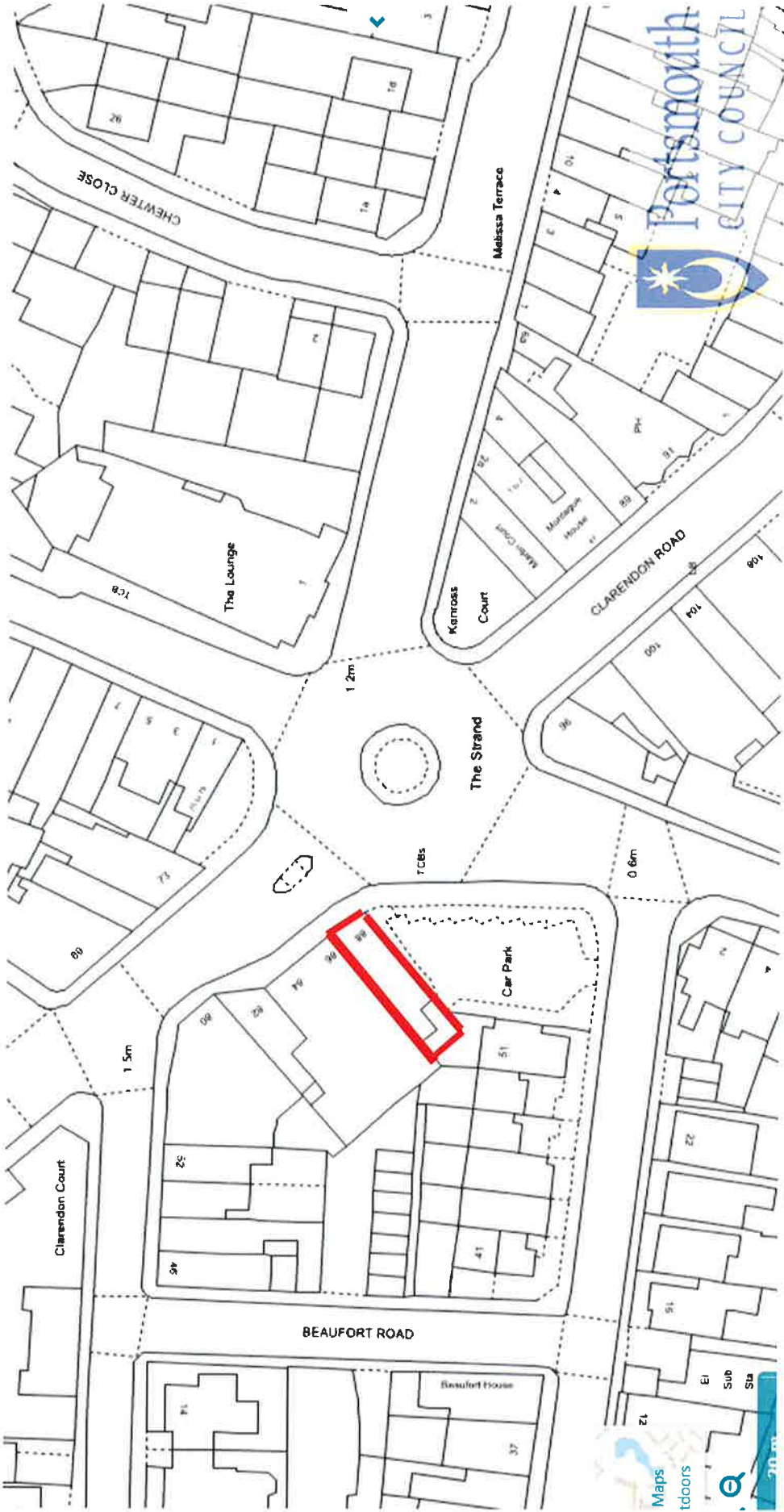
Smoking area outside

Drinks/food available

Tunes played/mixed at a volume that you can chat to others till 11, then we go for it for 3 hours.

Opposite Moonshine...

Location of Carioca Bar and Kitchen - 88 Clarendon Road



**Posts****About****Photos ▾****Mentic**

right time I introduced myself. Name's Mark Percy and I live just round the corner from Carioca. Going to be helping the great little venue in a little bit of promotion / marketing.

Next month we're hosting our first sold out club night on the 10th <https://www.facebook.com/anjunaesque> there, plus hopefully more in the new year.

Please let us know if there's any other type of night you'd like put on and we'll try and cater for it. Next year we're aiming for live bands on a friday and dj's on a Sat. And if one night is gunna be 100% South American, then so be it!!

In the short term, not only can you watch Brazil play down there in an amazing atmosphere, but all of the



Home



Friends



Marketplace



Dating



Notifications



Menu

[Posts](#)[About](#)[Photos](#)[Mentions](#)**Anjunaesque**10 Oct · 

So...we have a venue.

Full details to come.

However, keep December 10th free.

Southsea location!

2am close,

50 capacity, real intimate venue, FREE  
entry

great sound system

smoking area outside

drinks/food available

tunes played/mixed at a volume that you  
can chat to others till 11, then we go for  
it for 3 hours.

Watch this space...!!

  14

18 comments

 Like Comment Share

Home



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Marketplace



Dating



Notifications



Menu

**Posts****About****Photos****Mentions**

youtube.com

**Hernan Cattaneo b2b Guy J Stereo  
Montreal 20171216 Part 2 of 2****Like****Comment****Share****Anjunaesque**

6 Nov ·

Just over a month away, Who is excited ? I know we are. Out of interest , what style of music would people prefer from 1-2 am? To go slightly higher, trance vibe , bit darker , heavier bass, more melodic, classic style , What are you thoughts as we would love to know ?



1

3 comments

**Like****Comment****Share**

Home



Friends



Marketplace



Dating



Notifications



Menu

## APPENDIX D

**From:** Duncan Allan  
**Sent:** 08 December 2022 11:15  
**To:** Licensing Shared Email  
**Subject:** Licensing Carioca

Further to the application I am concerned that the extended hours to the early morning would have a detrimental effect on the residential area. Especially concerning is the sale of alcohol that could attract unwanted attention from those already moving on from other closed establishments. Even with alcohol served with food this venue has had a zero food hygiene rating.

Music needs to be contained within the venue and not be audible or vibrational through heavy bass notes.

I consider midnight to be sufficient for the business in this area.

Yours sincerely

Duncan Allan  
30b Beach Road  
Southsea  
PO5 2JH

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## APPENDIX D

**From:** [Robson, Debra](#)  
**To:** [Robson, Debra](#)  
**Subject:** FW: 88 Clarendon Road  
**Date:** 08 December 2022 17:17:16

---

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

**From:** Jeanne Bailey [REDACTED]  
**Sent:** 05 December 2022 16:16  
**To:** Licensing Shared Email [REDACTED]  
**Subject:**

To; licensing Manager  
Ref22/03275/LAPREM

I wish to register my objection to this licence being extended to 03.00am for the Brazilian Bar.  
It is bad enough that the old betting license was granted an alcohol license in the first place, surely we have enough bars, cafes and restaurants in Palmerston and Osborne Road as it is.  
Since this Brazilian Bar has been open there has been lots of disruption already with broken bottles in the street near the bar, people standing outside drinking and blocking the pavement and making a lot of noise. Also large inflatable figures and tables outside.  
The strand is also well known for drug dealing at numerous times of the day and night.  
It is a residential area and this bar is causing a deterioration of the area already without adding longer opening hours.  
Surely we do not need any more disruption.

Jeanne Bailey  
5 St. Catherine street. PO5 2NG  
Sent from my iPad

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## APPENDIX D

**From:** Tracy Bourne [REDACTED]  
**Sent:** 26 December 2022 15:37  
**To:** Licensing Shared Email [REDACTED]  
**Subject:** Extending the licensing hours of Carioca Emporium Ltd

Dear Sir / Madam

I am writing in respect to the proposed extension of sale and use of alcohol and live music from 11 to 3am Monday to Saturday at Carioca Emporium Ltd 88 Clarendon Road Southsea PO5 2PB

As much as I enjoy seeing a business doing well I'm really concerned about these extended hours. I live around the corner in Burgoyne Road and this bar is now very noisy. They seem to let people stand outside all evening which makes it feel like they are in my garden it's so loud, especially in the summer time when windows are open. They sometimes have live music outside too and drums. Whilst I appreciate that some noise is to be expected I feel like this level of noise until 3am every night 6 days a week is unacceptable. The Moonshine Club seem to be acting responsibly and putting in sound proofing and they only have people queueing outside etc. For us now it's the Carioca bar that causes the most noise so this new proposal is a bit alarming.

I feel like they have out grown the venue due to their success so they are spilling out on to the pavement causing more noise than is acceptable for local residents.

Kind regards

Tracy Bourne

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## APPENDIX D

Hi there,

I recently became aware of an application from Carioca Emporium Ltd of 88 Clarendon Road to extend their license for the sale of alcohol and playing of music to 3am Monday to Saturday.

They currently have a license til 11pm and that's already caused a public nuisance and an increase in disorder. They've frequently had to be asked to turn the music down at 11 because they go over the time limit. They do it quickly, so I've never made a formal complaint to the council, but it shows that they are non-compliant to their current license. There's also been an uptick in anti-social behaviour. I can't walk past there in the evening because the pavement is full of people who have spilled out and are drunk and rowdy. I have to cross the road.

There have been altercations and scuffles, and I think it's only a matter of time before the police are called.

And finally, the noise pollution is extraordinary. They're very nice people, and I love the music they play and the performers that they have, it's gorgeous music. But the premises simply isn't appropriate for their proposal. *It used to be a betting shop*. It's a tiny, one room place, with a glass frontage and no soundproofing. The door opens straight into the street so there's no way of baffelling the sound. And they leave the door open pretty much the whole time anyway because people are always in and out (and mostly standing on the pavement because it's too small inside).

