

Elegance, Albert Road, Southsea.

Application for a Premises Licence and a Sexual Entertainment Venue licence

Before the Portsmouth City Council Licensing sub-committee on the 5th March 2018.

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PORTSMOUTH CITY COUNCIL

ELEGANCE, 149 ALBERT ROAD, SOUTHSEA PO4 0JW

HEARING 5TH MARCH 2018

SUBMISSIONS OF APPLICANT

Introduction

1. This is an application for a premises licence and a sexual entertainment venue licence for the first floor of the above premises.
2. The owner of the applicant company, Mr. Jaspal Singh Ojla, is an experienced Portsmouth businessman, who operates a retail store, alcohol licensed venues and sexual entertainment venues on the south coast. He is a man of good character, who holds a personal licence under the Licensing Act 2003 and also previously held a security operative's licence under the Private Security Industry Act 2001.
3. So far as relevant to this application, he holds sexual entertainment venue and alcohol licences at:
 - 5-7 Surrey Street, Portsmouth PO1 1JT
 - 1 Granada Road, Southsea PO4 0RD.
4. As the Sub-Committee will know, the night time economy has significantly diminished in the seafront area, and Granada Road has therefore become almost entirely residential.
5. Mr. Ojla would therefore like to transfer the Granada Road operation to the first floor of 149 Albert Road. This is a move of just under ½ mile. The venue will operate only at night. The operation and exterior impact of the venue floor will be carefully controlled so as to exert a nil or negligible impact on the surrounding environment.

6. If this proposal is permitted, he will surrender the licences for 1 Granada Road. Therefore, there will be no increase in the number of sexual entertainment venue licences in Portsmouth or, indeed, in the PO4 postal district of Portsmouth.
7. Mr. Ojla has secured planning approval for the proposal. The significance of this will be dealt with below.
8. To complete the picture, if these licences are granted:
 - 1 Granada Road will, subject to planning approval, be converted into dwellings.
 - The ground floor of 149 Albert Road will be converted into a substantial retail facility, complementing the day-time economy in Albert Road.
9. No responsible authority or any other statutory or public body has objected to the either licence. This is obviously entitled to significant weight before the Sub-Committee.
10. However, there is a local objection. Therefore, some further detail is given below.

The Licensing Act application

11. The applicant has agreed a set of conditions with the police. In brief, these consist of:
 - Full CCTV coverage and download facility.
 - Comprehensive staff training.
 - Attendance at Pubwatch.
 - Membership of Portsmouth Business Crime Reduction Partnership.
 - Deployment of SIA licensed door supervisors equipped with body cameras.
 - Venue policies to be agreed with Police.
 - No entry during final hour of licensable activity.

12. The venue will be furnished very comfortably. There are no discounts or alcohol promotions. Music is played at a level to enable conversation. The maximum capacity will be 100. The clientele is mature. Dispersal is gradual.
13. Mr. Ojla's long experience is that his venues do not harm the licensing objectives in any way. In particular, they generate no crime and disorder or nuisance. That is no doubt why this application has attracted no representations from responsible authorities.
14. His experience is borne out by former Chief Inspector Adrian Studd, whose policing experience of such venues is unparalleled (see Tab 3).
15. While a number of fears are expressed in the local objections, there is no evidence to substantiate those fears. To the contrary, the evidence from Mr. Ojla (Tab 2), Mr. Studd and the absence of representation from the public protection authorities in Portsmouth, combine to indicate that the venue will trade without harm to the licensing objectives.
16. The Sub-Committee is therefore requested to grant this application.

The sexual entertainment venue licence application

17. This is, in essence, an application to move a licence from 1 Granada Road to 149 Albert Road.
18. The application is governed by a comprehensive set of 61 conditions, including:
 - No admission of those under 18.
 - The layout must be as per the plans.
 - External noise closed except for access and egress.
 - No interior visibility from outside.
 - All external advertising, words, signs, displays and illuminations shall be approved by the Council.

- The external fabric, appearance and look of the premises shall consist of materials and colours approved by the Council to ensure that the frontage is of a discreet nature and appropriate to the character of the locality.
- No cruising cars.
- Full CCTV.
- Written codes of conduct for customers and performers.

19. Read either alone or together with the Licensing Act 2003 conditions, it is clear that the venue would be highly regulated. Mr. Ojla welcomes this. It provides a strict code for all working at the venue and is the foundation of his partnership with the regulatory authorities.
20. There is no objection to the application from any statutory or other public body.
21. There will be no increase in the number of sexual entertainment venue licences in Portsmouth, or even in the PO4 postcode area.
22. The licence was operated at 1 Granada Road for 16 years, from 2000 to 2016, during which time it did no harm.
23. The move is ½ mile, within the same postcode, PO4.
24. The Granada Road area has become more residential (see Tab 11), while Albert Road has a significant night time economy. A number of late night venues now operate there (see Tab 10).
25. Mr. Ojla is a highly experienced local businessman. He will ensure that the venue is a good neighbour in Albert Road.
26. The venue will only operate at night, as part of the night time economy. The day time economy and day time uses will be unaffected.
27. There will be no exterior impact from the venue. There will be no sexual signage or language (see Tab 1 exhibit). There will be no interior visibility from outside. There will be no external noise. There will be no queuing outside.

28. There will be a door supervisor on the door, as there is for many night time venues.
29. The experience of such venues, as evidenced both by Mr. Studd and Mr. Ojla's long involvement, is that customers of SEVs leave without causing nuisance or disorder.
30. Sexual entertainment venue licences are annual, and can even be granted for a lesser period if the Sub-Committee decides that a pilot period is necessary. If any of the above submissions prove to be inaccurate, the Sub-Committee has full discretion to refuse to renew the licence. It is in no sense bound by the decision it makes now.

The objections

31. Aggregating the objections from the PO4 postcode to both the Licensing Act 2003 and sexual entertainment venue licences applications, together with the petition, it appears that about 2% of the residents of PO4 have objected to the application.¹ However, licensing, like planning, is an evidence-based exercise which turns on the merits of the individual case and not on how many people have supported or opposed the application. As the officers' report advises at paragraph 8.2, "the Committee must determine the application on merit. No decision, opinions or factual findings must be based on "moral" grounds and all the facts must be considered before reaching a decision."
32. Similar objections were made to the planning application for the venue, which is dealt with below.

The planning application

33. On 25th May 2016, the planning application for this proposal came before the Planning Committee (Tab 6). Although no public authority objected, there were objections through a local petition containing at least 580 signatures and a significant number of local people who had objected in writing. Those objections basically replicate the objections made to this application. Despite this, the officers' recommendation was to grant the application, the officers' view being that this section of Albert Road is fronted by uses that offer alcohol and entertainment into the early

¹ For map and population figures see Tabs 13 and 14.

hours of the morning, and that the proposal would not give rise to harm to the character or amenity of the area.

34. The Planning Committee resolved to refuse the application on the grounds that the proposal would be an inappropriate use in this location, out of keeping with the established character of Albert Road, and would be likely to have an adverse effect on the vitality and viability of existing premises.

35. On 8th February 2017, the applicant's appeal was allowed by the Planning Inspector, who held (Tab 5) that:

- Albert Road is characterised by a variety of specialist and independent shops, bars and restaurants.
- There is an active evening economy resulting from the bars, restaurants and entertainment venues including the Kings Theatre and the Wedgewood Rooms.
- The proposed use would have a very limited physical impact.
- Local objections regarding effect on vitality and viability and safety were unevicenced.
- The hours sought, 9 p.m. to 4 a.m., would not cause an unacceptable impact.

36. In the circumstances, the appeal was allowed, subject to conditions that customers are only permitted on the premises between 9 p.m. and 4 a.m.

37. However, the Inspector limited the permission to 3 years "to enable the Council to monitor the effect of the use and enable them at the end of that period to assess the effect of the proposal on the character and vitality and viability of the District Centre based on empirical evidence."

38. This trial period for the purposes of planning would operate hand in hand with the sexual entertainment venue licensing system, which permits the operation for up to a year, followed by re-appraisal, based on local experience as to the local effect of the operation.

39. What is the effect of the planning appeal decision on this licensing application? In the leading case on this topic², the High Court held that where an inspector has specifically dealt with a particular issue, and expressed his or her view, "it is clear that his view or conclusion must be given great weight by the local authority, and by the Crown Court on an appeal, and there would have to be good reason for rejecting that view or conclusion."

40. In this case, there is no good reason for rejecting the Inspector's conclusions:

- There is no new evidence based on the operation of Mr. Ojla's venues. To the contrary, the evidence continues to be that they exert no detrimental impact on the surroundings.
- The Sub-Committee additionally has the benefit of Mr. Studd's views.
- The character of Albert Road has not changed in the last 12 months.

The licensing policy

41. The purpose of the policy set out at paras 7.8 – 7.10a was to cause no overall increase in the number of sex establishments in Portsmouth, i.e. to preserve the status quo.

42. As the officers' report advises:

"11.6 It is important to note that, notwithstanding the preliminary conclusion reached by the Licensing Authority referred to in paragraph 7.10 of the policy, members will also have regard to the following policy guidelines:

Para 2.2 - Whilst each application will be considered on its individual merits, this policy is intended to give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken into consideration when determining an application. This document also sets out the expectations of the Licensing Authority on the applicant when receiving an application.

² 1. R v Manchester Crown Court ex parte Dransfield 2001 LLR 556, Tab 15, see page 566..

Para 2.3 - No policy will ever be considered absolute and there may be occasions where the Licensing Committee may depart from policy having regard to the unique characteristics of any one particular application.”

43. The unique circumstances of this application are that it involves no overall increase in the number of sex establishment licences in the area, but merely a removal of a licence from one venue to another nearby, into a night time economy area and into premises which have already secured planning permission for the purpose, against a similar set of objections.

44. Therefore, the Sub-Committee is invited to grant this application for a sexual entertainment venue licence a period of 12 months, subject to the 61 conditions offered.

PHILIP KOLVIN QC
28TH February 2018

Cornerstone Barristers
London WC1

STATEMENT

1. My name is Jaspal Singh Ojla. I make this statement in connection with my applications for a premises licence and sexual entertainment venue licence, for Elegance, 149a Albert Road, Southsea.
2. I have been a businessman in Portsmouth for over 40 years operating OJ's Discount store which grew from a 1200 square foot store to a 40 000 square foot store during that time. I also own Elegance on Granada Road, Southsea which has operated as a sexual entertainment venue since 2000. I am the owner of Wiggle in Surrey Street, Portsmouth which has operated as a sexual entertainment venue since 2011 and also the licensed premises adjoining it, the Surrey Arms.
3. I have 2 other venues in Cities on the South Coast which have Sexual Entertainment Venue Licences and I also own 2 other alcohol licensed premises in Gosport. I am a personal licence holder.
4. I closed Elegance in 2016. I was in negotiation with Tesco to sell the property but unfortunately that fell through. My intention was and remains, subject to the Committee's decision, to move Elegance to Albert Road. Following the recession a number of licensed premises in the vicinity of Granada Road have closed and of course Southsea seafront has changed beyond recognition with the closure of all the night clubs and subsequently the Pier. I was recently granted the Sexual Entertainment Venue Licence for the premises following my application submitted in 2012 after the Council adopted the new legal provisions. At the time I submitted that application there were 3 Sexual Entertainment Venues in the City but Heaven Sent in Guildhall Walk closed, I believe, in early 2012.
5. If the Sexual Entertainment Venue licence and Premises licence are granted for Albert Road I will surrender the licences for Granada Road. I have no intention of operating 3 Sexual Entertainment Venues in Portsmouth. Further my future plans for Granada Road would be to seek planning permission to build apartments with the entire space being used for residential accommodation. I have not yet submitted a planning application for that proposed development. If the application is refused I currently intend to re-open Elegance on Granada Road.
6. I am investing circa £1 million in the premises at Albert Road. The building requires some restoration and the internal fixtures and fittings will be very high quality. A state of the art cctv system will be installed. I met with the police and Council licensing officers prior to submission of the licensing applications to discuss the application and subsequently agreed a set of conditions with the police, which are appended to my applications. The police raised no concerns with me regarding the management of my two existing licensed premises nor in relation to the locality of the proposed new licence. When discussing the proposed hours for the licence the police made no adverse comment as they did not expect to ever be called to the premises given their experience of the two existing venues. Specifically, I do not suffer from issues of crime or disorder inside or outside the premises. My clientele is not of that ilk.
7. Elegance will operate on the first floor with an entrance on the ground floor and the ground floor will be occupied by a retailer, with a separate entrance. The venue would therefore

have no "frontage" to the street other than the entrance door. I will only have the name of the premises externally. There will be no other logo or any form of advertisement. I do not believe therefore that anyone would be able to tell from the outside of the premises it was a sexual entertainment venue. I attach an image of what it will look like at Exhibit JS/1.

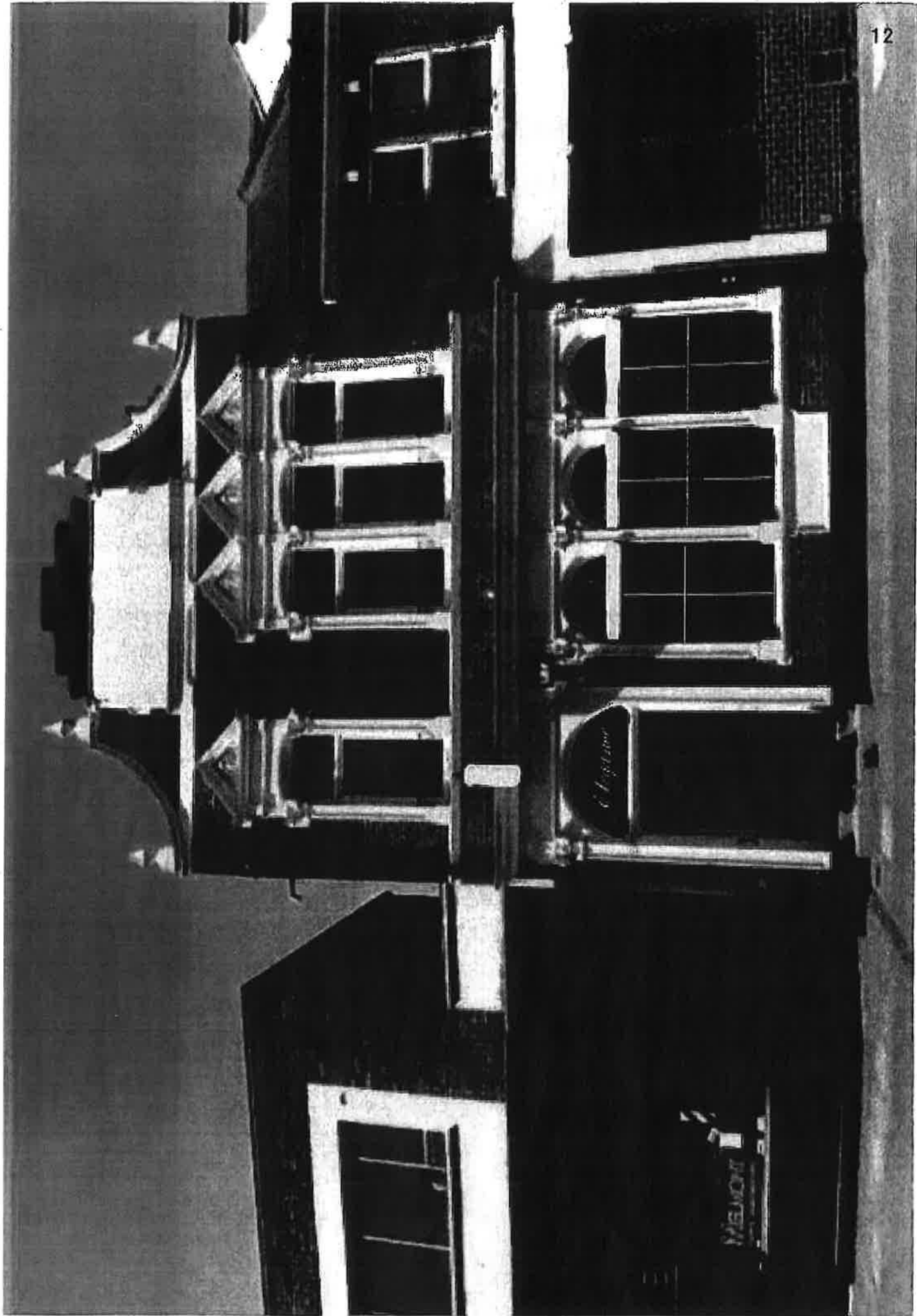
8. The premises will have a similar capacity to Granada Road which would be for a maximum of 100 customers. However, in my experience the premises are not going to reach capacity during the evening. I anticipate our customer base will be similar in respect to both Granada Road and Wiggle which has an average age of 30 and about 20% of the customers are women. We have women who attend with friends as they feel very safe in such a highly regulated environment, women who come with their male friends, gay women, and women who are curious to see this style of venue.
9. At my two other premises we never have issues with drugs, anti-social behaviour, drunkenness, noise or litter. I have never received any complaints from responsible authorities, residents or businesses in 16 years at Elegance and 7 years at Wiggle. The music in the premises is not played at a level which will be audible outside of the premises. It is at a low level to allow people to speak to each other without raising their voices. We will not permit any more than 5 persons to be outside smoking and they will be supervised by the SIA registered security officer who will be permanently positioned at the entrance door. The performers will have a separate smoking area at the rear of the premises. We never get a queue outside any of my venues. There will not be large numbers of people leaving at the end of the night as in my experience in the other venues dispersal is gradual. There are never any issues of noise nuisance from customers arriving, smoking or departing.
10. It will provide employment for approximately 25 people, both men and women. SIA security will always be present at the premises. I have a non-front line SIA licence and employ the SIA security directly. This gives me much greater control over the door supervisors employed at the venue. I intend to be the manager at the premises on a day to day basis to ensure that it operates strictly in accordance with the conditions and that it establishes itself with the same excellent reputation the former Elegance and Wiggle have with the responsible authorities.
11. There will be an entrance fee which I currently intend to set at £5 before midnight and £10 after midnight. We will not sell draught beer and will only sell bottled beers which would be priced at £4.50. A single spirit and mixer would similarly be priced at £4.50. We do not do drinks promotions. As I have said we have not experienced drunkenness in our venues before and I have no reason to believe Albert Road would be any different.
12. I did include the provision of off-sales in the application however, following receipt of comments from the Director of Public Health I amended the application to remove the request for off sales. I had no intention of allowing customers to buy alcohol to consume on the way home but occasionally a bottle of wine or champagne may have been opened and not finished which we could have sealed for the customer to take home – given the cost. It is a very rare occurrence and accordingly to provide a greater peace of mind to the Director of public Health and local residents who have raised that as an issue I agreed it was appropriate to remove that degree of flexibility from the licence application. Obviously, our operation generates no litter.

13. I provided with the application the relevant codes of conduct for both the customers and the performers. I ensure all my staff are properly trained so that those codes and the conditions on the licence are adhered to. There has never been any suggestion by any responsible authority that either the codes of conduct or licence conditions have been breached either for Elegance or Wiggle. We operate a challenge 25 policy which is applied by the security on the door and also at the bar as a fail safe.
14. Both Wiggle and Elegance have been visited numerous times by both the police and licensing authority. Most recently the Licensing Officer carried out inspections of both premises in preparation of their report to the Licensing Committee for the hearing of the transitional applications. Everything was found to be correct with regard to compliance with the licence conditions, for example the display of relevant notices for customers.
15. The conditions agreed with the police are comprehensive and I can assure the Committee that if the licence is granted those conditions will be adhered to at all times as they have been over the last 16 years.
16. During the day, there will be a large retail unit operating at the ground floor of the premises, which I hope will be an asset to Southsea. At night, a sexual entertainment venue will operate on the first floor. Its only outward show will be a door, staffed by a licensed door supervisor, as one might see outside any pub or club in the country. My experience in my other venues is that, once open, they cause no community concern whatsoever. I have no reason to suppose that these premises will be any different.

This statement is true to the best of my knowledge and belief

Signed

Dated 26th February 2018



Elegance, 149 Albert Road, Southsea, Hampshire, PO4 0JW

Report by Adrian Studd

Independent Licensing Consultant.

Introduction.

1. I have been instructed to prepare an independent report in connection with the application for a Sexual Entertainment Venue (SEV) licence at 149 Albert Road, Southsea. The building is currently empty and was previously used as the Conservative Club, last occupied approximately 4 years ago.

Personal summary – Adrian Studd.

2. I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games. In addition to leading my team I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work.

3. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity, providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified in order to address these problems through the use of action plans in order to raise their standards. Where this failed I would support the Boroughs with evidence for use at review hearings if required.
4. I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.
5. From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities. I worked with Government on the drafting of SEV legislation and gave evidence to the House of Commons Select Committee in 2009 on the impact of premises providing sexual entertainment.
6. I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs implement the initiative. I am a trained Purple Flag

and Best Bar None assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I have attended a large number of internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

7. Following my retirement I established Clubsafe Services Ltd to provide independent compliance support and advice for premises requiring a local authority licence. Since then I have provided evidence gathering services, advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers and age related product issues. This work has involved premises that benefit from a variety of local authority licences including alcohol on and off licences, SEV licences, betting premises licences and late night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.

Albert Road area.

8. I conducted observations in the area on Thursday 18th January 2018 during the afternoon and evening. Albert Road comprises a diverse mix of commercial premises including national retailers such as Sainsbury's, Subway and Costa Coffee and quirky and independent shops and cafes, a theatre, Wedgewood live music venue and a number of tattoo shops. There is a lively night time economy comprising a large number of pubs, bars and restaurants. Walking along Albert Road in both directions from the proposed site at 149 Albert Road I counted nine pubs and bars within a few minutes' walk and numerous restaurants and take away food shops.

9. There is residential accommodation above some of the shops and the surrounding streets are residential. Approximately 200 metres to the east of the site at the junction with St Ronans Road is Cranewater junior school and about the same distance to the west is Southsea infant school. Opposite Cranewater junior school at 229 Albert Road is Trinity Methodist Church, there is a Salvation Army Church at 84 Albert Road and St Swithun's Church just off Albert Road at 105 Waverley Road.
10. The Churches did not appear to be in use during my observations and the Trinity Methodist Church is currently undergoing significant work and is covered with scaffolding although the signs outside indicated that it is open as usual. The schools were in use during the day and there were children and their parents walking along Albert Road in the afternoon when school finished. There were no children around later in the evening. Walking along Albert Road during the afternoon the diverse use of the premises fronting the road was clearly visible and included the large number of pubs and bars, often with doors open and smokers outside, and the other premises providing licensed facilities only available to adults such as the tattoo shops.

Impact of the premises on the area.

11. Concerns about sexual entertainment venues are often based on moral grounds or on problems that are perceived to be associated with the operation of a SEV premises. These concerns include the potential sexual harassment of others using the night-time economy by customers of SEV premises, the effect such premises have on the vicinity and the perceived risk of women being trafficked into the country and forced to work in such premises.
12. These issues reflect common concerns but in my experience are unfounded. Working as the Inspector in charge of Clubs and Vice licensing unit in central London in the 2000's when Lap Dancing or Table dancing was becoming established it was common for these concerns to be raised. In response my unit conducted research not only in

London but in other areas of the country and were unable to establish a link between such premises and trafficked women, prostitution or increased levels of crime and disorder or anti-social behaviour. This continues to be the case.

13. The SEV premises are heavily regulated businesses and subject to the employment legislation and checks required by all businesses. They require all the women working there to be fully checked to ensure their status in the country and right to work. Due to the mainstream nature and regulation of such premises it is very unlikely that trafficked women would be found in such premises. Trafficked women and children are more commonly exploited by being forced to work in hidden and illegal businesses such as brothels or forced into modern slavery and kept away from contact with the wider community.
14. SEV's rarely have a negative impact on the area in which they are located. They have a smaller capacity than a conventional night-club of a similar size and the business model is not based on selling large amounts of alcohol to as many customers as possible in a loud, fast tempo music environment. SEV's generally have fewer customers, who have gone to the premises to be entertained in a relaxed environment with lower volume, slower tempo music that allows for conversation. This results in fewer customers going to and leaving the premises through the night and those leaving are less hyped up and therefore likely to have a reduced impact on the area.
15. Externally SEV's are more discreet than conventional night clubs with strict regulation on how to display the name, advertising, promotion and flyers. The queuing associated with regular night clubs does not take place and in the context of a night-time economy area most passers-by would be unaware of the entertainment taking place inside the premises. For that reason, in my experience they are best sited in the night time economy, operating as part of that economy, and requiring no extra police resource.

16. In the case of the proposed Elegance at 149 Albert Road I understand that the proposal is to restrict the capacity to around 100 and the premises will be on the first floor only with retail space below at ground level. With no external advertising and simple sign approved by the planning authority, there will be little indication at street level of the entertainment inside the premises above and passers-by will be unaware of the premises operation. With the hours of operation applied for from 21.00 to 04.00 Monday to Sunday there is no potential for any impact on the schools and Churches in the area that are primarily open during the day.
17. There is no evidence of an increase in crime and disorder in the vicinity of such premises; for the reasons above such premises tend to generate less crime and disorder and anti-social behaviour than a conventional night-club of similar size. There is no evidence that offences against women or sexual offences are more likely in the vicinity of an SEV or more likely to be carried out by customers who leave such a premises.

Existing Elegance premises.

18. The existing Elegance premises located at 1, Granada Road, Southsea is quite close to the proposed new site, however the area has less night time economy and is more residential in style. The existing premises are close to both St Simon's Church and Mayville High School. I understand that the premises was operated by Mr Ojla between 2000 and 2016 without any issues. Comparing the two sites Albert Road has a larger and more diverse mix of commercial, adult and night-time economy premises and is a more suitable location for an SEV than the existing Granada Road location.

The applicant Mr. Paul Ojla.

19. Home office guidance on SEV licensing policy gives significant weight to the suitability of the applicant (para 7.2 -7.6) to run the premises. In particular factors such as Honesty and integrity, relevant experience, understanding of the terms and

conditions, track record and personal management of the premises are given as factors that will be taken into account by the licensing authority.

20. The applicant for the SEV at Albert Road is Mr. Paul Ojla who will also be the DPS. Mr Ojla has experience of operating such premises both from the existing Elegance and also from other premises he owns and trades under the name of Wiggle in Portsmouth, Bournemouth and Southampton. In order to observe how he manages his existing SEV premises I conducted observations at the Wiggle, Portsmouth premises on the night of Thursday 18th January 2018. The premises are located at 1-3 Surrey Street, Portsmouth and operate from the first floor as is proposed for Elegance. On arriving outside the premises it is discrete with small signs and no advertising visible. I arrived at the premises at about 23.50 and was greeted by a door supervisor at the street level entrance. He explained the rules to me, emphasising that there was no touching and that I had to be seated during the entire performance of the dance with my hands at my sides.
21. I paid £5 admission charge and made my way to the first floor bar area. The premises was not busy but there were some customers at the bar and sat at tables and the dancers were walking around and chatting to the customers. There was a small stage area where dancers performed a traditional strip tease type performance and it appeared that dancers took their turn during the night to do this.
22. I paid £4.50 for a beer and stood at the bar. I was engaged in conversation by a number of the dancers during the evening and the conversation followed the same pattern of asking my name, where I was from and what I was doing in Portsmouth. All the dancers spoke good English and most had English accents. A couple stated they were local and had always lived in the area, one in particular describing how she had always lived in Southampton and we chatted about this and the Isle of Wight, an area that I am familiar with.
23. I chatted for a while to one dancer who said she was from Italy and gave her name as Sofia; she was a little older than most of the other dancers and had long, straight

dark hair. She explained that she had been in the UK for about 8 years and had worked in a number of lap dancing clubs around the country, including some in London that I am familiar with. I asked her how she came to be dancing in Portsmouth and she said that she liked the area and she found that the club was very professionally run, more so than many she had worked in. I asked her what she meant by this and she said that in other clubs she had worked in the managers sometimes became involved with a dancer and this always caused problems. She went on to say that the management of Wiggle was very professional in their approach, looked after the dancers well and never got involved romantically with them.

24. I had a number of dances throughout the evening; each followed the same pattern where I was led to a line of booths that ran off a corridor to the side of the bar. Each booth was separated by a fine mesh curtain and was essentially a banquet seat facing the corridor and set back about 4 feet. The dancer asked for the payment of £20 before the dance and then instructed me to remain seated with my hands on the seat to either side. The dancer then performed a dance in front of me during which she removed her clothes finishing fully nude. At no time was I touched by the dancer and I was instructed not to touch her. At the end of the performance I was offered another dance and when this was declined the dancer put her clothes back on and we returned to the bar. I left the premises at about 01.20.

25. During the evening the premises was well run and I saw security staff regularly patrolling around inside the whole premises including the bar area, banquet seating and smoking area. The rules and prices complied with The Council's Standard Conditions and were clear and unambiguous. All the dancers I spoke to explained the code of conduct and that the premises provided only entertainment by way of dances.

26. I understand that Mr Ojla has not had a licence refused or revoked and is a man of good character. He has a good working relationship with local police through his

existing premises, about which no concerns have been raised. I am satisfied that Mr Ojla is a suitable and capable person to run a Sexual Entertainment Venue.

Conclusion.

27. Mr Ojla is very experienced in running SEV premises and a suitable applicant. He has demonstrated through his management of similar premises, including one in the immediate area of Southsea, that he is able to run an SEV to a high standard in accordance with the codes of practice and in a manner that promotes the welfare of the dancers. He has met with police and agreed a substantial number of conditions for the premises and the planning permission also imposes conditions on the hours that customers are permitted on the premises and the regulations covering adverts or signs on the building.
28. The proposed site in Albert Road is a more suitable location than the existing premises having a diverse mix of retail premises, including those aimed at an adult market, and being in an established night time economy area that has a number of pubs, bars and late night entertainment facilities. The proposed premises will have no negative impact on crime and disorder and the late hours of operation ensure there will be no impact on community facilities in the area such as schools and Churches.
29. It is proposed that should this application be granted the licence for the existing premises in Granada Road will be surrendered ensuring that there will be no increase in the number of premises in the Portsmouth area.
30. Taking all the above into account in my opinion this application meets all the requirements for an SEV licence and that, if granted, the premises will operate in accordance with the legislation, support the welfare of the dancers and promote the licensing objectives.

I understand that my duty is to the Court/Sub Committee and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report to be honest and true and that the opinions I have expressed are correct to the best of my judgment. The fee for this report is not conditional on the outcome of the case in any way whatsoever.

Adrian Studd,

Independent Licensing Consultant,

20/01/18.



12/03426/SEXEST

SEX ESTABLISHMENT LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Issued to

Wellhot LimitedOJs Industrial Park
Claybank Road
Portsmouth
Hants
PO3 5SX

In respect of the premises known as

Elegance1 Granada Road
Southsea
Portsmouth
PO4 0RD

To trade as a

SEXUAL ENTERTAINMENT VENUE**LICENCE FROM:** 19 February 2018**LICENCE TO:** 18 February 2019

This Licence is granted subject to the attached regulations for Sex Establishments prescribing standard conditions

DATED: 23 February 2018Licensing Manager
Licensing Service

SPECIAL CONDITIONS

In accordance with the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3, paragraphs 8 and 13, the following special conditions shall apply to the premises:

1. The hours of opening and closing every day shall be from 22:00 until 04:00 hours

Dated: 23 February 2018

Licensing Manager
Licensing Service

Standard Conditions applicable to Sex Establishments consisting of Sex Shops, Sex Cinemas or Sexual Entertainment Venues

Portsmouth City Council, in exercise of the powers conferred by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 hereby make the following Regulations¹ prescribing standard conditions applicable to licences for sex establishments.

Interpretation

In these Regulations the following expressions that is to say "Sex Establishment", "Sex Shop", "Sex Cinema", "Sexual Entertainment Venue", "Sex Article", and "Vessel" shall have the meanings respectively assigned by Schedule 3 of the Act (and where amended by Section 27 of the Policing and Crime Act 2009).

In these Regulations the following expressions shall have the meanings hereby respectively assigned to them namely:

"the Act"	means the Local Government (Miscellaneous Provisions) Act 1982, as amended.
"the council"	means Portsmouth City Council and/or any authorised officer acting on behalf of the Council.
"the premises"	means any premises, vehicle, vessel or stall licensed under the Act.
"licence holder"	means a person who is the holder of a sex establishment licence.
"permitted hours"	means the hours during which the licensed premises are permitted to be open to the public.
"licence"	means a licence granted pursuant to Schedule 3 of the Act.

¹ Adopted by Portsmouth City Council, as Licensing Authority, following a resolution of the Licensing Committee on 23 October 2013.