It's a lovely business. Lovely people. But they need a bigger place that is properly fitted out for the kind of bar they clearly want to run. Because of the way it's set up they actually produce *more noise* than the big moonlight club across the roundabout.

I strongly object.

many thanks  
Dr C. Campbell  
48 St Catherine St,  
Portsmouth,  
Southsea  
PO5 2NG

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## APPENDIX D

**From:** Richard Collins [REDACTED]  
**Sent:** 26 December 2022 23:50  
**To:** Licensing Shared Email [REDACTED]  
**Subject:** Objection to application of grant / variation of licence

### **Subject: Objection to application for grant/variation of licence.**

I wish to lodge a strong objection with respect to the application for grant / variation of licence for the venue T/A Carioca Bar & Kitchen at 88 Clarendon Road under the 2003 licensing act.

Unfortunately, the disturbance as a result of unacceptable noise from this venue has already generated complaints.

I have not yet complained myself but this application prompts me to do so and to lodge an objection to the application.

During the summer months the level of noise through to midnight generated by this venue has been unacceptable once or twice a week. So much so that we have to sleep with our windows closed to try to reduce the noise.

This area is predominantly a residential area and there are babies, toddlers and school children all living close to this venue.

My own property is approximately 80 meters away.

The noise is because the venue is too small for the number of patrons and on these occasions they spill out on the pavement.

Does the company have a licence for outside capacity? There are often gatherings of between 5 and 15 adults on the pavement, commonly having loud discussions in part as a result of alcohol consumption.

This noise level escalated through to closing time.

The situation is made worse by the venues door often being left open so that loud music spills outside.

If this application is granted then there is a significant risk that this unacceptable disturbance is likely to extend through to 3 am or later.

Furthermore the pavement at this point is between 2 and 3 metres wide and the front door to Carioca opens directly onto the disabled road crossing with the dropped curb and the braille paving slabs. People standing and drinking at this point must represent an increased risk to those wishing to use the crossing.

Yours Sincerely,

Richard Collins

2 Kenilworth Villas, Kenilworth Road, Southsea. PO5 2PQ

[REDACTED]



## APPENDIX D

Ref licensing request for Carioca Emporium Ltd Ref: 22/03275/LAPREM

For the attention of the Licensing Manager

It has come to our attention that the Carioca Emporium Ltd has issued an application to extend the sale of alcohol and live music until 3 am.

We wish to object strongly to this. In the past the pub on the corner of Clarendon rd and St Catherine Street used to play live music which would keep us awake. This is a densely populated area and we have more than a few very elderly neighbours all of whom would be affected by this.

Thank you for your cooperation

Regards

Mr & Mrs Cullen  
7 St Catherine Street  
Southsea  
Hampshire  
PO5 2NG

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## APPENDIX D

**From:** Deborah Cunningham [REDACTED]  
**Sent:** 05 December 2022 20:40  
**To:** Licensing Shared Email [REDACTED]  
**Subject:** Brazilian Cafe 88 Clarendon Road request for late licensing objection

Hi

I am a resident of Somerset road, Southsea and I am expressing concerns of the request for a late license, at the above bar

I have already noticed more people walking down the road late and inebriated, raised voices and there has been damage to several cars in the past, I do not want this to be a regular disturbance.

My family and I have a right to feel safe in our home at night and I believe this will put us at risk.

I hope you will put the residents in this area as a priority, to ensure the safety and wellbeing. If you can let me know the outcome of this please.

Kind Regards

Ms Cunningham

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## APPENDIX D

REF: 22/03275/LAPREM

Carioca Emporium Ltd.

88 Clarendon Road, Southsea.

We live in Somerset Rd and wish to object to the extension of opening hours to the above premises.

During last summer we often heard loud music from this bar and believe that this area already has more than enough late bars already, the Dockyard Club in Onslow Road and Moonshine and Prohibition Clubs in The Strand.

The premises is not very large and the frontage is on Clarendon Rd, so their customers spill out onto the pavement to smoke.

The premises rear smoking and drinking garden backs onto residential properties.

As you are aware, at one two and three o'clock in the morning all noise travel further and as the application is for every night with the exception of Sunday there will never be a break from the disturbance of this bar.

Surely, enough is enough or is the Council determined to run this area of Southsea into the ground with late night clubs and bars and not to mention, HMO's.

We would ask that the Licensing Committee please do not authorise this extension.

Colin Grady.

29 Somerset Road,

Southsea.

Portsmouth.

PO52NL.

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## APPENDIX D

**Stone, Derek**

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**From:** Robson, Debra  
**Sent:** 08 December 2022 17:18  
**To:** Robson, Debra  
**Subject:** FW: Application of an extension of licensing at Brazilian Cafe (Carioca Emporium Ltd) Ref: 22/03275/LAPREM.

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**From:** Peter [REDACTED]  
**Sent:** 05 December 2022 18:07  
**To:** Licensing Shared Email [REDACTED] >  
**Cc:** Smyth, Judith (Cllr) <[REDACTED]>  
**Subject:** Fwd: Application of an extension of licensing at Brazilian Cafe (Carioca Emporium Ltd) Ref: 22/03275/LAPREM.

Sent from my iPhone

Begin forwarded message:

**From:** Peter [REDACTED]  
**Date:** 5 December 2022 at 17:59:24 GMT  
**Cc:** [Cllr.judith.Smyth](mailto:Cllr.judith.Smyth@pcc.gov.uk) [REDACTED]  
**Subject:** Application of an extension of licensing at Brazilian Cafe (Carioca Emporium Ltd) Ref: 22/03275/LAPREM.

Dear Licensing.

I am appalled to read the notice displayed in the window of the Brazilian Cafe Bar on the Strand Southsea. As one of many local residents in the immediate area we have had to suffer constant disturbances late at night and in the early hours due to customers at this bar. They frequently ignore their current licensing restrictions and cause noise and loud music way beyond their permitted time and show absolutely no regard to the existing local residents who have been living here many years before it was permitted by PCC licensing to add another bar to this area. The premises was once a small local betting shop, now it's a lively, noisy bar in the middle of a residential area. So many of my neighbours including myself are seriously considering selling their loved homes if this application is successful. The existing noise and rubbish left in the streets around the Strand is disgusting and not acceptable. I have been trying for months to get additional public waste bins added to the Strand area through PFI team, but they insist one waste bin is enough, really ??? The Guildhall Walk is where such establishments would be better suited as a location and not in a private residential area.

Please reject this ridiculous application.

Peter and Karen.

14 St.Katherine Street  
Southsea PO5 2NG

Sent from my iPhone

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## Comments for Licensing Application 22/03275/LAPREM

### Application Summary

Application Number: 22/03275/LAPREM

Address: 88 Clarendon Road Southsea PO5 2PB

Proposal: Premises Licence

Case Officer: Ms Debra Robson

### Customer Details

Name: Ms Kim Hadley

Address: 73A Clarendon Road, Southsea PO5 2PA

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 15/12/2022 12:36 PM This bar is disruptive enough as it is, but at least the noise currently stops at midnight. There is insufficient sound proofing for live music - it's just a glass door and windows at the front. Customers smoke on the street so the door is constantly opened, and was left open during the summer. The noise will become unbearable if it is until 3am. This is a residential area with enough problems as it is. The club opposite is no problem as it has proper soundproofing and security staff. This bar does not.



# Comments for Licensing Application 22/03275/LAPREM

### Application Summary

Application Number: 22/03275/LAPREM

Address: 88 Clarendon Road Southsea PO5 2PB

Proposal: Premises Licence

Case Officer: Ms Debra Robson

### Customer Details

Name: Miss Sarah Harkin

Address: 50 St Catherine Street, Southsea PO5 2NG

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 13/12/2022 12:46 PM The noise levels already coming from this premises aren't acceptable - its a flat fronted, single glass paned building not intended for use as a music venue. Irrespective of speakers being moved, the volume of music is already too loud, and the door does not remain closed as the smoking area for customers is on the pavement. Thus far I have refrained from noise complaints as it is usually finished by midnight, but a 3am licence throughout the week is absolutely not acceptable. This is a residential area and there is no sound proofing and no mitigating features in place to make this an appropriate space for such an unnecessary late night licence.

A good example would be the large nightclub immediately opposite - which gives me no issue!



## APPENDIX D

**From:** [Robson, Debra](#)  
**To:** [Robson, Debra](#)  
**Subject:** FW: Ref: 23/03275/LAPREM  
**Date:** 08 December 2022 17:19:09

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

**From:** Izod [REDACTED]  
**Sent:** 06 December 2022 10:28  
**To:** Licensing Shared Email [REDACTED]  
**Subject:** Ref: 23/03275/LAPREM

LICENSING APPLICATION CARIOCA EMPORIUM, 38 CLARENDON ROAD

I object the above proposal to extend the closing time to 3 a.m. and music on the following grounds -

1. It would be of no benefit to local residents whatsoever as the bar appears to be frequented by people from outside the area
2. This is a residential area with a significant number of elderly people as well as those with young families and the added noise would only cause an unnecessary nuisance
3. The pavement outside the venue is often impassable because the patrons congregate outside drinking, talking and smoking. There is even an extremely large inflatable which adds to the problem, as well as tables and chairs in the summer months.
4. I have also noted that the amount of rubbish and broken bottles in the surrounding area has increased immensely. The Strand itself has become very run down with rubbish and old furniture dumped alongside the bottle banks.
5. Surely there are more than sufficient bars/eateries/fast food outlets already in Palmerston Precinct/Osborne Road

I hope these points will be taken into consideration.