Part One – General Conditions

Management Of Premises

1. The Licence holder, or some responsible person nominated by him and approved in writing by the council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.
2. In accordance with section 14 of the 1982 Act, the Licence holder shall display, on the licensed premises in a conspicuous position, a copy of the licence and/or any special conditions attached.
3. The name of the person responsible for the management of the sex establishment, whether the licence holder or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.
4. The licence holder shall retain control over all parts of the licensed premises as set out on the approved premises plan and shall not let or part with possession of any part.
5. No person under the age of 18 shall be admitted to the premises and rigorous identity checks **SHALL** be made on any person who appears to be under the age of 18.
 - a) To ensure compliance of 5 above, the licence holder shall exhibit appropriate warning notices as to the minimum age requirements on both the exterior (frontage) door and also conspicuously on the appropriate inner lobby door.
6. No person under the age of 18 shall be employed to work at the premises in any capacity or shall be allowed to work at the premises on a self-employed basis.
7. Where the Licence holder is a body corporate or an unincorporated body, any change of director, or other person responsible for the management of the body is to be notified in writing to the council within 14 days of any such change. In addition, the Licence holder shall provide any details as the council may require in respect of any new director, officer or manager upon request in writing from the council.

Conduct of the Premises

8. No change from one type of sex establishment to another shall be made without the written consent of the council.
9. No part of the premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.

**Premises Interior and Layout**

10. The premises layout shall comply with deposited plans unless otherwise approved in writing by the council.
11. No alterations, additions or modifications to either the internal or external parts of the licensed premises shall be made without the prior written consent of the council.
12. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
13. The premises shall be fitted with an inner entrance lobby door or partition screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
14. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
15. No part of the interior of the licensed premises shall be visible whatsoever to persons outside the premises.
16. No external advertising, words, signs, displays or illuminations shall be permitted unless previously approved by the council.
17. The external fabric, appearance and look of the licensed premises shall consist of materials and colours approved by the council in order to:
 - (a) Ensure that the frontage is of a discreet nature
 - (b) Ensure that it is appropriate to the character of the locality.

CCTV

18. A recording CCTV system shall be installed and fully operational whilst the venue is open to the public.
19. The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and to maintain the integrity of the system.
20. A record will be kept of any access made to information held on the system.
21. The system will be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area. A record of service and maintenance completed shall be held for a minimum of three years at the premises.
22. The system clock will be checked regularly for accuracy taking account of GMT and BST.
23. An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area outside the front of the premises.

24. The CCTV system will have sufficient storage capacity for 31 days of good evidential quality images.

CCTV Access

25. Police and authorised officers of the council shall have access to data from the systems quickly and easily and therefore provision will be made for the licensee or a member of staff to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police or council officers.
26. All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.
27. An operator's manual will be available to assist in replaying and exporting data.
28. The premises shall not be operated pursuant to the grant of a licence until such time as the CCTV System has been approved by the Police. The CCTV must be maintained in a satisfactory working condition and subject to police approval in order to remain operating under the licence.

General

29. The Licence holder shall take all reasonable precautions to ensure public safety on the premises and shall comply with any reasonable request made by the council.
30. The council may substitute, delete, vary or amend these conditions at any time.

Part Two – Additional Conditions for Premises Operating as Sexual Entertainment Venues

External Appearance of the Premises and Public Displays of Information

1. Any external displays or advertising may only be displayed with the prior approval of the Council.
2. The prices for entrance and any compulsory purchases within the venue, shall be clearly displayed on the exterior of the premises.
3. All charges for products and services shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
4. Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
5. No charge shall be applied unless the customer has been made aware of the tariff of charge by the performer in advance of the performance.
6. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.

**Control of Entry to the Premises**

7. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

OR at the discretion of the Licensing Authority in individual circumstances the following condition may be applied:

8. All persons entering the premises must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised system.
9. The premises shall maintain a Refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the council.
10. All individuals employed on the premises to conduct a security activity (within the meaning of paragraph 2(1) (a) of Schedule 2 to the Private Security Act 2001) must be licensed by the Security Industry Authority.
11. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
12. A policy of random searches of persons entering the premises shall be operated.
13. Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.
14. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.
15. The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

Conduct of Performers and Rules relating to performances of sexual entertainment

16. There shall be a written code of conduct for performers that has been agreed in writing by the Licence holder, the council and the Police.
17. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the council. The code shall include the basic criteria as set out in Appendix B to the sex establishment licensing policy.
18. No changes shall be made to the Dancer's Code of Conduct without the prior written consent of the council and the Police.



19. The Dancer's Code of Conduct must include a statement that any dancer who does not comply with the Code of Conduct will face disciplinary proceedings.
20. All management and staff (including security staff) must be aware of and familiar with the content of the Dancer's Code of Conduct and shall ensure it is complied with at all times.
21. A copy of the Dancer's Code of Conduct shall be prominently displayed in each area of the premises where the public have access, which shall include toilet areas as well as in any area used as a changing/dressing room for dancers.

Code of Conduct for Customers

22. There shall be a written Code of Conduct for Customers that has been agreed in writing by the Licence holder, the council and the Police.
23. The code shall include the basic criteria as set out in Appendix C to the sex establishment licensing policy.
24. The Code of Conduct for Customers shall be displayed in prominent positions throughout the licensed premises so that it is visible to all patrons.
25. No changes shall be made to the Code of Conduct for Customers without the prior written consent of the council and the Police.
26. The Code of Conduct shall include a statement that any customers who fail to comply with the Code of Conduct will be required to leave the premises.
27. All management and staff (including security staff) must be aware of and familiar with the content of the Code of Conduct for Customers and shall ensure it is complied with at all times.
28. On any occasion whereby a customer breaches the Code of Conduct, such details shall be recorded in the incident log.
29. Any customer breaching the rules of the Code of Conduct shall be asked to leave the premises. Any customer who has previously been asked to leave the premises and again breaches the Code of Conduct shall be banned from the premises.

Disciplinary Procedure for Performers

30. The Licence holder shall ensure that a written disciplinary procedure is in force so as to take appropriate action against performers who breach the Code of Conduct and that a copy of the procedure is provided to each performer who works at the premises.
31. All performers shall sign an acknowledgement that they have received a written copy of the disciplinary procedure and have read and understood its contents.
32. Any disciplinary procedure shall NOT make any provision for financial penalties against performers who breach the disciplinary procedure. Any sanctions shall be limited to verbal or written warnings, suspension or revocation of the performer's right to dance at the premises.

The Protection of Performers and the Prevention of Crime on the Premises

33. Performers shall be provided with secure and private changing facilities.
34. All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
35. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
36. The Licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
37. Private booths must not be fully enclosed. There must be a clear sight-line from outside the booth so that any performance of sexual entertainment can be directly monitored.
38. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.
39. Any private booths shall be fitted with a panic button or security alarm.

Record Keeping and Management

40. All performers shall be required to provide valid identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or national ID card.
41. All performers and staff shall be eligible to work in the UK and proof of eligibility records shall be kept on the premises. Management shall ensure that such records are regularly checked to ensure compliance.
42. Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.
43. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council. All fees and charges for performers shall be stated in writing and prominently displayed within the changing area.
44. No films may be shown at the premises unless they have been passed by the British Board of Film Classification. No films classified as R18 shall be shown on the premises.

Dress Code

45. The premises shall operate a dress code for customers to the satisfaction of the Police.



Portsmouth CITY COUNCIL

NOTIFICATION OF DECISION

Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) - Licensing Sub-Committee

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

That a hearing was held on: **19 February 2018**

To consider an application for the **GRANT** of a **sex establishment licence (sexual entertainment venue)** made in accordance with the Act. The details of the applicant and premises are:

Name of Applicant: **Wellhot Limited**
Premises and address: **Elegance
1 Granada Road
Southsea
PO4 0RD**

Decision of The Licensing Authority:

In determining and considering the application, the Committee had regard to:

- The Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 (as amended by section 27 of the Policing and Crime Act 2009);
- The council's adopted statement of licensing policy for the time being in force;
- Any relevant case law;
- The representations (including supporting information) presented by all the parties

Decision:

Grant with conditions

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

Telephone (023 9283 4607/023 9283 4830) • Fax (023 9283 4811) • Email: Licensing@portsmouthcc.gov.uk

Reasons For Decision:

The Committee have considered all written material placed before them along with the submissions made by the advocate retained by the applicant company, together with all the comments made by the Licensing Authority and the individual objectors to the application. The Committee has looked at the specific objections from page 333 of the bundle to page 443.

Portsmouth City Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 so that as an Authority PCC could regulate Sexual Entertainment Venues - the decision was made by PCC on 22 March 2011.

Portsmouth City Council adopted the Sex Establishment Licensing Policy in October 2012. This Committee is asked to determine the application by the applying company dated 24 April 2012.

The Policy specifically states that at paragraph 7.10a that the presumption to refuse shall not apply to applications for renewal, transfer or variation of an existing licence or with respect to the grant of a new sex licence whereby the application was made during the transitional period of 1 November to 31 October 2012 to those premises that can demonstrate to the satisfaction of the LA that during the 12 months prior to the commencement of the transitional period they have been regularly providing sexual entertainment that previously was only regulated under the Licensing Act 2003.

The Committee is therefore engaged in considering:

1. The basis of the applicant's ability to qualify as having provided sexual entertainment in a period 12 months before the transitional period commenced.
2. That an application for a licence has been applied for within the requisite period.

The Committee has heard the following evidence and on balance each case being assessed upon its own individual merits and facts is established to conclude that the applicants were providing sexual entertainment and the application was made within the transitional period. The committee rely upon the following:

- That it is clearly the case that the premises was trading at the appropriate point.
- No challenge was raised as to the basis of the transitional provisions applying.

Having concluded that the application is within the scope of the policy the committee must consider whether there are any statutory grounds to either refuse the application upon a mandatory basis or whether the evidence would allow refusal upon any discretionary ground.

The submissions made and accepted are such that there are in law no statutory grounds to refuse the application.

The Committee is engaged in considering whether there is any discretionary basis to

**Application Reference Number
12/03425/SEXEST**

refuse the application. The Committee is required to consider the current PCC policy paying regard to paragraph 7.3 to 7.17. Having considered all the written evidence and the objections from those attending today the Committee make the following observations using the policy guidance:

- Unsuitability of the applicant looking at 7.3 to 7.6 of the policy:
 - Whilst trading over a 16 year period and whilst currently shut, it is clear that the premises has been run responsibly with a fully engaged management team.
- Unsuitable manager of the business or other beneficiary looking at 7.7 of the policy:
 - The applicant is an established manager/owner and there is no evidence to suggest that the applicant owner is not the controlling influence within the company ownership.
- Number of sex establishments looking at 7.8 to 7.10a of the policy:
 - The transitional provisions apply and whilst a policy exists as to sex establishment venue provisions paragraph 10a is specifically engaged.
- Character of the relevant locality looking at 7.11 of the policy:
 - The Committee were not persuaded that the premises within the vicinity of other premises that are affected by the existence of the establishment or by its continuing existence. The Committee are clear that the premises has traded for many years without any complaints from a Responsible Authority and in particular the police.
- Use of premises in the vicinity/layout character or condition looking at 7.12 to 7.17 of the policy
 - The premises is such that it is acceptable in terms of the FCC policy as to access standard, signage and fitness. Again it is clear that the club has attempted to work with the relevant Responsible Authority to enable trading to continue with minimal effect upon neighbours and other users of the area.

The Committee is reminded that the Human rights Act applies to this application (Article 10 Right to freedom of expression is engaged along with Article 1 Protocol 1 - protection of property see page 146 of the application).

Whilst the committee have considered the objections they are not of the view that given the above comments and consideration of the policy that the objections are such as to justify the refusal of the application. The Committee also state as follows:

- Whilst the objectors are very articulate and commendably engaged, the committee could not accept the evidence as being directly applicable to the application.
- The Committee could not accept any link as to the premises and other forms of potentially criminal activity as made out.

The application is therefore granted with the standard conditions.

Appeal Provisions:

Appeal provisions exist in respect of applications made to the Licensing Authority. Those provisions are outlined as follows:

The applicant:

In the event that the Licensing Authority refuses an application for the grant, renewal or transfer of a sex establishment licence, the applicant may appeal the decision in a magistrates' court, unless the application was refused under 12(3)(c) or (d) of the Act, in which case the applicant can only challenge the refusal by way of judicial review.

General Provisions About Appeals:

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

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

An appeal against the decision of a magistrates' court under paragraph 5 may be brought to the Crown court.

Action that may be taken by the Magistrates' Court or the Crown Court:

On an appeal against a decision of the Licensing Authority, a Magistrates' Court or the Crown Court may make such order as it thinks fit.

Date of Notice: **23 February 2018**

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

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

Appeal Decision

Hearing held on 29 November 2016

Site visits made on 28 and 29 November 2016

by **J Dowling BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 February 2017

Appeal Ref: APP/Z1775/W/16/3153456

149A Albert Road, St Jude, Southsea PO4 0JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jaspal Singh Ojla (OJ's Discounts Ltd) against the decision of Portsmouth City Council.
 - The application Ref 16/00422/FUL, dated 11 March 2016, was refused by notice dated 26 May 2016.
 - The development proposed is change of use of first floor of Class D2 premises (former Conservative Club) to a Sui-Generis Lap Dancing venue.
-

Decision

1. This appeal is allowed and planning permission is granted for the change of use of the first floor of Class D2 premises (former Conservative Club) to a Sui-Generis Lap Dancing venue at 149A Albert Road, St Jude, Southsea PO4 0JW in accordance with the terms of the application Ref 16/00422/FUL, dated 11 March 2016, subject to the conditions out in the attached schedule.

Procedural matters

2. The decision notice issued by the Council had used a different address to that detailed on the application form and used on the appeal documents. At the start of the Hearing the appellant confirmed that the site address was 149A Albert Road.
 3. Given the concerns expressed by a number of interested parties in addition to the accompanied site visit undertaken on the day of the Hearing I also visited the area on an unaccompanied basis the evening before in order to familiarise myself with the current night time character. The same evening I also visited Surrey Street where Wiggle is located. Finally following the accompanied site visit, as agreed at the Hearing, I visited Granada Road on an unaccompanied basis where Elegance, another lap dancing club owned by the appellant, is located.
 4. A signed statement of common ground was submitted prior to the start of Hearing which agreed that the Council and the appellant considered that there were no highway, flooding or residential amenity issues that needed to be discussed at the Hearing.
-

Application for costs

5. At the Hearing an application for costs was made by Mr Jaspal Singh Ojla (OJ's Discounts Ltd) against Portsmouth City Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues are:
 - the effect that the use would have on the character of the Albert Road and Elm Grove District Centre; and
 - the effect of the proposal on the vitality and viability of the Albert Road and Elm Grove District Centre.

Reasons

7. The Albert Road and Elm Grove District Centre is characterised by a variety of specialist and independent shops, bars and restaurants. The District Centre appears to be well used both during the day and in the evening with an active evening economy resulting from both the bars and restaurants and the existence of a number of well-established entertainment venues such as the Kings Theatre and the Wedgewood Rooms.
8. The Portsmouth Plan: Portsmouth's Core Strategy (2012) (the Core Strategy) contains a number of policies aimed at protecting the vitality and viability of district centres. These include policy PCS8 which provides both general and centre specific criteria. For Albert Road and Elm Grove it advocates that at least 50% of the primary frontage must remain in use as shops and highlights that anti-social behaviour from the evening uses towards the west of Albert Road is jeopardising the amenity of nearby residents. Policy PCS23 requires that all new development must be well designed and seeks active frontages in town centres.
9. From the evidence presented at the Hearing it was clear that the proposed use would have a very limited physical impact on the District Centre as, given the previous leisure use of the site and the fact that the use would be located at first floor, it would not alter the current composition of the primary frontage. Furthermore, the site is located outside of the area where there are concerns regarding anti-social behaviour. I agree with the Council that the proposal is a use that would be found in a town centre and as a result consider that the proposal would not conflict with any of the general or site specific criteria listed in policies PCS8 and PCS23 of the Core Strategy.
10. However, from the evidence submitted and what I heard at the Hearing the concern about the effect on both the character and the vitality and viability of the District Centre would appear to stem from the type of use proposed. It was considered, by local residents in particular, that locating a lap dancing venue in this location would discourage people from visiting the area and raised concerns about safety particularly for women and children. If people were deterred from visiting the centre or felt unsafe, it was advocated, that this could adversely affect local businesses and therefore the character and vitality and viability of the District Centre.

11. I acknowledge that the presence of a lap dancing venue may deter some people from visiting this part of Albert Road. However, as already highlighted due to its first floor location the proposed lap dancing venue would have a very limited physical presence on the street. Being a late night venue the proposed use would not operate at the same time as the majority of the daytime businesses and retail uses and as I observed at both my site visits the area is thriving and characterised by an eclectic mix of both day and night time uses. For these reasons I consider that the proposal would not be out of character and while some people may be deterred from visiting, this number is unlikely to be sufficient to adversely affect the vitality and viability of the District Centre as a whole.
12. Whilst fear about safety is capable of being a material consideration¹ there must be some reasonable evidential basis for this fear. To support their position the Interested Parties submitted a copy of an appeal decision² where, amongst other reasons, concerns about safety had led that Inspector to conclude that the proposal would have a detrimental effect on the vitality and viability of the retail frontage. However, the circumstances for that appeal are materially different to the scheme before me as that area had a long standing reputation as a red light district; there were a number of other sex related uses already established within the area and the concerns about safety arose from the concentration of such uses and finally it was for a ground floor unit in a retail parade where due to high vacancy rates there were pre-existing issues regarding vitality and viability. None of those concerns apply in this case.
13. Reference was also made to research showing there to be links between lap dancing venues and an increase in sexual violence towards women³. However, I also note that for this proposal the representative for the Police and Crime Commissioner advised that they had no comments. At the Hearing the appellant outlined their positive working relationship with the police and advocated that in their experience from operating similar venues elsewhere because of the presence of door staff the security of areas in which they operated had improved.
14. Under Section 72 of the Town and Country Planning Act 1990 permission can be granted for a temporary period. The Planning Practice Guidance (the PPG)⁴ advocates that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of a development on an area. Given the concerns raised regarding security and the lack of conclusive evidence to either support or refute the claims made by the parties I consider that allowing the use for a temporary period would enable the Council to monitor the effect of the use and enable them at the end of that period to assess the effect of the proposal on the character and vitality and viability of the District Centre based on empirical evidence. On this basis I conclude that, subject to such a condition, the proposal would not adversely affect the health of the District Centre and would be in accordance with policies PCS8 and PC23 of the Core Strategy. The purpose of these policies is consistent with the National Planning Policy Framework (the Framework) which seeks, amongst other things, to support the vitality and viability of town centres.

¹ Smith v FSS (2005)

² PINS reference: APP/Z0116/A/10/2127967

³ The Llyith Report on Lapdancing and Striptease in the Borough of Camden (2003)

⁴ Planning Practice Guidance paragraph 014 reference ID: 21a-014-20140306

Other Matters

15. Local residents raised concerns that given the proposed opening hours the use would give rise to levels of noise and disturbance that would affect their living conditions. However, I note that the previous Inspector⁵ considered that a similar proposal would have limited negative impact on nearby residents and that the Council's Environmental Health advisors did not object to the current proposal. I have not read or heard any evidence submitted for this appeal that would lead me to an alternative view to the previous Inspector or the Council's specialist advisors.
16. Given the proposed hours of use it was advocated that the majority of visitors would travel to the site by car which would affect the availability of on-street parking and raised highway safety concerns. I note from the Statement of Common Ground that the Council consider that there are no highway issues which is further reinforced by the advice from the Council's Highways Advisors contained within the original committee report. Whilst I agree that most visitors to the site would travel by car I have not read or heard any evidence that would lead to me to form a different view to the Council on highway safety or parking issues.
17. It has been advocated that the proposal would be contrary to the Council's Sex Establishment Licensing Policy. However, at the start of the Hearing the Council confirmed that the introduction of a licensing regime for lap dancing venues had not been formally adopted by them and that the 'Sex Establishment Licensing Policy – responses to public consultation' (2012) document submitted with the appeal, which sought views on the adoption of such a licensing regime was not a planning policy document and therefore was not a material consideration when determining the appeal. I have therefore considered the appeal on this basis.
18. The Public Sector Equality Duty (PSED) contained within the Equality Act 2010, sets out the need to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. A number of Interested Parties have advocated that a lap dancing venue which results in the sexual objectification of women and that increases concerns for the safety of women and children, would be contrary to the PSED. As protected characteristics include age and sex I agree that the PSED is relevant to this case.
19. However, the duty required under PSED is not a positive duty to eliminate discrimination, advance opportunity or foster good relations, rather it is a duty to ensure that any decision which may have a negative impact on equality is taken having given careful consideration to alternative less harmful ways of making the decision⁶. Where negative impacts are identified, potential ways to mitigate these should be considered. For the reasons I have already outlined I recognise that there is a fear about safety albeit that there is limited factual evidence to either support or refute this and concerns regarding the appropriateness of the use given the proximity of a number of uses that are regularly visited by children. Given the lack of conclusive evidence regarding safety and the sensitivities surrounding the proposed use I consider that a

⁵ PINS reference: APP/Z1775/W/15/3002302

⁶ R(Baker) v SCLG [2008] EWCA Civ 141

precautionary approach would be appropriate. This could be achieved by taking measures to ensure that its visibility within the streetscene was minimised and allowing the use to operate on a temporary basis thereby enabling it to be monitored to assess the effect of the proposal. Having considered the case overall I consider this to be a proportionate response to the harm that may arise from the development. My conclusion on these matters also means that the requirements of Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights as incorporated by the Human Right Act 1998 would not be breached.

20. Concerns were raised regarding the appropriateness of the content of leaflets advertising the appellants other venues and that if the use was allowed that such leaflets would be distributed locally to advertise this venue. This was considered particularly sensitive given that in the leaflets women were dressed as schoolgirls and the proximity of a number of schools. However, the content of leaflets and how or when they are distributed is not a matter that is controlled by planning legislation.
21. There were a number of allegations that illegal activities were often carried out from lap dancing venues and that lap dancing is linked with other forms of sexual exploitation. To support this Interested Parties made reference to evidence given by a former worker of the appellant in relation to drug use at lap dancing venues. However, how a use operates is a matter for the relevant licensing authorities and the Police.

Conditions

22. Paragraph 206 of the Framework sets out a number of tests that conditions need to meet. I have considered the conditions suggested by the Council against paragraph 206, the advice contained within the PPG and the discussions at the Hearing. Where necessary I have adjusted their wording in the interests of clarity. For the avoidance of doubt and in the interests of proper planning I have included a condition that requires the development to be carried out in accordance with the approved plans.
 23. In addition to the standard time limit for implementation for the reasons I have already outlined I consider that a condition granting the use for a temporary period is necessary. At the Hearing the appellant agreed that such a condition would not be unreasonable but considered, given the investment needed, that a period of five years would be appropriate. The Council suggested two. Having regard to the concerns of all the parties I consider that five years would be too long for a temporary permission. Whilst I acknowledge that some investment would be required to implement the use, having visited the premises, this would be the case for any use. However, I recognise that the scheme needs to be economically viable to warrant its implementation. As a result I consider that a three year (36 month) period would be sufficient to enable the effect of the use to be satisfactorily assessed but warrant the investment. As refurbishment work will need to be undertaken and other licences and permits obtained before the use could commence I have worded the condition so that the temporary period would run from the opening of the venue.
 24. An hours of use condition is considered necessary to ensure that the use would be operated in the terms it was applied for.
-

25. At the Hearing concerns were raised that advertisements and signage at the premises would detract from the character and appearance of the District Centre. In the main these concerns related to the potential content and appearance and that it would increase the visibility of the use within Albert Road. Whilst I understand the concerns raised, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 does not control the content of signage or advertisements. However, given the concerns about the effect on the character of the District Centre limiting the amount and type of external signage/advertising would help reduce the physical presence of the use within the streetscene further. Whilst I agree with the appellant that no signage would be unreasonable I consider a condition giving the Council control over the amount and location of signage would be appropriate.

Conclusion

26. For the reasons given above and having considered all other matters raised, I conclude the appeal should be allowed.

Jo Dowling

INSPECTOR

APPEARANCES**FOR THE APPELLANT**

Les Weymes	Planning Agent
Jaspal Ojla	Appellant

FOR THE LOCAL PLANNING AUTHORITY

Simon Barnett	Principal Planning Officer, Portsmouth City Council
Niall McAteer	Planning Officer, Portsmouth City Council

INTERESTED PARTIES

Jenni Catlow	Local resident
Charlie Dacke	Local resident
Cllr Suzy Horton	Ward councillor for Central Southsea Ward
Ann Jones	Local resident
Anna Koor	Local resident
Susan McCombie	Local resident
Patricia Mouney	Local resident
Andrew Pearce	Local business owner
Jane Walker	Local resident

DOCUMENTS SUBMITTED DURING THE HEARING

Document 1	Copy of appeal decision APP/Z0116/A/10/2127976
Document 2	Details of the TRaP project personal safety workshop plan
Document 3	Map of Albert Road and Elm Grove District centre

DOCUMENTS SUBMITTED AFTER THE HEARING

Document 1	Copy of letter sent to Portsmouth News and covering email from Maggie Ambler
Document 2	Letter dated 29 November 2016 from Portsmouth City Council responding to the appellant's application for costs.
Document 3	Letter dated 14 December 2016 from appellant in response to Council's letter of 29 November 2016

Schedule of conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision. The use hereby permitted shall be for a limited period being the period of 36 months from the date of the use opening of which the local planning authority shall have been notified in writing. The use hereby permitted shall be discontinued on or before the end of this 36 month period in accordance with details that shall have been submitted to and approved in writing by the local planning authority.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 13.228.01. A and untitled plan that shows proposed floorplan and elevation.
3. Customers shall only be permitted on the premises between the following hours:

21:00-04:00 Monday-Sunday
4. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (or any regulations revoking or re-enacting those regulations with or without modification), no adverts or signs that would be covered by those Regulations shall be displayed on the building without the prior written approval of the local planning authority. Any adverts and signs shall be carried out in accordance with the approved details.

PLANNING COMMITTEE

25 MAY 2016

1 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL

REPORT BY THE CITY DEVELOPMENT MANAGER ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc., and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the City Development Manager's report if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property, and Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

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01

16/00422/FUL

WARD:CENTRAL SOUTHSEA

FIRST FLOOR 149-149A ALBERT ROAD SOUTHSEA PO4 0JW**CHANGE OF USE OF FIRST FLOOR FROM CLASS D2 PREMISES (FORMER CONSERVATIVE CLUB) TO A LAP DANCING VENUE (SUI-GENERIS) (AMENDED SCHEME TO 14/00854/FUL)****Application Submitted By:**Les Weymes Planning Consultancy Ltd
FAO Mr Les Weymes**On behalf of:**OJ's Discounts Ltd
FAO Jaspal Singh Ojla

RDD: 11th March 2016

LDD: 12th May 2016

SUMMARY OF MAIN ISSUES

The main issues are whether the proposed use of the first floor as a lap dancing club would affect the established character of this part of Albert Road and whether the living conditions of local residents would be affected with particular regard to noise and disturbance.

The site and surroundings

This application relates to a two-storey building situated on the north side of Albert Road, between its junctions with Lawrence Road to the west and Harold Road to the east, and was formerly occupied by the Southsea Conservative Club. The premises have a rear pedestrian access from Harold Road. Immediately to the west of the site lie the Wedgewood Rooms, a Class D2 leisure and assembly use, and to the east a retail shop with four flats/maisonettes above and to the rear. To the north of the site beyond a rear yard lie the rear gardens to houses fronting Harold Road.

Albert Road, between Victoria Road South and St Ronans Avenue, is characterised by a variety of specialist, independent shops and a variety of bars and restaurants. As a result, it is a popular destination for residents and visitors to the city during the day and into the evening. To the north and south of Albert Road side roads are fronted by terraced houses, and demand on those side roads for parking is significant from both residents and visitors. The tidal flood plain which covers part of central Southsea extends northwards to include this part of Albert Road.

The proposal

This application seeks planning permission for the use of the first floor of the site as a lap dancing club, accessed from the western end of the frontage via a lobby serving the staircase leading up to the first floor.

Planning history

The premises comprising Nos. 149 and 149a have historically, since before 1975, been used by the Southsea Conservative Club. The applicant's planning consultant describes the previous use of the premises as falling within Use Class D2, based on its historic use and operation as a social club with bar, function halls and meeting rooms. The proposed development would

however be regarded as a sui generis use, being a use which is not provided for or included in the Use Classes Order.

A previous application (14/00854/FUL) sought permission to use the ground floor of the premises as a bar, within Class A4 of the Use Classes Order, with access from the eastern end of the road frontage, and the use of the first floor as a lap dancing club. This application was refused in September 2014 for the following reasons:

1) Having regard to the current proportion of the retail frontage in Class A3, A4 and A5 uses within Albert Road it is considered that the proposed drinking establishment (Class A4) would result in an inappropriate and over-intensive increase in the concentration of 'food and drink' uses detrimental to the balance of uses in Albert Road and be cumulatively harmful to the amenities of nearby residents. The proposal would therefore be contrary to the aims and objectives of the Food and Drink Uses on Albert Road SPD and policy PCS8 of The Portsmouth Plan

2) Having regard to the proximity of uses in this locality which operate until the early hours of the morning it is considered that the proposed use of the first floor, in conjunction with the proposed use of the ground floor of the premises, would result in an undesirable concentration of such uses giving rise to increased activity at unsocial hours to the detriment of the living conditions of the adjoining and nearby residents. The proposals would, therefore, be contrary to policy PCS23 of the Portsmouth Plan.

The applicant appealed Council's decision in May 2015. The Planning Inspector dismissed the appeal upholding the first reason for refusal concluding that the use of the ground floor as a drinking establishment (within Class A4) would have a negative effect on the balance of uses within the Albert Road and Elm Grove District Centre and as such be in conflict with Policy PCS8 of the Portsmouth Plan.

In considering the second reason for refusal the Inspector concluded that "the proposed development would not significantly harm the living conditions of nearby residents" and that "as a result there would be no conflict with CS Policy PCS23 which sets out, amongst other things, that the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers will be sought in new development". The Inspector did not uphold the second reason for refusal.

Following this decision the applicant made a planning application to change the ground floor use to a retail use, aligning with the conclusions of the Inspector. Planning permission was granted in February 2016 (under reference 15/01981/FUL) for a change of use from Class D2 (assembly & leisure use) to Class A1 (retail use) on ground floor with external alterations to include installation of new shop front with recessed entrance door.

A copy of the appeal decision together with another for similar premises in Surrey Street are attached as appendices to the agenda.

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS8 (District centres), PCS12 (Flood Risk), PCS23 (Design and Conservation),

CONSULTATIONS

Crime Prevention Design Advisor

No comments to make with reference to crime prevention at this time

Environmental Health

The Design and Access Statement suggests a closing time of 04:00hrs for the proposed change of use. The applicant's agent has identified within this document that the interior of the building will be acoustically treated to ensure that there will be no noise breakout. This along with separation being provided by a changing area, private dance rooms and a bar, it is unlikely that a loss of amenity will be caused to the attached first floor residential property at 151.

Noise in the street from clientele leaving 149 Albert Road is also unlikely to be experienced due to customers being discreet and leaving alone or in small numbers.

As the applicant has similar venues which are licensed until 04:00hrs, I have searched the complaint records for both Elegance in Granada Road and Wiggle in Surrey Street and can confirm that no noise complaints have been received by Environmental Health for the provision of regulated entertainment or from customers leaving.

In Summary, we have no objections to this application being granted.

Highways Engineer

The change of use is unlikely to impact on the highway network, as Albert Road has a variety of leisure and entertainment venues and high pedestrian footfall. However, the increase in staff may experience difficulty parking. Albert Road to the front of the property is fully restricted with double yellow lines, leading up to its 4-arm signalised junction of Lawrence Road / Waverley Road. Parking in the nearest side road (Harold Road) is restricted to Permit Holders Only between 5pm-7pm, and opposite in Beatrice Road a 24-hour Residents' Parking Scheme is in operation.

RECOMMENDATION: Raise no objection.

Licensing

The licensing code for Sexual Entertainment Venues ("SEVS") was an adoptive provision contained within the Policing & Crime Act 2009 and introduced a new category of sex establishment. Previously only sex shops and sex cinemas were generally licensed under the 1982 Miscellaneous Provisions act. The council adopted the licensing code for SEVS and now requires premises providing live performances of relevant entertainment, which although not strictly defined but could include lap/pole/table dancing, strip shows, peep shows and live sex shows, or the display of nudity to an audience that is designed to sexually stimulate any person to be licensed accordingly.

Premises providing SEV entertainment are almost certainly likely to be licensed for the sale and/or supply of alcohol under the Licensing Act 2003. These are, however, two separate regimes with the Licensing Act focusing on the promotion of the statutory licensing objectives and the licensing of SEV's taking into consideration such matters as character of the area, numeric need, locality etc.

The council has adopted a policy that recognises a presumption to renew, transfer or vary existing SEV premises but indicates that it is unlikely to support any new application in the city although they must consider each application on merit.

So far as 149 Albert Road is concerned, the former Club Premises Certificate for Southsea Conservative Club was surrendered in April 2014. The certificate entitled club alcohol sales until midnight (Monday - Thursday) and until 0100 on Friday and Saturdays. Live and recorded music were also permitted as recognised club activities.

Finally, SEV licences are not transferrable from one premises to another.