Irene Izod  
3 Clarendon Mews  
SOUTHSEA

Sent from my iPad

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## APPENDIX D

Mrs Pamela Matthews  
51 Somerset road Southsea po5 2NI

### Licensing manager

I would like to submit this email, with reference to the application, ref No 22/03275/LAPREM.  
I would like to lodge an appeal that this application be REFUSED.

### MY REASONS

- 1/since this restaurant has been open i have had to put up with loud music, not too bad in the winter in the summer months I cannot have my windows open in the evening because of the loud music, and had to have my TV up louder.
- 2/because my property backs on to 88 Clarendon road, the distance between the rear of my property and their open windows and doors at the rear make it impossible to have open windows in my house.
- 3/The constant noise of delivery scooters parked in the car park next to the property waiting for deliveries to be done.
- 4/The rear of 88 Clarendon road restaurant is used for a smoking area and parties at all times, which causes there rear gate to be open and closed and banged at all times.
- 5/I feel that to extend the licence to 3 a.m. in the morning would increase the screaming, shouting and rowdiness that i get now up to 11 pm, and deprive me of my much needed sleep, and would have a detrimental effect on my health.
- 6/ I have spoken to others within the area, and they are all of the same mind, and feel that this application should be refused.

Yours respectfully    Mrs P Matthews





## APPENDIX D

<b>Form name</b>	Contact us
<b>Reference</b>	CC469999090
<b>Date</b>	06/12/2022



### Your details

<b>Name</b>	Mr. Daryl Mullins
<b>Address</b>	1 Clarendon Court Clarendon Road Southsea PO5 2PD
<b>Email address</b>	[REDACTED]

### Contact reason

<b>Which service would you like to contact?</b>	Licensing
<b>What would you like to contact us about?</b>	Something else
<b>Have you already reported your issue to Portsmouth City Council?</b>	No
<b>Enter your enquiry</b>	22/03275/laprem. I would like to register a objection to this application this is a residential area and the noise from premises is already excessive
<b>Location of the issue</b>	88 clarendon rd

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**Appendix D 15 - representation was removed at the representee's request on 27 January 2023.**

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**From:** [Robson, Debra](#)  
**To:** [Robson, Debra](#)  
**Subject:** FW: Licensing Application Objection  
**Date:** 08 December 2022 17:12:36  
**Attachments:** [Licensing@portsmouthcc.gov.uk.vcf](#)

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**From:** Ian Rix <[ian.rix1940@gmail.com](mailto:ian.rix1940@gmail.com)>  
**Sent:** 05 December 2022 14:57  
**To:** Licensing Shared Email <[licensing@portsmouthcc.gov.uk](mailto:licensing@portsmouthcc.gov.uk)>  
**Subject:** Licensing Application Objection

Ref:22/03275/LAPTEM

We object to the application for an extension to the existing license on the grounds of noise  
3 St Catherine Street  
Southsea

Ian and Barbara Rix

Sent from my iPad

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## APPENDIX D

**From:** [Robson, Debra](#)  
**To:** [Robson, Debra](#)  
**Subject:** FW: Ref: 22/03275LAPREM  
**Date:** 08 December 2022 17:17:35

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**From:** brendan Roberts <[REDACTED]>  
**Sent:** 05 December 2022 16:47  
**To:** Licensing Shared Email [REDACTED]  
**Subject:** Ref: 22/03275LAPREM

I have already put in two noise complaints about noisy neighbours this is a residential area we already have a night club near by to grant a extention to 3pm for the sale of alcohol and live music would make it intolerable to live and ruin any chance of a reasonable night's sleep. I cannot overstate mental health damage that lack of sleep can cause.

Brendan roberts.  
Ft2 Jacqueline ct 67 69 clarendon rd po5 2pa.

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## APPENDIX D

Licensing Manager  
Licensing Service  
Civic Offices  
Guildhall Square  
Portsmouth PO1 2AL

19<sup>th</sup> December 2022

**Reference: 22/03275/LAPREM**

Dear Sir / Madam,

We strongly object to the application for a late licence at 88 Clarendon Road based on the following concerns. The location is extremely close to quiet residential housing.

A business whose hours of business are late at night are not compatible with this location. Where alcohol is involved, inappropriate behaviour is usually increased. This is not acceptable in an area with residential properties where young children and elderly reside in the immediate vicinity.

There is limited parking in all the surrounding roads, residents too often have to drive some distance away from their homes to find a parking space. This problem has been exacerbated by the council granting 25 (or more) parking permits to a hotel in Florence Road. Granting a late-night licence would add to these parking difficulties.

Vehicles parked in the surrounding roads at night have an inevitable risk attached. If that risk of possible damage is increased by introducing a considerable number of people, late at night and having been in an environment where alcohol and possibly other substances are involved, then this is not an acceptable risk to have placed on existing residents.

Generally, any activity involving increased numbers of people, vehicles, music and alcohol after 11:30 at night is not appropriate for a residential area and it increases the possibility of becoming a public nuisance and significantly raises the risk of criminal and disorderly behaviour.

The owner has already demonstrated a disregard for the local residents by hosting numerous very noisy events that have gone on until the early hours of the morning, where people have been outside drinking and generally making a nuisance. This has had the effect of disturbing people generally and especially the children, who have been unable to sleep because of the noise. I assume that, as this application is for late night licensing, these events were conducted without the appropriate licences.

In Somerset Road the residents have in the past, already suffered from vehicles being scored and furthermore a case of vehicles bonnets being jumped on. CCTV footage available.

Southsea already has night spots where police and security can control late night drinking, namely Guildhall Walk, Palmerston Road and Gunwharf Quays. Granting a late-night licence at 88 Clarendon Road is wholly unacceptable. The small space available is unable to accommodate its customers already resulting late-night gatherings spilling onto the pavement and roundabout and creating an obstruction. The property has not been equipped with any dedicated sound proofing which any normal music venue would have.

Yours faithfully,

David & Jane Snook  
(8 Somerset Road, PO5 2NL)

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## APPENDIX D

Ref: 22/03275/LAPREM

Dear Sirs,

We would like to strongly object to the request of the Brazilian Cafe, 88 Clarendon Rd, Southsea being open for the sale of Alcohol and Live and Recorded Music on a Monday to Saturday until 3 am.

We live in Somerset Road. This is a residential area and we should not have to be bombarded with continual night time noise from music and loud voices/shouting. The buildings are close together and noise echos off of surrounding buildings.

Please consider the residents.

Thank you,

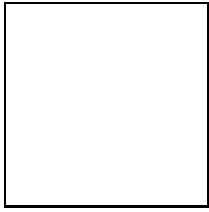
Ron & Brenda Surridge

21 Somerset Rd,

Southsea,

PO52NL

Sent from my iPad



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This email is for the intended recipient(s) only.

If you have received this email due to an error in addressing, transmission or for any other reason, please reply to it and let the author know. If you are not the intended recipient, you must not use, disclose, distribute, copy or print it.

This email may be monitored, read, recorded and/or kept by Portsmouth City Council. Email monitoring and blocking software may be used.

## APPENDIX D

Hello I am writing to object an extended licensing request from The Brazilian cafe - Carioca Emporium Ltd.

They are a local restaurant which are now requesting to play live music Monday - Saturday until 3am. Seeing this has caused me great concern. During this summer after they had opened, I have had nothing but disturbance from this restaurant which is still ongoing. I have a previous noise complaint case against them (22/02094/ENI) where environmental health have been out to visit over 5 times. The owner of this restaurant did not cooperate with trying to respect neighbours. Not only did she ignore advice from the environmental health team, they also made no attempts to lower their volume of noise and continued to disturb me and others.

During the summer the door of the venue is left open and that's when the most noise comes through- the advice from environmental health was to keep it closed to respect the neighbours, which they ignored.

This restaurant also throws large parties in the car park it's next too, which have been ongoing into the early hours of the morning- dispute not having licence to play loud music and sell alcohol at that time of night.

For such a small venue, the amount of noise it makes is infuriating. It's so small people don't always fit , and stand on the street outside making more noise.

This restaurant has influenced a lot of antisocial behaviour, with people shouting and screaming until past their closing time.

I can't stress enough how this restaurant being open until 3am playing live music will affect me. I work full time, early mornings and I will be completely disturbed by this.

The noise disturbance from this restaurant has led to me having multiple panic attacks- due to my anxiety. That is no exaggeration.

I recently called environmental health back out on Halloween when they threw a party outside where the noise was so loud it could be heard from the seafront.

Please take this into consideration, from a truly disturbed resident , this restaurant has caused me so much stress.

Thank you

Amy Symons

Flat 6 Clarendon Court,

Clarendon road

PO52PD.

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## Stone, Derek

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**From:** Licensing Shared Email  
**Sent:** 28 December 2022 09:07  
**To:** Robson, Debra  
**Cc:** Stone, Derek  
**Subject:** FW: Carioca Emporium Ltd Licensing Application Dated 01/12/2022

**Importance:** High

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**From:** Quentin  
**Sent:** 26 December 2022 16:21  
**To:** Licensing Shared Email <licensing@portsmouthcc.gov.uk>  
**Subject:** Carioca Emporium Ltd Licensing Application Dated 01/12/2022

My Address: 1 Kenilworth Road, Southsea PO5 2PG

My Southsea home is at the above address as is some 90 metres away from the Carioca Bar & Kitchen. My wife and I already find this to be a noisy establishment, especially as the door to the establishment is open with patrons frequently standing on the pavement, drinking, smoking, shouting and generally being noisy in addition to the loud music coming from the bar. I no longer walk my dog past the establishment when it is open and patrons are out on the pavement. In the mornings we frequently have to carry our dog past the bar as there is broken glass left on the pavement outside.

When my elderly mother in law is staying with us in Southsea she has to sleep with the windows shut due to the noise from the bar but can open them in the night if she awakes and needs fresh air

Because of the problems we experience already we object to the proposed alteration to licence as per the application and this bar is simply not a suitable establishment for what is solely a residential area. If you would like any further information then please feel free to either call me or email me using the details below.

Best wishes

Quentin

*Quentin Whitfield*

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# Agenda Item 4

**REPORT TO:** LICENSING SUB-COMMITTEE 24 January 2023

**REPORT BY:** LICENSING MANAGER

**REPORT AUTHOR:** NICKII HUMPHREYS

**Licensing Act 2003 - Temporary Event Notice - Consideration of Objection  
Notice - Carioca Emporio Limited, 88 Clarendon Road, Southsea, PO5 2PB**

## 1. PURPOSE OF REPORT

The purpose of this report is for the Committee to consider an objection notice given by a relevant person<sup>1</sup> namely Regulatory Services in respect of a Temporary Event Notice ("TEN") received by the licensing authority under our reference (23/00267/LATENS).

## 2. THE PROPOSED PREMISES USER

The TEN has been given by:

**Name:** Mrs Fatima Monica Souza

**Personal Licence:  
(If applicable)** Yes (1948)

## 3. THE PREMISES AND PROPOSED PERMITTED TEMPORARY ACTIVITIES

The premises user proposes to carry on temporary licensable activities at the following premises:

**Name (if any) and address of premises  
(or part):** Carioca Emporio Limited  
88 Clarendon Road  
Southsea

**Proposed licensable activities:** Sale by retail of alcohol  
Regulated entertainment  
Late night refreshment

**Proposed dates and timings:** 4 February 2023 23:00 - 5 February 2023  
02:00

A copy of the temporary event notice is attached as **Appendix A**.

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<sup>1</sup> A "relevant person" is now defined as either the Chief Officer of Police for the police area OR the local authority exercising the statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health. Section 99A Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011 refers.

#### 4. BACKGROUND INFORMATION

The provisions relating to permitted temporary activities are contained within Part 5 of the Licensing Act 2003 (“the Act”).

The Act has introduced a “light touch” system for ad hoc permitted temporary activities. This replaced the previous licensing arrangements under the Licensing Act 1964 for occasional licences and permissions.

A TEN is given by an individual aged 18 or over (“a premises user”) and authorises the premises user to conduct one or more licensable activities at premises<sup>2</sup> for an event lasting no more than 168 hours (7 days). TENS can be used to authorise relatively small-scale ad hoc events, subject to certain mandatory restrictions which are:

- The number of times the “premises user” may give a TEN **(50 times a year for a personal licence holder and 5 times a year for a non personal licence holder)**;
- The number of times a TEN may be given in respect of any particular premises **(20<sup>3\*\*</sup> times in a calendar year) but subject to a maximum aggregate duration of the periods covered by TENS at any individual premises (26<sup>\*\*</sup> days)**;
- Minimum period of 24 hours between each TEN given by the same premises user (or an associate) for the same premises;
- The length of time a temporary event may last **(168 hours)**; and
- The scale of the event in terms of the maximum number of people attending at any one time **(less than 499)**.

The premises user must give the TEN to the licensing authority and also send a copy to the relevant persons no later than 10 working days before the day that the temporary event is intended to start. Upon receipt of a TEN, the licensing authority is required to issue an acknowledgement of the TEN. A prescribed fee is payable.

A purpose of the TEN notification process is to also enable the licensing authority to check that the mandatory restrictions shown above are being observed and to intervene, by issue of a statutory counter notice, if they are not.

The Chief officer of Police or officers of the council exercising Environmental Health functions (the relevant persons) may intervene to prevent a proposed TEN event from taking place on any (or all) of the four licensing objectives. They have 3 working days following receipt of the TEN to give an objection notice if satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective and must give reasons to support any concerns.

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<sup>2</sup> Premises can include any place or a vehicle, vessel, moveable structure or area of open land

<sup>3</sup> Deregulation Act 2015 refers and \*\* permitted increases for calendar years 2022/23.

However, at any time before a hearing is held, the relevant person may, with the agreement of the premises user, modify the TEN to address any concerns. Once the TEN has been modified, the objection notice is treated as being withdrawn.

A local authority has powers under other legislation, for example, to deal with a statutory noise nuisances and may also require any premises user to comply with appropriate planning and/or other necessary building consents.

Section 161 of the act provides that a senior police officer may make an order closing individual premises covered by a premises licence or a TEN for up to 24 hours where he reasonably believes that:

- Disorder is taking place; or
- Is likely to take place imminently; or
- A nuisance is being caused by noise emanating from the premises.

Such orders may only be made where it is necessary in the interests of public safety or to prevent the nuisance caused by noise coming from the premises.

## **5. OBJECTION NOTICE**

Regulatory Services have submitted an objection notice which is attached as **Appendix B**.

## **6. POLICY AND STATUTORY CONSIDERATIONS**

When determining the objection notice and whether to issue a counter notice<sup>4</sup> the Committee must have regard to:

- The promotion of the licensing objectives;
- The Licensing Act 2003;
- The statutory guidance issued by the Secretary of State in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to consider, if necessary, any public sector equality matters;

Any 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.

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<sup>4</sup> *There is no prescribed format for a counter notice issued under section 105(3) of the act. This could be a letter or formal notice from your reporting officer informing the premises user that the committee have concluded that, in the circumstances and having regard to the promotion of the licensing objectives, the event cannot go ahead.*

The Act does permit the licensing authority to attach conditions but only if a counter notice is **NOT** issued **and** provided that the premises concerned are already subject to either a premises licence or club premises certificate. Any proposed conditions must already apply to the parent licence and must not be inconsistent with the carrying out of the proposed activities under the auspices of the TEN. The committee will be advised of any pre-existing conditions if mindful of imposing any conditions in relation to the TEN.

Premises users are not required to be on the premises for the entire duration of the event, but they will remain liable to prosecution for certain offences that may be committed at the premises during the temporary event if the event is not adequately managed/supervised including the laws governing sales of alcohol to persons under 18 years.

Chapter 7 and paragraphs 7.1 to 7.40 of the updated Statutory Guidance issued by the Secretary of State are relevant to the consideration of TENS, and in particular:

**Para 7.6**

*"The police or EHA ("relevant persons" for the purposes of TENS) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENS user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENS would be exceeded (see paragraphs 7.15 - 7.22)".*

**Para 7.32**

*"The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives".*

**Para 7.34**

*"Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead.....".*

After hearing the representations and having regard to the objection notice, the Committee must give the premises user a counter notice to prevent the TEN from taking place **if it considers it appropriate for the promotion** of one or more of the licensing objectives.

The licensing authority must subsequently take the following steps:

- a) in such cases where it decides not to give a counter notice, it must give the premises user and each relevant person a notice of the decision; and
- b) in any other case:
  - i) give the premises user the counter notice and a notice stating the reasons for its decision; and
  - ii) give each relevant person a copy of both of those notices.

## **7. APPEALS**

Schedule 5, part 3, of the Act sets out the appeal provisions in relation to the determination of an objection notice to a TEN submitted by a relevant person.

Should the Committee give a counter notice, the premises user may appeal against the decision to the Magistrates' Court.

Should the Committee decide not to give a counter notice, the relevant person may appeal to the Magistrates' Court.

A copy of the 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.

## **8. APPENDICES**

- A.** Copy of the redacted Temporary Event Notice and plan (if available)
- B.** Copy of the objection notice submitted by the relevant person(s)
- C.** Copy of the existing redacted licence authorisation (if available)

**THE COMMITTEE IS REQUESTED TO DETERMINE THE OBJECTION NOTICE**



For Licensing Manager  
And on behalf of Head of Service

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## TEMPORARY EVENT NOTICE

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	Souza
Forenames	Fatima Monica
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	Day <input type="text"/> <input type="text"/> <input type="text"/>
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
Post town	Postcode
7. Other contact details	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address	

(if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

## 2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
88 Clarendon Road Southsea PO5 2PB	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	22/02069/LAPREM
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Restaurant	



Please describe the nature of the event below. (Please read note 5)
Sale of alcohol within restaurant & playing of live and recorded music

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
04/02/23		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
23:00 – 02:00		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		80
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 12)		
23:00 – 02:00		

4. Personal licence holders (Please read note 13)						
Do you currently hold a valid personal licence? (Please tick)		<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No					
<input checked="" type="checkbox"/>	<input type="checkbox"/>					
If "Yes" please provide the details of your personal licence below.						
Issuing licensing authority	Winchester City Council					
Licence number	1948					
Date of issue	11/04/2022					
Date of expiry	None					
Any further relevant details						

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)						
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year						
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					

6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)						
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.						
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 16)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to an unlimited fine, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	16/01/2023

Name of Person signing	Fatima Monica Souza
---------------------------	---------------------

For completion by the licensing authority

10. Acknowledgement (Please read note 19)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

## NOTES

### General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (20 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (26 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 15 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or

- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is an unlimited fine);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is an unlimited fine);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is an unlimited fine);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine not exceeding level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

### **Note 1**

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

### **Note 2**

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

### **Note 3**

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

### **Note 4**

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

### **Note 5**

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.



**Note 6**

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

**Note 7**

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

**Note 8**

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

**Note 9**

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.



### **Note 10**

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

### **Note 11**

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

### **Note 12**

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment - see note 6 above). A temporary event notice may be given for this purpose.

### **Note 13**

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

### **Note 14**

As stated under Note 13, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (20 for each premises, 26 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that

business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user.

### **Note 15**

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

### **Note 16**

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

### **Note 17**

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

**Note 18**

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

**Note 19**

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

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### Carioca Bar and Kitchen 88 Clarendon Road

#### Background information

Carioca Bar and Kitchen 88 Clarendon Road is situated adjacent to four other commercial premises, a cafe, a chip shop and a small retail shop (see plan attached). There is also a nightclub called Moon and Shine opposite on the corner of Granada Road. The majority of other properties in the area are residential. This location is not classed as part of the night time economy area for Portsmouth.