REPRESENTATIONS

At the time of writing 63 representations, including ones from Councillor Hugh Mason, Flick Drummond MP and on behalf of the UNISON South East Regional Womens Committee, have been received objecting to the application. The grounds of objection are summarised as follows;

a) the lap dancing club would be located adjacent to the Wedgewood Rooms which attracts large numbers of young people, many of which may be minors, and is therefore wholly inappropriate. However discreet it will be widely known to be a sexual entertainment venue;

- b) the proposal would exacerbate the already overcrowded parking in the vicinity of Albert Road causing annoyance to local residents;
- c) proximity to religious buildings, schools and community centre;
- d) an SEV licence cannot be transferred under current licensing policy;
- e) women will not walk near the club at night for fear of their safety;
- f) the applicant's existing Granada Road site looks 'seedy';
- g) the lap dancing club would contradict the council's regeneration attempts for "the Great Waterfront City";
- h) the granting of an SEV licence would evidence that the council does not adhere to the Gender Equality Duty which came into force in 2007;
- i) no need for a lap dancing club;
- j) as Albert Road represents the cultural and artistic side of Portsmouth a lap dancing club would be out-of-character;
- k) late night noise and disturbance from activities within the premises and from people leaving;
- l) increase in anti-social behaviour and fear of crime;
- m) the promotion of young women as sexual objects is immoral and could give rise to an increased risk of sexual motivated violence;
- n) it would be contrary to Licensing policy.

It must be noted that a number of representations refer to licensing and the Council's duty as Licensing Authority in regulating Sexual Entertainment Venues and its adopted Sex Establishment Licensing Policy (October 2012).

A petition containing 580 signatures has been submitted by the Albert Road Traders Association in opposition to the proposal. The covering letter also makes reference to an online petition also opposed to the proposal which has (at the time of writing) 622 signatures.

468 representations in support have been received stating: "We need more business in Britain and as long as it's legal it should be allowed to flourish. "Business is great" is the tag line for Britain so let's make it happen. Lap-dancing clubs tend to have the least amount of crime associated with them, due to the average age of customers visiting. It's a venue where mostly mature individuals have a chance to enjoy a good night out."

Four further individual letters of support have been received highlighting the need for facilities to entertain business visitors to the City and the creation of jobs.

COMMENT

The main determining issues in this case are whether the proposed use of the first floor as a lap dancing club would affect the established character of this part of Albert Road and whether the living conditions of local residents would be affected with particular regard to noise and disturbance. Other issues include flood risk and parking.

This application relates solely to the use of the first floor and its separate access through a small entrance lobby fronting Albert Road. The use of the ground floor, which was a reason for the refusal of the previous application, is not relevant to the determination of this application.

The site is located within the Albert Road and Elm Grove District Centre where Policy PCS8 applies. The proposed use of the first floor as a lap dancing venue is considered to represent an appropriate town centre use and as such would accord with policy PCS8. The proposal would not conflict with any of the general or centre specific criteria within policy PCS8.

This section of Albert Road is fronted by uses that offer alcohol and entertainment through the evening and into the early hours of the morning. Although the previous use of the premises as a private members club had a licence to operate until 01:00 hours on Friday and Saturday nights and midnight on Sunday to Thursday nights, the proposed use would be different. The proposed use of the first floor would be open to the public, with similar external impacts to that of

a bar or nightclub, where patrons would arrive and depart individually or in groups, and would operate between 21:00 hours and 04:00 hours the following morning on a daily basis.

In considering the appeal for this site the Inspector recognised that "the site is located in an area where late night activities already take place and thus where a certain amount of noise can reasonably be expected". The Inspector noted the site's position adjacent to the Wedgewood Rooms, its large capacity and its opening hours which extend into the early hours of the morning and that the level of activity at unsocial hours in the vicinity of the site is likely to be high. The Inspector accepted that the proposal would increase the level of activity at unsocial hours within the vicinity of the site but that as a result of the existing level of activity considered any increase resulting from the proposed development would have a limited negative impact on nearby residents. The Inspector concluded that "for these reasons the proposed development would not significantly harm the living conditions of nearby residents" and that "as a result there would be no conflict with Policy PCS23 which sets out, amongst other things, that the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers will be sought in new development".

Having regard to the Inspectors comments and considering the proposal afresh it is considered that due to the lack of any significant change in policy or circumstances the proposal would not give rise to harm to the character or amenity of the area. The nature of the proposed use is such that is considered reasonable and necessary to impose a planning condition restricting the hours of use to between the proposed 9pm and 4am.

The Planning Inspector's report on a lap dancing club at 1 Surrey Street made note that issues raised by third parties in relation to gender equality, child safeguarding or morals are not material to the consideration of this type of proposal, as it is considered on its individual planning merits. The precise nature of the entertainment to be provided and its regulation would be a matter to be dealt with by the Council exercising its duty as Licensing Authority. The applicant has acknowledged that the approval of the Council as Licensing Authority would also be required.

Having regard for the submissions that have been received on this application and the separate regulation of this activity through licensing, there are no further planning matters which need to be addressed.

Although located within the indicative tidal floodplain this site is close to its northern limit and, furthermore, with the intended flood prevention measures to the coast residual risk of flooding would be minimal. The proposals would not, therefore, give rise to an objection under policy PCS12.

Having regard to the previous use of the premises, it is considered that the level of traffic generation associated with the proposed use is unlikely to be significantly greater or different in nature. In these circumstances an objection on highway grounds would not be considered sustainable.

RECOMMENDATION Conditional Permission

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

**** **** **** **** **** **** **** ****

3) The use hereby permitted shall only be open to and occupied by customers between the hours of 21:00 and 04:00 the following morning.

The reasons for the conditions are:

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To control the operation of the use permitted in the interests of the amenities of local residents and other users of the District Centre to accord with Policy PCS8 and PCS23 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

APPENDIX A



Appeal Decision

Site visit made on 13 May 2015

by Edward Gerry BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 June 2015

Appeal Ref: APP/Z1775/W/15/3002302

149-149a Albert Road, Southsea, Hampshire PO4 0JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Paul Ojla (OJ's Discounts Ltd) against the decision of Portsmouth City Council.
- The application Ref 14/00854/FUL, dated 10 July 2014, was refused by notice dated 4 September 2014.
- The development proposed is described as 'change of use from Class D2 (assembly and leisure use) to Class A4 (drinking establishment) on ground floor with sui-generis lap dancing venue on first floor'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is a minor discrepancy between the site address detailed on the application form and that set out on the appeal form. The site address outlined on the appeal form more accurately reflects the location of the appeal site and thus I have used it in the banner heading above.
3. The application seeks planning permission for a change of use from Class D2 to Class A4 on the ground floor with a sui-generis use on the first floor. The Council considers that the proposal relates solely to a sui-generis use and suggest that the ground floor would not be in a separate Class A4 use. However, whether or not the ground floor would be in a Class A4 use is not a matter for me to determine in respect of this appeal. I have made my decision on the basis of the proposed development set out on the application form.

Main Issues

4. The main issues are the effect of the proposal on the balance of uses within the Albert Road and Elm Grove district centre and the effect on the living conditions of nearby residents, with particular reference to noise and disturbance.

Reasons

Balance of uses

5. The appeal site is located within the Albert Road primary shopping area which forms part of a district centre (Albert Road and Elm Grove). The part of Albert Road on which the site is situated is largely characterised by a variety of specialist and independent shops, bars and restaurants. Policy PCS8 of The Portsmouth Plan: Portsmouth's Core Strategy (CS) details, amongst other things, that proposals for drinking establishments (A4) will be supported, subject to specific proposals relating to each district centre, provided that the development would not result in an over-concentration of non-shopping uses in the centre as a whole or in the vicinity of the proposed development.
6. With particular regard to the Albert Road and Elm Grove district centre Policy PCS8 sets out the need to balance the centre's role of day to day shopping, specialist shopping and the night time economy. It outlines that at least 50% of each section of primary frontage must remain in use as shops (A1) whilst no more than 23% of the total frontage of the centre will be in use as restaurants (A3), drinking establishments (A4) and hot food take-aways (A5) at any time.
7. In addition to Policy PCS8 detailed above both the Council and the appellant make reference to the Food and Drink Uses on Albert Road Supplementary Planning Document (SPD). I have given consideration to the SPD's content but in my view the thrust of the document is not especially different from Policy PCS8, particularly the part of the policy which considers the Albert Road & Elm Grove district centre, within the development plan. Therefore, the SPD does not feature in my deliberations below.
8. Given the proposal relates to the change of use of a D2 use to an A4 use at ground floor level it would not affect the percentage of A1 uses within the section of primary frontage that the site forms part of. Consequently, it would not conflict with Policy PCS8 in this regard. However, based on the most up-to-date evidence in front of me the proposed development would increase the proportion of A3 to A5 uses, within the Albert Road and Elm Grove district centre from 23.13% to 23.58%.
9. Therefore, the proposal would be contrary to the section of Policy PCS8 which seeks to ensure that no more than 23% of the total frontage of the centre is in an A3 to A5 use. Whilst I accept it would only result in a marginal increase above the 23% threshold set out in the policy, in my view, the cumulative effect of such proposals would have a negative effect on the balance of uses within the district centre which is what the policy attempts to avoid.
10. I note the appellant questions whether the 23% threshold has been exceeded on the basis that he has concerns regarding the validity and accuracy of the survey sheets which informed the Council's decision. However, the Council details that the reference to Policy CD5 (a policy in the Portsmouth City Local Plan (2006) which has been superseded) on the survey sheets relates to the fact that the survey sheets basic construction was devised to monitor policies in this previous Local Plan. Furthermore, the Council, as part of its statement, has provided extracts from the Council's monitoring of Policy PCS8 which includes survey sheets which identify a survey date. On this basis, and in the absence of any contradictory survey evidence, I am satisfied regarding the validity and accuracy of the survey sheets.

11. Further to the above, I note the suggestion that the site is located on a section of the Albert Road where there are only three existing drinking establishments. In addition, I observe the opinion that on this basis the proposal would not unbalance the mix of uses on this part of the Albert Road especially given the view that the former use of the site does not differ substantially from what is proposed. I also note the comments regarding the restrictive nature of the 23% threshold set out in Policy PCS8, additionally the suggestion that the policy has resulted in some long term vacancies and that it prevents flexibility in the introduction of a variety of uses which could ensure a sustainable and viable district. I also observe the view that the planning system should deliver mixed shopping frontages inclusive of cafes, restaurants, public houses and hot food takeaways which are attractive to customers and local residents with vitality and viability as a main environmental consideration.

12. However, whilst I can understand these points, Policy PCS8 clearly aims to try and achieve an appropriate balance between competing uses within the Albert Road and Elm Grove district centre. Furthermore, on the basis of my site visit, it is evident that the district centre is a vibrant area which does not currently suffer from a high level of vacant units. Accordingly, I see no reason to apply flexibility in respect of the appliance of Policy PCS8 in relation to the proposed development.

13. In considering the proposal I have taken account of the physical form of the appeal building and the ground floor frontage associated with it. I acknowledge that vacant buildings do little to enhance the character of any shopping centre and observe the view that the Class A4 use could contribute to the vitality and viability of the part of Albert Road to which the appeal site relates. Nevertheless, in my view, any benefits the proposal would bring in this regard do not outweigh the harm that would result in terms of the balance of uses on Albert Road.

14. For these reasons the proposed development would have a negative effect on the balance of uses within the Albert Road and Elm Grove district centre. As a result there would be a conflict with CS Policy PCS8.

Living conditions

15. The appeal site is located in a fairly central position on the Albert Road. It is proposed that the hours of operation relating to the proposed ground floor use would be from 11:00 to 01:00 daily and 21:00 to 04:00 daily in respect of the first floor use. Situated directly adjacent to the site is the Wedgewood Rooms which is a live entertainment venue that can accommodate a large number of people. It is licensed to operate until 03:00 each day from Monday to Saturday and until 00:30 on Sundays. Within close proximity of the site, both on the upper floors of buildings on Albert Road and on adjoining streets, are residential dwellings.

16. I note the view that the proposed Class A4 use on the ground floor would result in a concentration of food and drink uses which would be cumulatively harmful to the amenities of nearby residents. I also observe the opinion, having regard to the proximity of the Wedgewood Rooms, its hours of operation and the fact that the proposed use at first floor level would extend further into the early hours of the morning than the adjoining Wedgewood Rooms, that the proposal would result in an undesirable concentration of such uses giving rise to increased activity at unsocial hours to the detriment of the living conditions of nearby residents.

17. Notwithstanding this, the site is located in an area where late night activities already take place and thus where a certain amount of noise can reasonably be expected. I consider the site's position adjacent to the Wedgewood Rooms to be of particular relevance. Given its large capacity and its opening hours, which extend into the early hours of the morning, the level of activity at unsocial hours in the vicinity of the site is likely to be high. Thus, whilst I accept that the proposal would increase the level of activity at unsocial hours within the vicinity of the site, as a result of the existing level of activity any increase resulting from the proposed development would have a limited negative impact on nearby residents.

18. For these reasons the proposed development would not significantly harm the living conditions of nearby residents. As a result there would be no conflict with CS Policy PCS23 which sets out, amongst other things, that the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers will be sought in new development.

Other Matters

19. In reaching my decision I have considered the appeal decisions referred to by the appellant and the Council.

20. The appellant has provided a copy of a section 106 planning obligation in relation to the proposed development. The planning obligation provides for the closure of an existing lap dancing venue in the area. Irrespective of whether the planning obligation meets the tests set out in paragraph 204 of the National Planning Policy Framework (the Framework) any positive benefits which would result from the existing venue closing down would not outweigh the harm that the proposal would cause to the balance of uses within the Albert Road and Elm Grove district centre. Therefore, the planning obligation does not provide backing for the proposed development.

21. I observe the support for the proposal and I have taken this into account in making my decision. I also note the appellant's view that the proposal does not conflict with the content of the Framework. Nevertheless, given the harm that I have identified above such factors do not form a basis for allowing this appeal.

22. Finally, I note the large number of representations and the petitions objecting to the proposal. These representations highlight a wide range of concerns including in respect of licensing matters, gender equality, child safeguarding and moral issues. However, these are not matters that I am able to consider as part of this appeal and thus I have dealt with the proposal solely in relation to its planning merits. Accordingly, I find nothing further to add to my reasons for dismissing this appeal.

Conclusion

23. Notwithstanding my conclusions on living conditions, they do not outweigh the harm that I have identified in respect of the effect the proposal on the balance of uses within the Albert Road and Elm Grove district centre. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Edward Gerry

INSPECTOR

Premises Licence Number
15/03513/LAPREM



Portsmouth
CITY COUNCIL

PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, Ordnance Survey map reference or description	
Address: Wedgewood Rooms 147B Albert Road Southsea PO4 0JW	Map Ref (E) : 465232 Map Ref (N): 98992 UPRN: 001775001007
Telephone	

Where the licence is time limited the dates
This licence is NOT time limited

Licensable activities authorised by the licence
<ul style="list-style-type: none"> ▶ Sale by retail of alcohol ▶ Late night refreshment ▶ Performance of dance ▶ Provide facilities for dancing ▶ Exhibition of a film ▶ Provide facilities for making music ▶ Provide facilities for other similar entertainment ▶ Performance of live music ▶ Performance of a play ▶ Playing of recorded music ▶ Other similar music or dance Entertainment

The times the licence authorises the carrying out of licensable activities	
▶ Sale by retail of alcohol	
Sunday	12:00 until 00:30
Monday to Saturday	12:00 until 03:00
▶ Performance of dance	
Sunday	12:00 until 00:30
Monday to Saturday	12:00 until 03:00
▶ Provide facilities for dancing	
Sunday	12:00 until 00:30
Monday to Saturday	12:00 until 03:00
▶ Exhibition of a film	
Sunday	12:00 until 00:30
Monday to Saturday	12:00 until 03:00

► Provide facilities for making music	
Sunday	12:00 until 00:30
Monday to Saturday	12:00 until 03:00
► Provide facilities for other similar entertainment	
Sunday	12:00 until 00:30
Monday to Saturday	12:00 until 03:00
► Performance of live music	
Sunday	12:00 until 00:30
Monday to Saturday	12:00 until 03:00
► Performance of a play	
Sunday	12:00 until 00:30
Monday to Saturday	12:00 until 03:00
► Playing of recorded music	
Sunday	12:00 until 00:30
Monday to Saturday	12:00 until 03:00
► Other similar music or dance Entertainment	
Sunday	12:00 until 00:30
Monday to Saturday	12:00 until 03:00
► Late night refreshment	
Sunday	23:00 until 00:30
Monday to Saturday	23:00 until 03:00

Non standard timing - Sale by retail of alcohol

On Bank Holiday Sundays from 23:00 until 03:00. These timing also apply for the hours of opening and closing.

Non standard timing - Performance of dance

On Bank Holiday Sundays from 12:00 until 03:00.