At this present time it is unclear as to whether planning permission has been granted for permitted use for the bar and kitchen at 88 Clarendon Road, however the owner does have a premise licence which permits them to sell alcohol until 02:00hrs and also allows them to provide regulated entertainment under the Live Music Act until 23:00hrs.

The applicant has applied for a variation to their premise licence to extend the opening hours until 03:00hrs including the sale of alcohol and the provision of entertainment.

Prior to this the Premise Licence Holder has applied for Temporary Event Notices (TEN's) to extend the opening hours as proposed by the variation application, however both the Police (10<sup>th</sup> December) and Regulatory Services (19<sup>th</sup> November 23:00 to 20<sup>th</sup> November 04:00hrs) have made representations for late TEN's under the grounds of the likelihood of public nuisance and public safety. These events have not taken place.

#### Complaint History

Three noise complaints were received by Regulatory Service in July 2022; this was approximately two months after the initial premise licence was granted. Complaints are continuing to be received concerning loud music escaping from the building and from noise from customers smoking outside. Below is a summary of complaints received by Regulatory Services:

On 22nd July 2022, an officer visited the premise in relation to a complaint concerning loud music and spoke with the premise licence holder. She was notified of the complaints and requested to keep the door closed whilst she was having entertainment.

On 23rd July 2022, a local resident contacted the duty out of hour's officer 21:05hrs reporting that there was loud music emanating from Carioca 88 Clarendon Road. When the officer arrived at the complainant's property, the music had been reduced and the door to the premise had been closed.

On 31st July 2022, an officer visited the area at 23:11hrs and witnessed folk music emanating from Carioca Bar. The music was escaping from the bar when customers entered and left the building. The music from the premise was still on going at 23:20hrs when the officer left the area. The music was therefore witnessed beyond the permitted licensable hours.

A complainant contacted the duty out of hour's officer on 12th August 2022 and the officer visited the area at 23:30hrs. The music was audible in both complainant's living room and bedroom with the windows open. A female was singing on microphone and the music was very loud at times. The volume was likely to be increasing when the door to the bar was opened. The officer visited the bar where it was identified that two females were singing on microphones. The entertainment was set up close to the window at the front of the restaurant. The officer requested for the volume of the microphone to be reduced. The officer also recommended the music be moved away from the window and closer to the bar. The premise licence holder said she would rearrange the restaurant the following day.

A further call was made to the duty out of hours on 13th August 2022 at 21:00 by the time the officer arrived in the area (21:35) the volume of the music had been reduced at the restaurant due to the doors being closed.

On 14th August 2022, a complainant left a voice message on the night noise mobile at 00:47 alleging that they had been woken up by music from the restaurant.

On 28th October 2022, the duty out of hours officer received two calls from residents concerning loud music from Carioca. The officer arrived in the area at 22:55hrs. There were 20-30 people stood drinking outside the Carioca Bar. Music was breaking out of premises particularly whenever door opened. However, most of the noise was caused by people stood outside. The officer visited the restaurant and customers were entirely blocking the highway. The officer had to walk into the road to get round the customers. There was also a group of about 20 stood on the opposite side of the road by the strand mural. The officer spoke with the premise licence holder and explained that all the customers standing outside her premise were causing a noise disturbance, the Premise Licence Holder she said that she would bring them back inside.

The officer identified that the music was coming from the Carioca Bar and also that there was music coming from 86 Clarendon Road - Moggys Cafe. The officer saw the premise licence holder enter 86 Clarendon Road. It was later discovered after the event that premise licence holder had extended her Halloween party into Moggys Café (an unlicensed premise) as her venue was not large enough for the event she had organised.

#### **Suitability of structure of the building**

In relation to the last TEN's for the 10<sup>th</sup> December the applicant had advertised for an event which had proposed a live DJ - Anjunaesque. This was advertised as a night club event - see advert from Facebook.

Also a Facebook post has proposed that the bar is aiming to provide live bands on a Friday night and a DJ on a Saturday night next year.

The structure of the building is not suitable for these type of events as the majority of the front façade is single glazed and music played with a high bass content can travel through the glazing. Customers also have to enter and leave through the glass door on the front façade to the smoking area which is on the pavement outside the bar. There is no lobby on the door to the bar to prevent music noise from escaping from the building.

#### **Variation to extend opening hours with the provision of entertainment**

The premise already has a licence for the sale of alcohol until 02:00hrs and under the Live Music Act they are permitted to provide entertainment until 23:00hrs. Since the licence was granted complaints have been received by Regulatory Services and these are still under investigation.

The applicant has been spoken to on numerous occasions when entertainment has been provided and requests to reduce the volume of the music has been made. Due to the confined space of the bar and the provision of entertainment the music escapes through the single glazing and the door when it is opened and closed. This has caused a disturbance to local residents in the area, along with noise from the congregation of customers outside smoking.

The premise licence holder has not demonstrated that they have any measures in place to control the noise from either customers or the music escaping from the building under the existing premise licence operational hours (entertainment to finish at 23:00hrs). Events have been advertised on

Facebook promoting entertainment by a DJ that clearly aimed to increase the volume of music after 23:00hrs (if this event had been allowed to go ahead). It is therefore likely that to allow the provision of entertainment to continue from 23:00hrs to 03:00hrs will cause significant disturbance and sleep deprivation to local residents in the area.

It is unlikely that conditions on the premise licence will prevent a nuisance from being caused if permission was granted for the operational hours to be extended with the provision of entertainment until 03:00hrs. There would also be significant cost implications if the building were to be altered to make it suitable for the provision of entertainment until the early hours of the morning.

It is therefore recommended that the provision of entertainment remains under the Live Music Act and concludes at 23:00hrs.

## Anjunaesque Opening Night

Sat 10th Dec at 8:00pm-Sun 11th Dec at 2:00am

Carioca Bar & Kitchen, Portsmouth

Free + Booking fee (see below)

Age restrictions: 25+

**Anjunaesque**

25 Followers

### Tickets

Free Entry [More](#)

Sold Out  
Free

Qty

Nothing selected yet  
Get Tickets

## Anjunaesque Opening Night

Organic deep melodic progressive.....

2am close, 50 capacity, real intimate venue, FREE entry

Great sound system

Smoking area outside

Drinks/food available

Tunes played/mixed at a volume that you can chat to others till 11, then we go for it for 3 hours.

Opposite Moonshine...



**Location of Carioca Bar and Kitchen - 88 Clarendon Road**



**Posts**   About   Photos ▾   Mentic

right time I introduced myself. Name's Mark Percy and I live just round the corner from Carioca. Going to be helping the great little venue in a little bit of promotion / marketing.

Next month we're hosting our first sold out club night on the 10th <https://www.facebook.com/anjunaesque> there, plus hopefully more in the new year.

Please let us know if there's any other type of night you'd like put on and we'll try and cater for it. Next year we're aiming for live bands on a friday and dj's on a Sat. And if one night is gunna be 100% South American, then so be it!!

In the short term, not only can you watch Brazil play down there in an amazing atmosphere, but all of the



Home



Friends



Marketplace



Dating



Notifications



Menu

[Posts](#)[About](#)[Photos](#)[Mentions](#)**Anjunaesque**10 Oct · 

So...we have a venue.

Full details to come.

However, keep December 10th free.

Southsea location!

2am close,

50 capacity, real intimate venue, FREE  
entry

great sound system

smoking area outside

drinks/food available

tunes played/mixed at a volume that you  
can chat to others till 11, then we go for  
it for 3 hours.

Watch this space...!!

  14

18 comments

 **Like** **Comment** **Share**

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**Posts** About Photos Mentions

youtube.com

**Hernan Cattaneo b2b Guy J Stereo**  
**Montreal 20171216 Part 2 of 2**

Like Comment Share



**Anjunaesque**



6 Nov ·

Just over a month away, Who is excited ? I know we are. Out of interest , what style of music would people prefer from 1-2 am? To go slightly higher, trance vibe , bit darker , heavier bass, more melodic, classic style , What are you thoughts as we would love to know ?



1

3 comments

Like Comment Share



Home

**Anjunaesque**



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Dating



Notifications



Menu



# PREMISES LICENCE

## Licensing Act 2003

### Part 1 – Premises Details

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

**Address:** Carioca Emporio Limited  
88 Clarendon Road  
Southsea  
PO5 2PB

**Map Ref (E) :** 464923  
**Map Ref (N):** 98364  
**UPRN:** 001775014429

**Telephone**

#### Where the licence is time limited the dates

This licence is **NOT** time limited

#### Licensable activities authorised by the licence

- ▶ Sale by retail of alcohol
- ▶ Late night refreshment

#### The times the licence authorises the carrying out of licensable activities

- ▶ Sale by retail of alcohol
 

Sunday	11:00 until 23:00
Monday to Saturday	11:00 until 02:00
- ▶ Late night refreshment
 

Monday to Saturday	23:00 until 02:00
--------------------	-------------------

#### The opening hours of the premises

- ▶ Sunday 11:00 until 23:00
- ▶ Monday to Saturday 11:00 until 02:00

#### 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:** Carioca Emporium Limited**Address:** 30 Park Approach  
Knowle  
Fareham  
Hants PO17 5NR**Telephone:****Email:****Registered number of holder, for example company number, charity number (where applicable)**

13778608

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol****Name:** Ms Fatima Monica Souza**Address:****Telephone:****Email:****Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol****Personal Licence No:** 1948**Issuing Authority:** Winchester 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:** 29 June 2022**Date last amended:** 29 June 2022**Type:** NewSigned on behalf of the Head of Service  
(Authorised Officer)

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

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



**Annex 1 – Mandatory Conditions**

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

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

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

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

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

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

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

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

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

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

06 The responsible person must ensure that:

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

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

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

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

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

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

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

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

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

where -

(i) P is the permitted price,

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

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



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

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

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

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

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

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

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

**-- END --**

**Annex 2 – Conditions consistent with the operating schedule**

01 The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas. CCTV warning signs to be fitted in public places. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 31 days. Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained. The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a format that can be viewed on readily available equipment without the need for specialist software.