Non standard timing - Provide facilities for dancing

On Bank Holiday Sundays from 12:00 until 03:00.

Non standard timing - Provide facilities for making music

On Bank Holiday Sundays from 12:00 until 03:00.

Non standard timing - Provide facilities for other similar entertainment

On Bank Holiday Sundays from 12:00 until 03:00.

Non standard timing - Performance of live music

On Bank Holiday Sundays from 12:00 until 03:00.



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Non standard timing - Playing of recorded music
On Bank Holiday Sundays from 12:00 until 03:00.

Non standard timing - Other similar music or dance Entertainment
On Bank Holiday Sundays from 12:00 until 03:00.

Non standard timing - Late night refreshment
On Bank Holiday Sundays from 23:00 until 03:00.

The opening hours of the premises

- ▶ Sunday 12:00 until 00:30
- ▶ Monday to Saturday 12:00 until 03:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption on the premises


Part 2

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

Name: Independentcommusic Ltd
Address: The Old Treasury
7 Kings Road
Southsea
PO5 4DJ
Telephone: 9369 9894
Email:

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

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

Name: Mr Geoffrey Terence Priestley
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: 283
Issuing Authority: Fareham Borough Council



Premises Licence Number
15/03513/LAPREM

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

Date Licence granted: 26 August 2005
Date last amended: 9 June 2015
Type: Transfer



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

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

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

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 licence holder shall ensure that the premises are adequately supervised to prevent crime and disorder and ensure public safety and shall take into account advice given by any responsible authority to promote the licensing objectives.

02 a) Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.

b) Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence.

c) Any person as defined in (a) above will clearly display his name badge at all times whilst on duty.

03 The premises shall not be open for the purpose for which this Licence is granted on any occasion when the Licensing Authority have signified in writing to the Licence holder that the premises shall be closed.

04 (a) There shall be, during the times when members of the public are on the premises, a sufficient number of attendants in the building for the purpose of ensuring compliance with the conditions of the Licence, or such numbers as may be requested by the Chief Officer of Police for ensuring adequate public order at any premises.

(b) The Licence holder and all such attendants shall take due precautions for the prevention of accidents and shall abstain from act which tends to cause fire or endanger members of the public in any way.

05 Before members of the public are admitted to the premises, the Licence holder or other nominated person must ensure that all conditions of the Licence are fully met.

06 During the period that the premises are used for entertainment, there shall be in attendance staff trained in the routine to be followed in case of fire or other emergency. There shall also be staff trained in first aid procedures.

07 Police and Fire Officers for the County of Hampshire shall at all times have access to the premises and the Licensee shall comply with any reasonable fire preventative and safety measures that may be required by the Chief Fire Officer.

08 All parts of the premises shall be open to inspection by duly authorised Officers of the Licensing Authority during the time the premises are being used for the purpose for which the Licence is granted or at any other time upon reasonable notice being given to the Licence holder.

09 The Licence holder shall conduct the premises decently, soberly and in an orderly manner. Nothing contrary to sobriety, decency or good manners shall be performed, produced, exhibited or represented therein. No profanity or impropriety of language, dress, dance (including any

performance involving the removal of garments), or gesture or anything which is in any way offensive to public feelings or calculated to produce a disturbance or breach of the peace shall be permitted on the premises.

10 No part of the premises shall be used by prostitutes for the purposes of solicitation or otherwise exercising their calling.

11 No exhibition, demonstration or performance of hypnotism on any person shall be permitted without the prior written consent of the Licensing Authority.

12 The Licence holder shall take all due precautions for the safety of the public, the performers and their employees.

13 No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed, sold or supplied on the premises or on land adjoining by or on behalf of the Licence holder which is likely to be injurious to morality or to encourage or incite crime or to lead to disorder or to be offensive to public feeling or which contains any offensive representation of a living person.

14 Where the Licensing Authority shall have given notice in writing to the Licence holder objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling that advertisement shall not be displayed at the premises except with the consent in writing of the Licensing Authority.

15 Alterations or additions of a permanent nature to the structure, the lighting, heating or ventilating installations or to the seating, gangways or other arrangements at the premises shall not be made except with the prior approval of the Licensing Authority. Copies of plans showing proposed alterations or additions must be submitted to the Licensing Authority at least 21 days prior to the application. Plans shall also be submitted to the Chief Fire Officer and Chief Officer of Police.

16 The arrangements and provisions made for disabled persons shall at all times be effectively maintained and in accordance with any special conditions imposed by the Licensing Authority in respect of a specific premises.

17 Persons awaiting admission to the premises shall not be allowed to congregate in any part of the premises except in positions approved by the Licensing Authority for this purpose.

18 The maximum number of persons to be admitted at any one time to the premises shall not exceed those figures indicated on the Licence.

19 All doors leading from EXITS into passages or the outside of the premises shall where required by the Licensing Authority to be kept open and fastened back by means of a padlock or other device and be kept clear of obstruction. Temporary barriers shall not be fitted and any permanent barrier in exit ways which may be approved with the approval of the Licensing Authority for checking or controlling admission shall be so arranged that the position immediately in the line of exits will open automatically upon pressure being applied in the direction of the exit.

20 The number, size and position of all doors or openings provided for the purpose of egress from the premises shall be to the satisfaction of the Licensing Authority and shall comply with the following requirements.

(a) All such doors or openings approved by the Licensing Authority shall be clearly indicated by the word "EXIT".

(b) Doors and openings other than EXITS which lead to parts of the premises accessible to the public shall have notices placed over them indicating the use of such parts or be marked "PRIVATE" or "NO PUBLIC ADMITTANCE".

(c) Such notices and signs indicating the way out of the premises shall be provided as the Licensing Authority may consider necessary.

(d) Notices bearing the words "NO EXIT" shall not be exhibited without the consent of the Licensing Authority.

(e) The notices referred to in this condition shall be where practicable at a height of at least 6 feet 9 inches (2057mm) above the floor and where possible shall be placed over the doors or openings to which they relate.

(f) All notices shall be a minimum 100mm block lettering, white lettering on a green background.

(g) All new EXIT signs shall comply with British Standard 5499 Part 1 1990. The Licensing Authority shall, if a premises does not afford a satisfactory degree of illumination, require that all EXIT signs be of a maintained type (for the licensed area of the premises only).

(h) All means of escape routes including gangways, corridors or passageways leading to exits and all stairways and ramps for public use must be kept free from obstruction and adequately lit whenever the licensed premises are in use.

21 Only such parts of the premises as have been approved by the Licensing Authority shall be used as retiring rooms or cloakrooms and provision for hanging hats or coats shall not be made in any corridors, passages, gangways or exit ways used by the public.

22 No fastenings other than automatic bolts of a type approved by the Licensing Authority shall be fitted on exit doors used by the public and bolts so fitted shall be of such pattern in such position as the Council may determine except that cabin hooks or stops to keep the exit doors in an open position may be fitted. Automatic bolts shall be of such a pattern that horizontal pressure on the cross bars will open the door. The cross bars shall, where practicable, be placed at a height of 3 feet (914mm) from the bottom of the door. Doors fitted with automatic bolts shall have a notice (at least 50mm high) "PUSH BAR TO OPEN" fixed upon them in block lettering, white on a green background.

If the Licensing Authority shall have given consent to the use of chains, padlocks or other locking devices for securing exit doors when the public are not on the premises, a responsible person

shall be required to remove such chains, padlocks or other devices before the admission of the public and such chains, padlocks or other devices shall not be replaced during the whole time the public are present in the premises. Normally all chains/padlocks should be kept in an area constantly supervised by the Licence holder or other responsible staff. All chains and padlocks must be secured to a proper "chain board" and properly numbered.

23 Where collapsible gates or roll-up shutters are used these shall be locked in the open position whilst the public are present. Revolving doors shall not be used as exit doors.

24 Curtains shall be adequately supported. They shall not be hung across gangways or over stairways or in such a manner as to conceal notices. Where hung across doorways or across corridors they shall be so arranged as to draw easily from the centre and slide freely and be so hung that they are clear of the floor.

25 All fixed or permanent decorations shall be treated with a suitable flame retardant solution. If it appears to the Licensing Authority that the use of a material, fabric or finish might assist the spread of fire in the premises then such material, fabric or finish must be replaced or be treated with a suitable flame retardant solution to reduce this risk.

26 No rubbish or waste paper shall be stored or allowed to accumulate in any part of the licensed premises. Storage of combustible material or flammable liquids shall not be allowed on the premises.

27 All parts of the premises and fitting therein including the seating, door fastenings and notices shall be maintained at all times in good order and condition. All new seating provided at a licensed premises shall be treated with a suitable flame retardant solution or comply with current British Safety Standards to minimise fire risks. Seating, tables and chairs and other furniture and fittings shall be so arranged as to allow free and ready access to exits.

In premises where more than 200 persons and less than 400 persons are to be seated in the auditorium, the seats or chairs shall be battened together in lengths of not less than 4 and not more than 12 seats.

In premises where more than 400 persons are to be closely seated in the auditorium the seats or chairs adjoining front, rear or cross gangways and the seats adjoining exits shall be firmly fastened to the floor and all remaining seats or chairs shall be battened together in lengths of not less than 4 and not more than 12 seats.

Gangways shall be provided intersecting the seating in such a manner that the centre of no seat or chair shall be more than 14 feet (4.5m) from a gangway measured along a line of seating.

28 (a) The premises shall be provided with fire extinguishers suitable to the fire risks of the premises and such equipment shall be maintained in proper working order and shall be available for instant use.

(b) All fire fighting equipment provided within the premises shall be examined at least once annually. Portable fire extinguishers shall be examined at least once monthly and tested by a

competent person in accordance with the British Standard Code of Practice 5306: Part 3 1980. The date of such test shall be clearly marked on the extinguisher or on stout tabs attached thereto. The Licence holder shall produce upon request a certificate that all fire fighting equipment has been examined and tested by a competent person. All extinguishers shall be mounted on wall brackets with their carrying handles approximately 3 feet (914mm) from the floor level.

(c) A log book shall be kept on the premises in which shall be entered particulars of any unusual occurrences (such as fires, the breakdown of any of the lighting services or water supply), fire drills and of every test of vital equipment. The log book shall be kept available and be produced for inspection when required by a Fire Officer, Police Officer or by any authorised Officer of the Licensing Authority.

(d) There shall be displayed in a conspicuous place if the premises are not connected with a telephone, particulars of the nearest telephone available in the event of an emergency.

Any outbreak of fire, no matter how small, must be reported immediately to the fire brigade and notices giving instructions on how to call the fire brigade must be prominently displayed on the premises.

(e) The Licence holder, the person in charge of the premises and at least one other member of the staff shall be properly instructed in the protection of the premises from fire, the use of the fire appliances provided and the method of summoning the fire brigade.

(f) If a fire alarm system is installed, the Licensee shall produce upon request, a certificate that the system has been examined and tested by a competent person.

29 Except with the permission of the Licensing Authority in writing and in accordance with any conditions attached to such permission, scenery or other stage properties shall not be kept or used on the platform or in any part of the premises.

Except with the consent of the Licensing Authority in writing and subject to any conditions which may be attached to such permission, explosives or highly flammable substances shall not be brought in, stored, or used on the premises.

Pyrotechnic or other such devices shall not be used without the prior written consent of the Licensing Authority.

Highly inflammable materials must not be used for the costumes of the performers, in the scenery or the decoration of the stage auditorium or any part of the premises unless they have been rendered fire retardant to the satisfaction of the Licensing Authority and are maintained in that condition. The use of naked flame shall not be permitted except where strictly necessary to the performance and with the prior approval of the Licensing Authority in writing.

Toy balloons filled with inflammable gas shall not be used, sold or exhibited on the premises.



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30 Limelight, acetylene gas installation or steel cylinders for the storage of compressed air, oxygen, hydrogen or other liquid gas under pressure shall not be used except with the permission of the Licensing Authority in writing.

31 All lavatories, WC's and urinals in the premises shall at all times be kept in good order and repair and be properly cleaned, ventilated, disinfected and supplied with water (hot and cold) and the doors leading into these facilities shall be suitably marked. Adequate and separate sanitary conveniences shall be proved for person of each sex as required by the Licensing Authority. No fee shall be payable for the use of these facilities.

32 In premises where food is served, the storage, preparation and serving areas shall be maintained to the satisfaction of the Licensing Authority.

33 All floors, floor coverings and upholstery in the premises shall be maintained in a clean condition.

34 Carpets, matting and other floor coverings shall be secured and maintained so that they will not ruck and cause obstruction or be in any way a source of danger.

35 The edges of the tread of steps and stairways shall be rendered and maintained in a non-slip condition and where lighting conditions render it desirable, the edges of such steps shall be made conspicuous by painting or other means.

36 All electric lamp holders within reach of the public shall be kept fitted with lamps or earth leakage devices (RCCBs).

37 All electrical fittings, wiring and appliances shall be constructed and maintained in a safe and satisfactory condition and to the satisfaction of the Licensing Authority. All electrical installations shall be inspected once each year by a qualified electrician appointed by the Licence holder and a certificate stating the conditions of the installation (including the emergency lighting system) shall be forwarded to the Licensing Authority upon request.

38 The public parts of the premises shall be kept properly and sufficiently ventilated and heated to the satisfaction of the Licensing Authority.

39 No form of heating other than that approved by the Licensing Authority shall be used in any part of the licensed premises.

40 All forms of heating shall be so protected or situated sufficiently far from any woodwork, hangings or other materials likely to catch fire for there to be no likelihood of fire by reason of their proximity to the heating appliance.

41 Every heating appliance situated in a part of the premises to which the public are admitted shall be fixed in position.

42 Where necessary, heating appliances shall be protected by suitable fire guards.

43 Soda water and similar fountains shall be installed only in positions approved by the Licensing Authority and the following conditions observed:-

- (a) A reducing valve of a suitable type shall be fitted between the gas cylinder and the piping to the carbonator and shall form part of the fixed installation.
- (b) A suitable and adequate safety valve shall be attached direct to the carbonator.
- (c) A pressure gauge shall be fitted direct to the carbonator and that unless the gas cylinder is adjacent thereto a gauge shall also be fitted to the low pressure side of the reducing valve and the normal working pressure of the machine shall be suitably indicated on the dials.
- (d) All pressured gas cylinders in use or in store shall be so positioned and provided with substantial securing straps or chocks to avoid them being damaged.

44 Where as part of the public entertainment, flashing lights including stroboscopic or "circulating" arc lights are used then:-

- (a) a notice shall be displayed in a prominent position at the entrance to the premises advising visitors of the nature of the lighting systems used and specifying a person from whom details of the lighting system can be obtained or,
- (b) the lighting system shall be such that flashing lights are set at a frequency not exceeding five flashes per second.

45 No laser device shall be used in a premises without the prior written consent of the Licensing Authority.

46 In relation to only the morning on which British Summer Time begins, the permitted hours for the provision of music, singing and dancing at licensed premises normally open between 01:30 and 02:00 hours shall extend to one hour after the normally specified terminal hour.

47 The external fire escape route at the side and rear of the premises must be kept clear of obstructions and combustible material at all times.

48 The CCTV system as installed shall be maintained in a satisfactory working condition and the recordings of which are to be kept for a minimum of thirty one days. No changes shall be made to the system without the prior approval of the Council in consultation with the Chief Officer of Police.

49 All noise arising from regulated entertainment at the premises shall be inaudible one metre outside any noise sensitive premises.

50 The use of the café/bar hereby permitted shall not be operated between the hours of 03:00 and 08:00 the following day.

51 The maximum permitted occupancy for the Wedgewood Rooms shall not exceed 300 persons when seated and 400 persons when standing.

The maximum permitted occupancy for the Edge of the Wedge shall not exceed 60 persons when seated or 100 persons when standing.