In the event of technical failure of the CCTV equipment, the premises licence holder/DPS MUST report the failure to the Hampshire Eastern Police Licensing Unit [licensing@hampshire.pnn.police.uk](mailto:licensing@hampshire.pnn.police.uk) within 24 hours, and arrangements made to repair the fault without delay. A competent trained person in the use of and operation of the CCTV must be in attendance at the premises at all times that licensable activities take place and there must be a person present, nominated by the data controller, who is able to fully operate the CCTV system to be able to download at the times of the visit onto a CD/DVD/USB stick any information lawfully requested by Police or Portsmouth City Council authorised officers.

CCTV shall cover the full licensable area.

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

- Sale of alcohol to persons under 18
- Challenge 25 and acceptable forms of identification
- Signs of Drunkenness
- Refusal register and when/how to use
- The Licensing Objectives
- This training shall be documented and records kept on the premises

Police and the Portsmouth Licensing Authority shall have access to an individual's training records upon request.



03 The premises shall operate a challenge 25 policy. Any persons appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance. Signage of this policy will be visible to customers

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

05 A notice will be displayed asking customers to leave the premises quietly.

06 Children under the age of 16 shall not be permitted on the premises after 21:00 hours unless accompanied by an adult or attending a pre-booked function.

**-- END --**

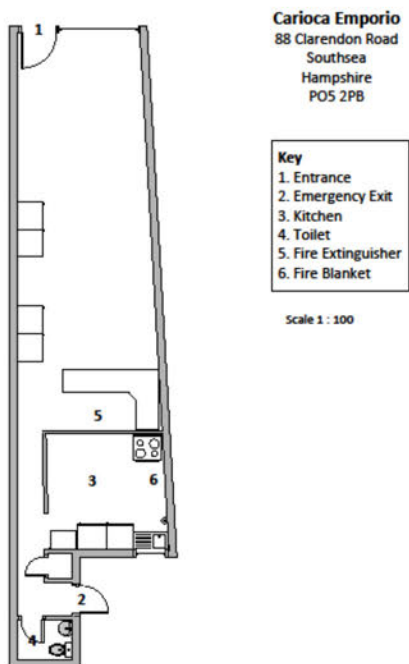
**Annex 3 – Conditions attached after a hearing by the licensing authority**

-- 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: 88 Clarendon Road Southsea**



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER  
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LA100019671- PORTSMOUTH CITY COUNCIL

# Agenda Item 5

**REPORT TO:** LICENSING SUB-COMMITTEE 24 January 2023

**REPORT BY:** LICENSING MANAGER

**REPORT AUTHOR:** NICKII HUMPHREYS

**Licensing Act 2003 - Temporary Event Notice - Consideration of Objection Notice - Carioca Emporio Limited, 88 Clarendon Road, Southsea, PO5 2PB**

## 1. PURPOSE OF REPORT

The purpose of this report is for the Committee to consider an objection notice given by a relevant person<sup>1</sup> namely Regulatory Services in respect of a Temporary Event Notice ("TEN") received by the licensing authority under our reference (23/00269/LATENS).

## 2. THE PROPOSED PREMISES USER

The TEN has been given by:

**Name:** Mrs Fatima Monica Souza

**Personal Licence:  
(If applicable)** Yes (1948)

## 3. THE PREMISES AND PROPOSED PERMITTED TEMPORARY ACTIVITIES

The premises user proposes to carry on temporary licensable activities at the following premises:

**Name (if any) and address of premises  
(or part):** Carioca Emporio Limited  
88 Clarendon Road  
Southsea

**Proposed licensable activities:** Sale by retail of alcohol  
Regulated entertainment  
Late night refreshment

**Proposed dates and timings:** 4 March 2023 23:00 - 5 March 2023  
02:00

A copy of the temporary event notice is attached as **Appendix A**.

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<sup>1</sup> A "relevant person" is now defined as either the Chief Officer of Police for the police area OR the local authority exercising the statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health. Section 99A Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011 refers.

#### 4. BACKGROUND INFORMATION

The provisions relating to permitted temporary activities are contained within Part 5 of the Licensing Act 2003 (“the Act”).

The Act has introduced a “light touch” system for ad hoc permitted temporary activities. This replaced the previous licensing arrangements under the Licensing Act 1964 for occasional licences and permissions.

A TEN is given by an individual aged 18 or over (“a premises user”) and authorises the premises user to conduct one or more licensable activities at premises<sup>2</sup> for an event lasting no more than 168 hours (7 days). TENS can be used to authorise relatively small-scale ad hoc events, subject to certain mandatory restrictions which are:

- The number of times the “premises user” may give a TEN **(50 times a year for a personal licence holder and 5 times a year for a non personal licence holder)**;
- The number of times a TEN may be given in respect of any particular premises **(20<sup>3\*\*</sup> times in a calendar year) but subject to a maximum aggregate duration of the periods covered by TENS at any individual premises (26<sup>\*\*</sup> days)**;
- Minimum period of 24 hours between each TEN given by the same premises user (or an associate) for the same premises;
- The length of time a temporary event may last **(168 hours)**; and
- The scale of the event in terms of the maximum number of people attending at any one time **(less than 499)**.

The premises user must give the TEN to the licensing authority and also send a copy to the relevant persons no later than 10 working days before the day that the temporary event is intended to start. Upon receipt of a TEN, the licensing authority is required to issue an acknowledgement of the TEN. A prescribed fee is payable.

A purpose of the TEN notification process is to also enable the licensing authority to check that the mandatory restrictions shown above are being observed and to intervene, by issue of a statutory counter notice, if they are not.

The Chief officer of Police or officers of the council exercising Environmental Health functions (the relevant persons) may intervene to prevent a proposed TEN event from taking place on any (or all) of the four licensing objectives. They have 3 working days following receipt of the TEN to give an objection notice if satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective and must give reasons to support any concerns.

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<sup>2</sup> Premises can include any place or a vehicle, vessel, moveable structure or area of open land

<sup>3</sup> Deregulation Act 2015 refers and \*\* permitted increases for calendar years 2022/23.



However, at any time before a hearing is held, the relevant person may, with the agreement of the premises user, modify the TEN to address any concerns. Once the TEN has been modified, the objection notice is treated as being withdrawn.

A local authority has powers under other legislation, for example, to deal with a statutory noise nuisances and may also require any premises user to comply with appropriate planning and/or other necessary building consents.

Section 161 of the act provides that a senior police officer may make an order closing individual premises covered by a premises licence or a TEN for up to 24 hours where he reasonably believes that:

- Disorder is taking place; or
- Is likely to take place imminently; or
- A nuisance is being caused by noise emanating from the premises.

Such orders may only be made where it is necessary in the interests of public safety or to prevent the nuisance caused by noise coming from the premises.

## **5. OBJECTION NOTICE**

Regulatory Services have submitted an objection notice which is attached as **Appendix B**.

## **6. POLICY AND STATUTORY CONSIDERATIONS**

When determining the objection notice and whether to issue a counter notice<sup>4</sup> the Committee must have regard to:

- The promotion of the licensing objectives;
- The Licensing Act 2003;
- The statutory guidance issued by the Secretary of State in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to consider, if necessary, any public sector equality matters;

Any 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 Act does permit the licensing authority to attach conditions but only if a counter

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<sup>4</sup> *There is no prescribed format for a counter notice issued under section 105(3) of the act. This could be a letter or formal notice from your reporting officer informing the premises user that the committee have concluded that, in the circumstances and having regard to the promotion of the licensing objectives, the event cannot go ahead.*

notice is **NOT** issued **and** provided that the premises concerned are already subject to either a premises licence or club premises certificate. Any proposed conditions must already apply to the parent licence and must not be inconsistent with the carrying out of the proposed activities under the auspices of the TEN. The committee will be advised of any pre-existing conditions if mindful of imposing any conditions in relation to the TEN.

Premises users are not required to be on the premises for the entire duration of the event, but they will remain liable to prosecution for certain offences that may be committed at the premises during the temporary event if the event is not adequately managed/supervised including the laws governing sales of alcohol to persons under 18 years.

Chapter 7 and paragraphs 7.1 to 7.40 of the updated Statutory Guidance issued by the Secretary of State are relevant to the consideration of TENS, and in particular:

**Para 7.6**

*"The police or EHA ("relevant persons" for the purposes of TENS) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENS user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENS would be exceeded (see paragraphs 7.15 - 7.22)".*

**Para 7.32**

*"The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives".*

**Para 7.34**

*"Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead.....".*

After hearing the representations and having regard to the objection notice, the Committee must give the premises user a counter notice to prevent the TEN from taking place **if it considers it appropriate for the promotion** of one or more of the licensing objectives.

The licensing authority must subsequently take the following steps:

- a) in such cases where it decides not to give a counter notice, it must give the premises user and each relevant person a notice of the decision; and
- b) in any other case:
  - i) give the premises user the counter notice and a notice stating the reasons for its decision; and
  - ii) give each relevant person a copy of both of those notices.

## **7. APPEALS**

Schedule 5, part 3, of the Act sets out the appeal provisions in relation to the determination of an objection notice to a TEN submitted by a relevant person.

Should the Committee give a counter notice, the premises user may appeal against the decision to the Magistrates' Court.

Should the Committee decide not to give a counter notice, the relevant person may appeal to the Magistrates' Court.

A copy of the 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.

## **8. APPENDICES**

- A.** Copy of the redacted Temporary Event Notice and plan (if available)
- B.** Copy of the objection notice submitted by the relevant person(s)
- C.** Copy of the existing redacted licence authorisation (if available)

**THE COMMITTEE IS REQUESTED TO DETERMINE THE OBJECTION NOTICE**



For Licensing Manager  
And on behalf of Head of Service

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## TEMPORARY EVENT NOTICE

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	Souza
Forenames	Fatima Monica
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	<div style="border-bottom: 1px solid black; width: 100px; display: inline-block;"></div> / <div style="border-bottom: 1px solid black; width: 100px; display: inline-block;"></div> / <div style="border-bottom: 1px solid black; width: 100px; display: inline-block;"></div>
4. Your place of birth	<div style="border-bottom: 1px solid black; width: 100%;"></div>
5. National Insurance Number	<div style="border-bottom: 1px solid black; width: 100%;"></div>
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
<div style="border-bottom: 1px solid black; height: 40px;"></div>	
Post town	Postcode
7. Other contact details	
Telephone numbers	<div style="border-bottom: 1px solid black; height: 100px;"></div>
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	<div style="border-bottom: 1px solid black; height: 20px;"></div>

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

## 2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
88 Clarendon Road Southsea PO5 2PB	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	22/02069/LAPREM
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Restaurant	

Please describe the nature of the event below. (Please read note 5)
Sale of alcohol within restaurant & playing of live and recorded music

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
04/03/23		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
23:00 – 02:00		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		80
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 12)		
23:00 – 02:00		



4. Personal licence holders (Please read note 13)						
Do you currently hold a valid personal licence? (Please tick)		<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No					
<input checked="" type="checkbox"/>	<input type="checkbox"/>					
If "Yes" please provide the details of your personal licence below.						
Issuing licensing authority	Winchester City Council					
Licence number	1948					
Date of issue	11/04/2022					
Date of expiry	None					
Any further relevant details						

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)						
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Yes	No					
<input checked="" type="checkbox"/>	<input type="checkbox"/>					
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1					
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					

6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)						
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.						
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					



If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>7. Checklist (Please read note 16)</b>	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 17)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 18)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to an unlimited fine, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	16/01/2023

Name of Person signing	Fatima Monica Souza
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For completion by the licensing authority

10. Acknowledgement (Please read note 19)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

## NOTES

### General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (20 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (26 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 15 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or

- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is an unlimited fine);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is an unlimited fine);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is an unlimited fine);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine not exceeding level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

### **Note 1**

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

### **Note 2**

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

### **Note 3**

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

### **Note 4**

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

### **Note 5**

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

**Note 6**

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

**Note 7**

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

**Note 8**

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

**Note 9**

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

### **Note 10**

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

### **Note 11**

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

### **Note 12**

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment - see note 6 above). A temporary event notice may be given for this purpose.

### **Note 13**

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

### **Note 14**

As stated under Note 13, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (20 for each premises, 26 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that

business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user.

### **Note 15**

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

### **Note 16**

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

### **Note 17**

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.



**Note 18**

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

**Note 19**

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

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### Carioca Bar and Kitchen 88 Clarendon Road

#### Background information

Carioca Bar and Kitchen 88 Clarendon Road is situated adjacent to four other commercial premises, a cafe, a chip shop and a small retail shop (see plan attached). There is also a nightclub called Moon and Shine opposite on the corner of Granada Road. The majority of other properties in the area are residential. This location is not classed as part of the night time economy area for Portsmouth.

At this present time it is unclear as to whether planning permission has been granted for permitted use for the bar and kitchen at 88 Clarendon Road, however the owner does have a premise licence which permits them to sell alcohol until 02:00hrs and also allows them to provide regulated entertainment under the Live Music Act until 23:00hrs.

The applicant has applied for a variation to their premise licence to extend the opening hours until 03:00hrs including the sale of alcohol and the provision of entertainment.

Prior to this the Premise Licence Holder has applied for Temporary Event Notices (TEN's) to extend the opening hours as proposed by the variation application, however both the Police (10<sup>th</sup> December) and Regulatory Services (19<sup>th</sup> November 23:00 to 20<sup>th</sup> November 04:00hrs) have made representations for late TEN's under the grounds of the likelihood of public nuisance and public safety. These events have not taken place.

#### Complaint History

Three noise complaints were received by Regulatory Service in July 2022; this was approximately two months after the initial premise licence was granted. Complaints are continuing to be received concerning loud music escaping from the building and from noise from customers smoking outside. Below is a summary of complaints received by Regulatory Services:

On 22nd July 2022, an officer visited the premise in relation to a complaint concerning loud music and spoke with the premise licence holder. She was notified of the complaints and requested to keep the door closed whilst she was having entertainment.

On 23rd July 2022, a local resident contacted the duty out of hour's officer 21:05hrs reporting that there was loud music emanating from Carioca 88 Clarendon Road. When the officer arrived at the complainant's property, the music had been reduced and the door to the premise had been closed.

On 31st July 2022, an officer visited the area at 23:11hrs and witnessed folk music emanating from Carioca Bar. The music was escaping from the bar when customers entered and left the building. The music from the premise was still on going at 23:20hrs when the officer left the area. The music was therefore witnessed beyond the permitted licensable hours.

A complainant contacted the duty out of hour's officer on 12th August 2022 and the officer visited the area at 23:30hrs. The music was audible in both complainant's living room and bedroom with the windows open. A female was singing on microphone and the music was very loud at times. The volume was likely to be increasing when the door to the bar was opened. The officer visited the bar where it was identified that two females were singing on microphones. The entertainment was set up close to the window at the front of the restaurant. The officer requested for the volume of the microphone to be reduced. The officer also recommended the music be moved away from the window and closer to the bar. The premise licence holder said she would rearrange the restaurant the following day.

A further call was made to the duty out of hours on 13th August 2022 at 21:00 by the time the officer arrived in the area (21:35) the volume of the music had been reduced at the restaurant due to the doors being closed.

On 14th August 2022, a complainant left a voice message on the night noise mobile at 00:47 alleging that they had been woken up by music from the restaurant.

On 28th October 2022, the duty out of hours officer received two calls from residents concerning loud music from Carioca. The officer arrived in the area at 22:55hrs. There were 20-30 people stood drinking outside the Carioca Bar. Music was breaking out of premises particularly whenever door opened. However, most of the noise was caused by people stood outside. The officer visited the restaurant and customers were entirely blocking the highway. The officer had to walk into the road to get round the customers. There was also a group of about 20 stood on the opposite side of the road by the strand mural. The officer spoke with the premise licence holder and explained that all the customers standing outside her premise were causing a noise disturbance, the Premise Licence Holder she said that she would bring them back inside.

The officer identified that the music was coming from the Carioca Bar and also that there was music coming from 86 Clarendon Road - Moggys Cafe. The officer saw the premise licence holder enter 86 Clarendon Road. It was later discovered after the event that premise licence holder had extended her Halloween party into Moggys Café (an unlicensed premise) as her venue was not large enough for the event she had organised.

#### **Suitability of structure of the building**

In relation to the last TEN's for the 10<sup>th</sup> December the applicant had advertised for an event which had proposed a live DJ - Anjunaesque. This was advertised as a night club event - see advert from Facebook.

Also a Facebook post has proposed that the bar is aiming to provide live bands on a Friday night and a DJ on a Saturday night next year.

The structure of the building is not suitable for these type of events as the majority of the front façade is single glazed and music played with a high bass content can travel through the glazing. Customers also have to enter and leave through the glass door on the front façade to the smoking area which is on the pavement outside the bar. There is no lobby on the door to the bar to prevent music noise from escaping from the building.

#### **Variation to extend opening hours with the provision of entertainment**

The premise already has a licence for the sale of alcohol until 02:00hrs and under the Live Music Act they are permitted to provide entertainment until 23:00hrs. Since the licence was granted complaints have been received by Regulatory Services and these are still under investigation.

The applicant has been spoken to on numerous occasions when entertainment has been provided and requests to reduce the volume of the music has been made. Due to the confined space of the bar and the provision of entertainment the music escapes through the single glazing and the door when it is opened and closed. This has caused a disturbance to local residents in the area, along with noise from the congregation of customers outside smoking.

The premise licence holder has not demonstrated that they have any measures in place to control the noise from either customers or the music escaping from the building under the existing premise licence operational hours (entertainment to finish at 23:00hrs). Events have been advertised on

Facebook promoting entertainment by a DJ that clearly aimed to increase the volume of music after 23:00hrs (if this event had been allowed to go ahead). It is therefore likely that to allow the provision of entertainment to continue from 23:00hrs to 03:00hrs will cause significant disturbance and sleep deprivation to local residents in the area.

It is unlikely that conditions on the premise licence will prevent a nuisance from being caused if permission was granted for the operational hours to be extended with the provision of entertainment until 03:00hrs. There would also be significant cost implications if the building were to be altered to make it suitable for the provision of entertainment until the early hours of the morning.

It is therefore recommended that the provision of entertainment remains under the Live Music Act and concludes at 23:00hrs.

## Anjunaesque Opening Night

Sat 10th Dec at 8:00pm-Sun 11th Dec at 2:00am

Carioca Bar & Kitchen, Portsmouth

Free + Booking fee (see below)

Age restrictions: 25+

**Anjunaesque**

25 Followers

### Tickets

Free Entry [More](#)

Sold Out  
Free

Qty

Nothing selected yet  
Get Tickets

## Anjunaesque Opening Night

Organic deep melodic progressive.....