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

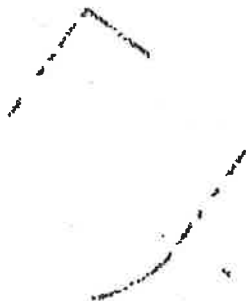
53 The permitted hours restrictions do not prohibit:

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

-- END --

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

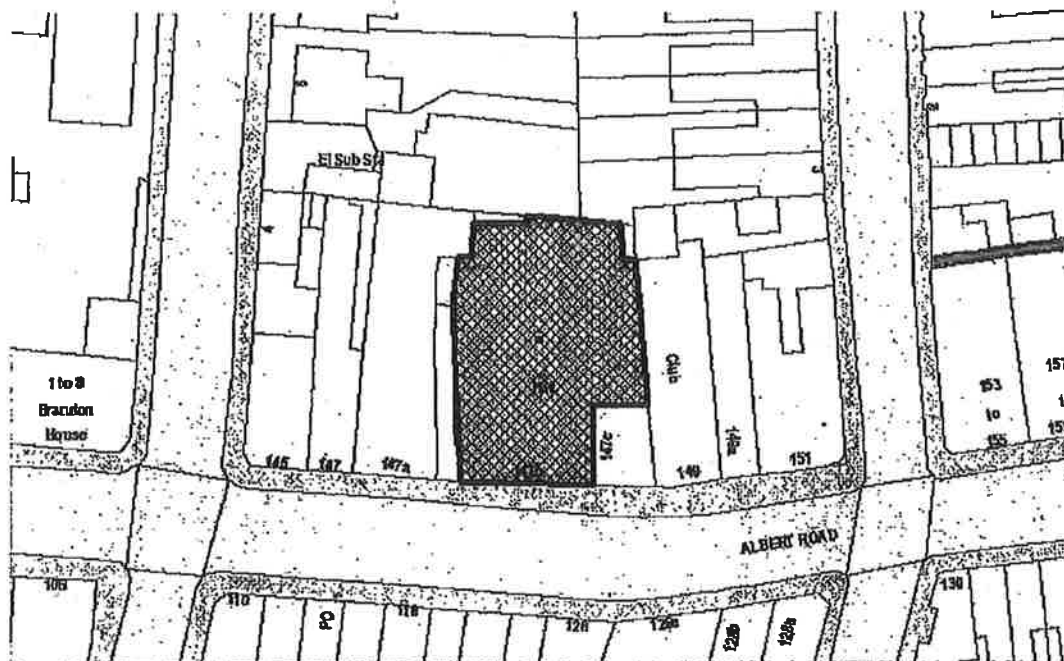
-- END --



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: 147B Albert Road Southsea


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WEDGEWOOD ROOM

74

WWW.WEDGEWOOD-ROOMS.CO.UK 023 9286 300

FRI 1
6.00pm £8
£15 weekend
ICEBREAKER FESTIVAL
RICHARD MORRIS + MARLEY BLANDFORD
LILY GARLAND + SOUTHERLIES + WINTERS HILL

SAT 3
2.00pm £12
£15 weekend
ICEBREAKER FESTIVAL
IS BLISS + MELT DUNES + TYPE TWO ERROR + BARBUDO
SHOOT THE DUKE + DELTORERS + FLOWVERS + BROKEN LINKS
SUBMARINER + HERCULES MORSE + KAYLEIGH THOMAS & THE EFFECTORS + BEMIS

WED 7
SOLO OUT!
THE SHERLOCKS + NEON WALTZ + AARON MIDDLETON

FRI 9
7.30pm £8/£6
COMEDY CLUB RUDI LICKWOOD + JAKE LAMBERT + GUEST TBC

FRI 9
11pm FREE!
SIN! SOUTHSEA'S BIGGEST FREE CLUB NIGHT

SAT 10
9pm £16.00
RONI SIZE + SIM + MC FREESTYLE + DJND + THE PHILOSOPHA + B2B + TOM MAYHEM

SUN 11
7.30pm £15
JAMIE LENMAN + GENDER ROLES + LOA LOA

THURS 15
7pm £6.00
DANCE AFRICA URBAN CLUBNIGHT
UVC + MOST WANTED + NEPTUNE GIRLS + STREETFORCE + KELSEY MILLER + JSD + KRU + SOUTHZONE

FRI 16
8pm £18.00
PARADISE LOST + OUTSHINE + KING GOAT

SAT 17
7pm £5.00
VALENTINES DAY MASSACRE

TUES 20
8.00pm
£17.50
PAUL DRAPER
PERFORMING THE MANSUN ALBUM *ATTACK OF THE GREY LANTERN* IN FULL FOR THE FIRST TIME EVER PLUS A SET OF SOLO MATERIAL!

FRI 23
7.30pm £8/£6
COMEDY CLUB SUZI RUFFELL + MICKEY SHARMA + TOM DEACON

FRI 23
11pm FREE!
SIN! SOUTHSEA'S BIGGEST FREE CLUB NIGHT

SAT 24
7pm £5.00
DRUSILA + FOUR FOLDS LAW + EYES TO THE SKIES + KOALA

SAT 24
11pm £5.00
DISTRICT ALTERNATIVE ROCK METAL & POP PUNK

EDGE OF THE WEDGE

WWW.WEDGEWOOD-ROOMS.CO.UK 023 9286 300

FRI 2
8pm £3.00
£15 WEEKEND
ICEBREAKER FESTIVAL - FRIDAY LINE-UP
THE COLLISION + LUCKY 13 + STATION 47 + BROTHER DEEP + NAKAMARRA

FRI 2
11pm FREE!
WOLF CUB CLUB ICEBREAKER AFTER PARTY

SAT 3
2pm £12.00
£5 WEEKEND
ICEBREAKER FESTIVAL - SATURDAY LINE-UP BEL ESPRI
VELUDO PLANES + ME AND THE MOON + THE BAYONETTES + OMAR BABA + DUTCH CRIMINAL RECORD
WAIF & STRAY + CHARLIE MOSS + ISOLATED ISLANDS + THE VITRINES + THIRD TIME LUCKY

SUN 4
5pm £5.00
ACTION MEN - SOMBULANCE + DEAD NECK + MIEGIVINGS + FENSIDE + THE KRYDS

FRI 5
10pm FREE!
THUNDERDOME ROCK • METAL • ALTERNATIVE

MON 12
8pm £5.00
GHOULS + SPECIAL GUESTS

FRI 16
11pm FREE!
WOLF CUB CLUB FREE TILL 2.00am

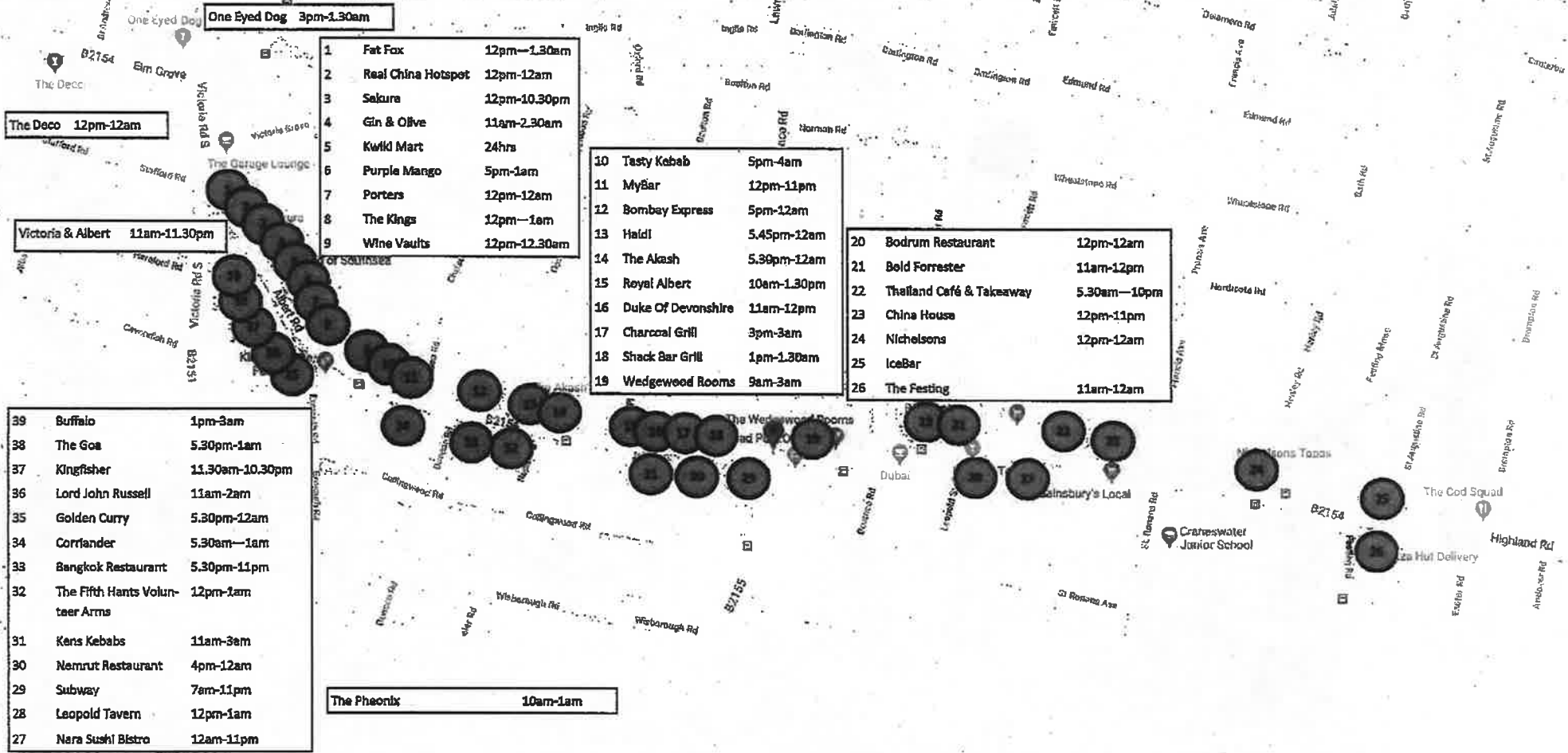
MON 19
7pm £4.00
STRANGE CAGES "HYPOTHALAMUS BLUES" SINGLE LAUNCH

WED 21
7.30pm £5
ME AND THE MOON + JERRY WILLIAMS (SOLO) + CAUM UNTOTT

FRI 23
11pm FREE!
TOO PUNK TO TWERK SIN! ROOM TWO

WED 28
8pm £4.00
SIBLINGS OF US + FRANKIE KNIGHT + FAKE EMPIRE

Advance prices shown. Tickets are non-transferable as per terms & conditions of sale



One Eyed Dog 3pm-1.30am

The Deco 12pm-12am

Victoria & Albert 11am-11.30pm

1	Fat Fox	12pm-1.30am
2	Real China Hotspot	12pm-12am
3	Sekura	12pm-10.30pm
4	Gin & Olive	11am-2.30am
5	Kwik Mart	24hrs
6	Purple Mango	5pm-1am
7	Porters	12pm-12am
8	The Kings	12pm-1am
9	Wine Vaults	12pm-12.30am

10	Tasty Kebab	5pm-4am
11	MyBar	12pm-11pm
12	Bombay Express	5pm-12am
13	Haidi	5.45pm-12am
14	The Akash	5.30pm-12am
15	Royal Albert	10am-1.30pm
16	Duke Of Devonshire	11am-12pm
17	Charcoal Grill	3pm-3am
18	Shack Bar Grill	1pm-1.30am
19	Wedgewood Rooms	9am-3am

20	Bodrum Restaurant	12pm-12am
21	Bold Forrester	11am-12pm
22	Thailand Cafe & Takeaway	5.30am-10pm
23	China House	12pm-11pm
24	Nichelsons	12pm-12am
25	IceBar	
26	The Festing	11am-12am

39	Buffalo	1pm-3am
38	The Goa	5.30pm-1am
37	Kingfisher	11.30am-10.30pm
36	Lord John Russell	11am-2am
35	Golden Curry	5.30pm-12am
34	Corrander	5.30am-1am
33	Bangkok Restaurant	5.30pm-11pm
32	The Fifth Hants Volunteer Arms	12pm-1am
31	Kens Kebabs	11am-3am
30	Nemrut Restaurant	4pm-12am
29	Subway	7am-11pm
28	Leopold Tavern	12pm-1am
27	Nara Sushi Bistro	12am-11pm

The Phoenix 10am-1am



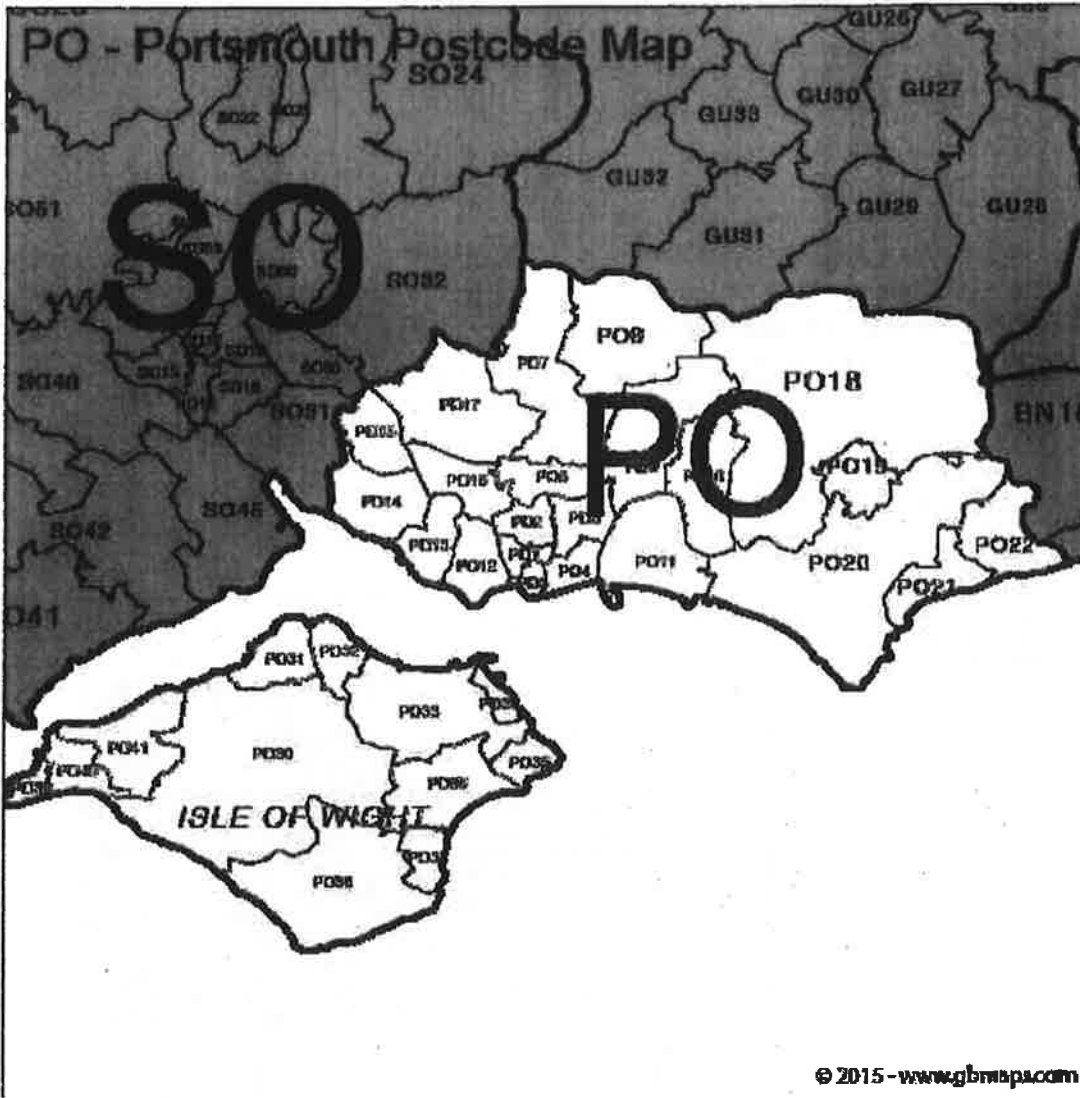
- 1. Elegance/Lounge
- 2. Captains Table – Closed
- 3. Stage Door – Closed
- 4. Coastguard Tavern – Closed
- 5. Carlos Club – Closed
- 6. Food Outlet – Closed
- 7. Food Outlet – Closed
- 8. 5th Avenue - Closed

- 9. Peggy Sue – Closed
- 10. Joanna’s – Closed
- 11. Bar Blue – Closed
- 12. Istanbul Grill – Closed
- 13. Murrays – Open
- 14. Florence Arms – Open
- 15. Dockyard Club – Open
- 16. Jolly Sailor - Open

- 17. Hoddy’s Club – Closed
- 18. Gaiety – Closed (Now Reopening)
- 19. Albert – Closed (Now Reopening)
- 20. School
- 21. School
- 22. Church



- | | | | | | | | | | | | | | | | | | |
|-------------------------------|-------------------------|---------------------|-----------------------------|-----------------------------------|------------------------|---------------------------|----------------------|-----------------------|--------------------------------|----------------------|----------------------------|-----------------------------------|---------------------|------------------------------------|-----------------------------|--------------------|----------------------------|
| 1. Proposed Albert Road Venue | 2. Mayville High School | 3. St Simons Church | 4. Trinity Methodist Church | 5. St Margaret's Community Church | 6. St Swithun's Church | 7. Temple of Spiritualism | 8. St. Jude's Church | 9. Cornerstone Church | 10. Cranes Water Junior School | 11. St Johns College | 12. Bramble Nursery School | 13. The Church of the Holy Spirit | 14. Hafiziah Mosque | 15. Leapfrog Neighbourhood Nursery | 16. Flying Start Pre-School | 17. Salvation Army | 18. Southsea Infant School |
|-------------------------------|-------------------------|---------------------|-----------------------------|-----------------------------------|------------------------|---------------------------|----------------------|-----------------------|--------------------------------|----------------------|----------------------------|-----------------------------------|---------------------|------------------------------------|-----------------------------|--------------------|----------------------------|



PostcodeArea



PO4 Portsmouth Postcode

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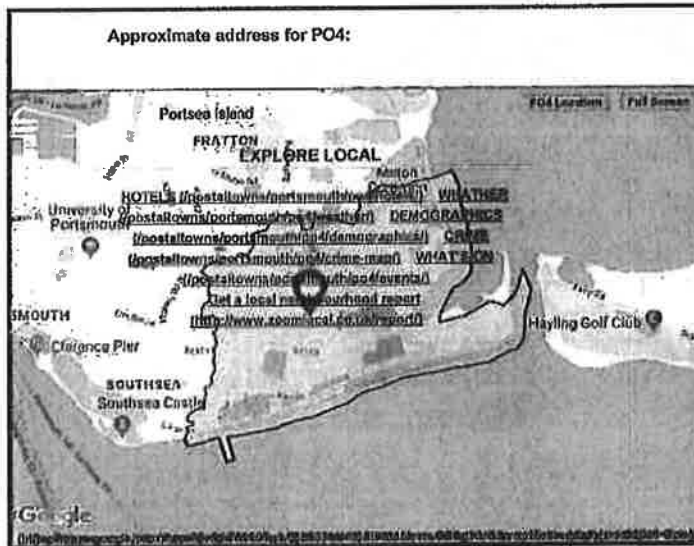
PO4 (Portsmouth) Postcode Region

[Essential Info](#) | [Demographics](#) | [Housing](#) | [Hotels](#) | [Leisure](#) | [Travel](#) | [Amenities](#)
 (/postaltowns/portsmouth/po4/hotels/)

POSTCODE MAP

Use the postcode street map opposite - and the information below - to discover useful information for the PO4 postcode area in Portsmouth, including demographic data, local facilities, travel essentials, hotel accommodation, crime statistics and much more.