2am close, 50 capacity, real intimate venue, FREE entry

Great sound system

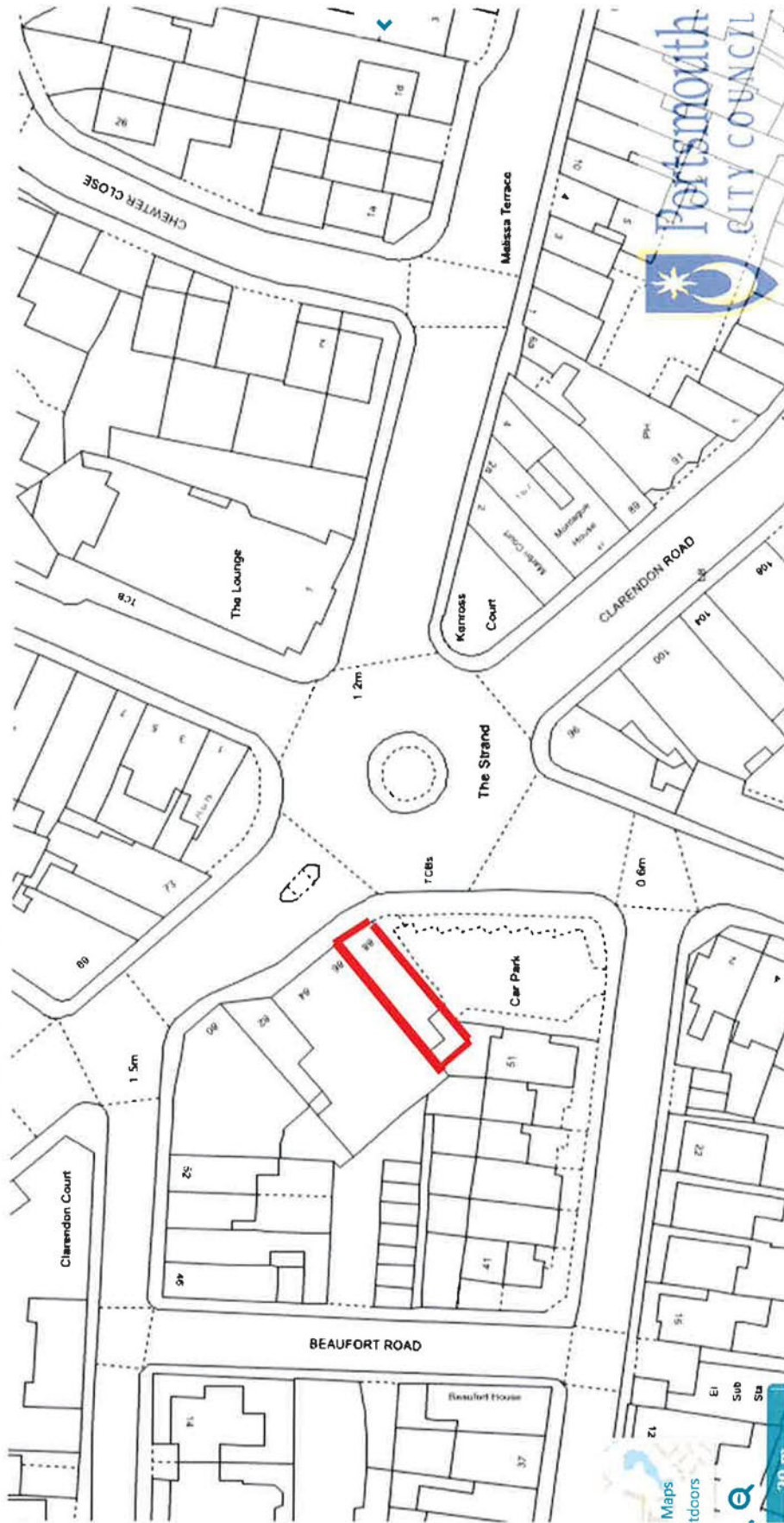
Smoking area outside

Drinks/food available

Tunes played/mixed at a volume that you can chat to others till 11, then we go for it for 3 hours.

Opposite Moonshine...

**Location of Carioca Bar and Kitchen - 88 Clarendon Road**





**Posts**   About   Photos ▾   Mentic

right time I introduced myself. Name's Mark Percy and I live just round the corner from Carioca. Going to be helping the great little venue in a little bit of promotion / marketing.

Next month we're hosting our first sold out club night on the 10th <https://www.facebook.com/anjunaesque> there, plus hopefully more in the new year.

Please let us know if there's any other type of night you'd like put on and we'll try and cater for it. Next year we're aiming for live bands on a friday and dj's on a Sat. And if one night is gunna be 100% South American, then so be it!!

In the short term, not only can you watch Brazil play down there in an amazing atmosphere, but all of the



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Notifications



Menu



[Posts](#)[About](#)[Photos](#)[Mentions](#)**Anjunaesque**10 Oct · 

So...we have a venue.

Full details to come.

However, keep December 10th free.

Southsea location!

2am close,

50 capacity, real intimate venue, FREE  
entry

great sound system

smoking area outside

drinks/food available

tunes played/mixed at a volume that you  
can chat to others till 11, then we go for  
it for 3 hours.

Watch this space...!!

  14

18 comments

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**Posts** About Photos Mentions

youtube.com

**Hernan Cattaneo b2b Guy J Stereo**  
**Montreal 20171216 Part 2 of 2**

 Like  Comment  Share



**Anjunaesque**



6 Nov · 🌐

Just over a month away, Who is excited ? I know we are. Out of interest , what style of music would people prefer from 1-2 am? To go slightly higher, trance vibe , bit darker , heavier bass, more melodic, classic style , What are you thoughts as we would love to know ?



1

3 comments

 Like  Comment  Share



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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:** Carioca Emporio Limited  
88 Clarendon Road  
Southsea  
PO5 2PB

**Map Ref (E) :** 464923  
**Map Ref (N):** 98364  
**UPRN:** 001775014429

**Telephone**

#### Where the licence is time limited the dates

This licence is **NOT** time limited

#### Licensable activities authorised by the licence

- ▶ Sale by retail of alcohol
- ▶ Late night refreshment

#### The times the licence authorises the carrying out of licensable activities

- ▶ Sale by retail of alcohol
 

Sunday	11:00 until 23:00
Monday to Saturday	11:00 until 02:00
- ▶ Late night refreshment
 

Monday to Saturday	23:00 until 02:00
--------------------	-------------------

#### The opening hours of the premises

- ▶ Sunday 11:00 until 23:00
- ▶ Monday to Saturday 11:00 until 02:00

#### 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:** Carioca Emporium Limited

**Address:** 30 Park Approach  
Knowle  
Fareham  
Hants PO17 5NR

**Telephone:**
**Email:**
**Registered number of holder, for example company number, charity number (where applicable)**

13778608

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**
**Name:** Ms Fatima Monica Souza

**Address:**
**Telephone:**
**Email:**
**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**
**Personal Licence No:** 1948


**Issuing Authority:** Winchester 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:** 29 June 2022

**Date last amended:** 29 June 2022

**Type:** New



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

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

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



**Annex 1 – Mandatory Conditions**

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

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

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

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

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

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

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

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

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

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

06 The responsible person must ensure that:

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

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

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

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

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

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

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

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

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

where -

(i) P is the permitted price,

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

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



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

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

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

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

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

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

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

**-- END --**

**Annex 2 – Conditions consistent with the operating schedule**

01 The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas. CCTV warning signs to be fitted in public places. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 31 days. Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained. The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a format that can be viewed on readily available equipment without the need for specialist software.

In the event of technical failure of the CCTV equipment, the premises licence holder/DPS MUST report the failure to the Hampshire Eastern Police Licensing Unit [licensing@hampshire.pnn.police.uk](mailto:licensing@hampshire.pnn.police.uk) within 24 hours, and arrangements made to repair the fault without delay. A competent trained person in the use of and operation of the CCTV must be in attendance at the premises at all times that licensable activities take place and there must be a person present, nominated by the data controller, who is able to fully operate the CCTV system to be able to download at the times of the visit onto a CD/DVD/USB stick any information lawfully requested by Police or Portsmouth City Council authorised officers.

CCTV shall cover the full licensable area.

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

- Sale of alcohol to persons under 18
- Challenge 25 and acceptable forms of identification
- Signs of Drunkenness
- Refusal register and when/how to use
- The Licensing Objectives
- This training shall be documented and records kept on the premises

Police and the Portsmouth Licensing Authority shall have access to an individual's training records upon request.



03 The premises shall operate a challenge 25 policy. Any persons appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance. Signage of this policy will be visible to customers

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

05 A notice will be displayed asking customers to leave the premises quietly.

06 Children under the age of 16 shall not be permitted on the premises after 21:00 hours unless accompanied by an adult or attending a pre-booked function.

**-- END --**

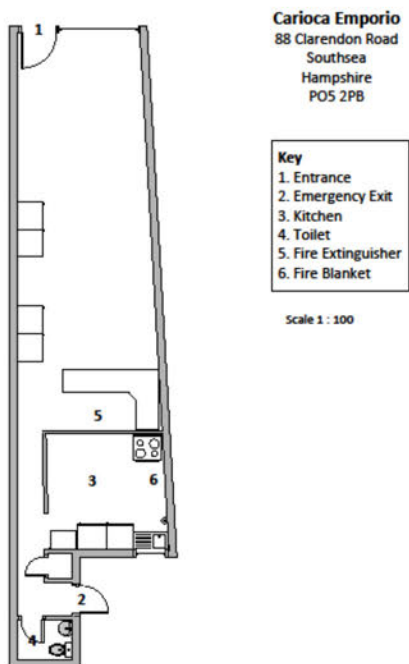
**Annex 3 – Conditions attached after a hearing by the licensing authority**

-- 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: 88 Clarendon Road Southsea**



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