Keep scrolling down for a wealth of information about PO4.



Local Hotels



Number Four Boutique Hotel

ROOMS FROM
£49

<http://www.booking.com/hc/bt/bt/zoomlocal.co.uk/hc/bt/four-boutique-hotel.html?aid=883311>

CHECK AVAILABILITY
<http://www.booking.com/hotel/gb/four-boutique-hotel.html?aid=883311>



Southsea Holiday Home and Leisure Park

ROOMS FROM
£107

<http://www.booking.com/hc/bt/bt/zoomlocal.co.uk/hc/bt/leisure-park.html?aid=883311>

CHECK AVAILABILITY
<http://www.booking.com/hotel/gb/leisure-park.html?aid=883311>



Somerset House Boutique Hotel

ROOMS FROM
£54

<http://www.booking.com/hc/bt/bt/zoomlocal.co.uk/hc/bt/somerset-house.html?aid=883311>

CHECK AVAILABILITY
<http://www.booking.com/hotel/gb/somerset-house.html?aid=883311>



Florence Suite Boutique Hotel

ROOMS FROM
£54

<http://www.booking.com/hc/bt/bt/zoomlocal.co.uk/hc/bt/florence-suite-boutique-hotel.html?aid=883311>

CHECK AVAILABILITY
<http://www.booking.com/hotel/gb/florence-suite-boutique-hotel.html?aid=883311>



Stattons Boutique Hotel and Rooms

ROOMS FROM
£54

<http://www.booking.com/hc/bt/bt/zoomlocal.co.uk/hc/bt/stattons-boutique-hotel.html?aid=883311>

CHECK AVAILABILITY
<http://www.booking.com/hotel/gb/stattons-boutique-hotel.html?aid=883311>



Florence House Boutique Hotel


ROOMS FROM
£50

<http://www.booking.com/hc/bt/bt/zoomlocal.co.uk/hc/bt/florence-house.html?aid=883311>

CHECK AVAILABILITY
<http://www.booking.com/hotel/gb/florence-house.html?aid=883311>

[Browse all hotels in this area \(/postaltowns/portsmouth/po4/hotels/\)](#)

ESSENTIAL INFORMATION

<p>GEO LOCATION</p> <p>Latitude: 50.79 degrees Longitude: -1.06 degrees Postal Town: Portsmouth Easting: 465830 degrees Northing: 99352 degrees Grid Ref: SZ358993 District: City of Portsmouth (B) Ward: Central Southsea Satnav: PO4 STD Phone Code (phonenumber): (01329) xxxxxx</p>	<p>SUNRISE/SUNSET</p> <p>Sunrise (dawn) and sunset (dusk) times for today as well as for the next month for the postcode area PO4.</p> <p>Wakey wakey, rise and shine!</p> <p>Sunrise/set for PO4 (/postaltowns/portsmouth/po4/sunrise-sunset/)</p>	 <p>Everything you need to know about your area before you make house.</p> <p>https://www.zoomlocal.co.uk/report?2a101</p>
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DEMOGRAPHICS & COMMUNITY

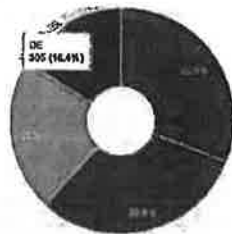
What social class do the population of PO4 belong to? What are the predominant ethnic groups?

How deprived is PO4 in Portsmouth, how professionally qualified are the community, and how many hours a week do they work?

All this, and more information from the Census 2011.

SOCIAL GRADES - PO4

GENDER - PO4



16,660
Total Population

8,726
Males

7,934
Females

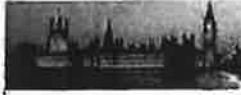
PO4 Demographics
 (/postaltowns/portsmouth/po4/demographics/)



CRIME STATISTICS

Police crime stats - see how safe it is to live or work here, including burglaries, ASBOs, vehicle crime and violent crime. How does this area compare?


Crime stats in PO4
 (/postaltowns/portsmouth/po4/crime-map/)



CONSTITUENCY

Find out the voting intentions, poll results, your local Member of Parliament, 2015 election results and electorate turnout for your local constituency.


PO4 Constituency
 (/postaltowns/portsmouth/po4/constituency/)



FIX MY STREET

In conjunction with Fixmystreet, view problems that have been reported by local residents, including flytipping, graffiti, faulty street lighting etc.

Problems around PO4
 (/postaltowns/portsmouth/po4/fixmystreet/)



SUNRISE/SUNSET

Sunrise (dawn) and sunset (dusk) times for today as well as for the next month for the postcode area PO4.

Wakey wakey, rise and shine!

Sunrise/set for PO4
 (/postaltowns/portsmouth/po4/sunrise-sunset/)



JOBS

Looking for job vacancies in the PO4 area? Find out what positions are available in this - and surrounding areas.

Jobs around PO4
 (/postaltowns/portsmouth/po4/jobs/)

Get an unrivalled picture about this area.

Our 45-page essential homebuyer's report provides you with an unrivalled source of information about the neighbourhood, including:

- CRIME RATES
- LOCAL SCHOOLS
- DEMOGRAPHICS
- ENVIRONMENT
- HOUSE PRICES
- TRANSPORT INFO
- LOCAL AMENITIES
- HEALTH ... and more

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PostcodeArea



PO5 Portsmouth Postcode

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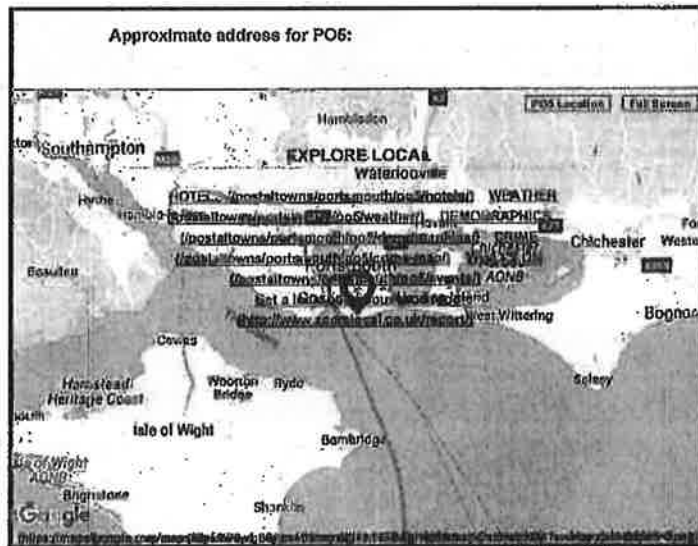
PO5 (Portsmouth) Postcode Region

[Essential Info](#) | [Demographics](#) | [Housing](#) | [Hotels \(/postaltowns/portsmouth/po5/hotels/\)](#) | [Lelisure](#) | [Travel](#) | [Amenities](#)

POSTCODE MAP

Use the postcode street map opposite - and the information below - to discover useful information for the PO5 postcode area in Portsmouth, including demographic data, local facilities, travel essentials, hotel accommodation, crime statistics and much more.

Keep scrolling down for a wealth of information about PO5.



Local Hotels

Seacrest Hotel	Stations Boutique Hotel and	Somerset House Boutique Hotel	Florence House Boutique Hotel	The Clarence Boutique Hotel	Florence Suite Boutique Hotel
ROOMS FROM	ROOMS FROM	ROOMS FROM	ROOMS FROM	ROOMS FROM	ROOMS FROM
£62	£54	£54	£50	£70	£54
http://www.booking.com/hc/uk/seacrest-hotel.html?aid=883311	http://www.booking.com/hotel/gb/stations-boutique.html?aid=883311	http://www.booking.com/hc/uk/somerset-house.html?aid=883311	http://www.booking.com/hc/uk/florence-house.html?aid=883311	http://www.booking.com/hc/uk/the-clarence.html?aid=883311	http://www.booking.com/hotel/gb/florence-suite-boutique-hotel.html?aid=883311
CHECK AVAILABILITY	CHECK AVAILABILITY	CHECK AVAILABILITY	CHECK AVAILABILITY	CHECK AVAILABILITY	CHECK AVAILABILITY
http://www.booking.com/hotel/gb/seacrest-hotel.html?aid=883311	http://www.booking.com/hotel/gb/stations-boutique.html?aid=883311	http://www.booking.com/hotel/gb/somerset-house.html?aid=883311	http://www.booking.com/hotel/gb/florence-house.html?aid=883311	http://www.booking.com/hotel/gb/the-clarence.html?aid=883311	http://www.booking.com/hotel/gb/florence-suite-boutique-hotel.html?aid=883311

[Browse all hotels in this area \(/postaltowns/portsmouth/po5/hotels/\)](#)

ESSENTIAL INFORMATION

GEO LOCATION

Latitude: 50.78 degrees
 Longitude: -1.09 degrees
 Postal Town: Portsmouth
 Easting: 494922 degrees
 Northing: 98252 degrees
 Grid Ref: SZ648982
 District: City of Portsmouth (B)
 Ward: St. Jude
 Sefnav: PO5
 STD Phone Code (phonenumber): (01329) xxxxxx

SUNRISE/SUNSET

Sunrise (dawn) and sunset (dusk) times for today as well as for the next month for the postcode area PO5.

Wakey wakey, rise and shine!

Sunrise/set for PO5
 (/postaltowns/portsmouth/po5/sunrise-sunset/)

Zoom!
 Everything you need to know about your area before you make a house.
 (https://www.zoomlocal.co.uk/report/?a101)

DEMOGRAPHICS & COMMUNITY

What social class do the population of PO5 belong to? What are the predominant ethnic groups?

How deprived is PO5 in Portsmouth, how professionally qualified are the community, and how many hours a week do they work?

All this, and more information from the Census 2011.

PO5 Demographics
 (/postaltowns/portsmouth/po5/demographics/)

SOCIAL GRADES - PO5



GENDER - PO5



16,634
 Total Population

8,861
 Males

7,773
 Females

CRIME STATISTICS

Police crime stats - see how safe it is to live or work here, including burglaries, ASBOs, vehicle crime and violent crime. How does this area compare?

Crime stats in PO5
 (/postaltowns/portsmouth/po5/crime-map/)

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PO5 Constituency
 (/postaltowns/portsmouth/po5/constituency/)

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Problems around PO5
 (/postaltowns/portsmouth/po5/fixmystreet/)

SUNRISE/SUNSET

Sunrise (dawn) and sunset (dusk) times for today as well as for the next month for the postcode area PO5. Wakey wakey, rise and shine!

Sunrise/set for PO5
 (/postaltowns/portsmouth/po5/sunrise-sunset/)

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- CRIME RATES
- DEMOGRAPHICS
- HOUSE PRICES
- LOCAL AMENITIES
- LOCAL SCHOOLS
- ENVIRONMENT
- TRANSPORT INFO
- HEALTH ... and more

DOWNLOAD (https://zoomlocal.co.uk/report/)

**R v MANCHESTER CROWN COURT EX PARTE
DRANSFIELD NOVELTY COMPANY LIMITED**

Queen's Bench Division

Glidewell J

16 February 1982

Gaming Machines – Section 34 permits for amusement arcades – Relevance of grant of planning permission – Duty of professional judge to give reasons – Jurisdiction of High Court in judicial review – Findings of Crown Court, whether supported by evidence – Nature of evidence in licensing matters – Gaming Act 1968

Dransfield Novelty Company Ltd (the company) sought to open a leisure centre in Ashton-under-Lyne. It sought to distinguish between a leisure centre and an amusement arcade suggesting that leisure centres were aimed at older, more mature people, in particular those engaged in shopping. The local authority refused to grant a permit and the company appealed to the Crown Court. The Crown Court dismissed the appeal.

The history of the premises was that the company had applied for planning permission, which had been turned down by the local authority on the ground that the proposed use would be 'out of character with the area'. Upon appeal the inspector allowed it stating that he was satisfied that the leisure centre was unlikely to have a materially adverse effect on the amenity and character of the adjoining shopping area.

Upon the application for a permit the licensing subcommittee of the local authority considered the matter in the absence of the parties and being mindful to refuse the application on moral grounds invited the applicant company to attend a committee meeting and make representations. The police raised no objection. The committee refused the application on the following grounds: the grant of a permit '(1) would encourage young persons to delinquency; (2) would encourage school children to truancy; (3) would be to the detriment of the Borough of Tameside; and (4) was not justified as the evidence provided by the applicant failed to prove that the proposals would not be socially undesirable'.

In preparation for the appeal the company sought an explanation of the third and fourth reasons but none was given. The Crown Court dismissed the appeal but did not give any reasons. Upon application for leave to apply for judicial review, Comyn J suggested that the Crown Court judge give the court's reasons and a statement of reasons was supplied about 6 months after the event. The Crown Court's reasons were: (a) the area concerned had fallen into decline and could barely be called a secondary shopping centre; (b) with adult shoppers becoming fewer operators might be tempted to resort to a youthful or teenage customer; (c) the grant of a licence in a less desirable area may inhibit the grant of a later application in a more desirable location; and (d) the question of 'need' was relevant to the exercise of discretion. Other reasons given related to the undesirability of such premises becoming teenage gambling places and local opinion being against the grant (evidence given by a local councillor).

The company applied for judicial review contending that: (1) the Crown Court failed to adopt or confirm either of the local authority's first two grounds for refusal; (2) there was no evidence to justify the Crown Court's conclusion; and (3) the first three reasons given by the judge dealt with the planning issues and were therefore irrelevant the matter having been determined by the inspector in the planning proceedings. At the hearing points were taken on jurisdiction and the Crown Court's failure to give reasons at the time of the hearing of the appeal.

Held – dismissing the appeal –

(1) Neither of the third and fourth reasons given by the local authority had a sensible meaning and had to be ignored.

(2) Despite the wording of para 13 of Sch 9 to the Gaming Act 1968 ('The judgment of the Crown Court on the appeal shall be final.') the decision of the Crown Court on such an appeal was amenable to challenge by way of judicial review.

(3) The Crown Court judge was wrong not to have given the reasons of the court for dismissing the appeal at the time when he announced the decision.

(4) Whilst it was true that the Crown Court did not adopt or confirm expressly the grounds of the local authority, the main points in the appeal had concerned the likelihood of young people being attracted to the premises which is what the local authority's first two grounds were about.

(5) The Crown Court must have some evidence before it upon which it can properly reach its conclusion. It cannot decide on no evidence. It cannot properly guess or simply make assumptions not founded on evidence. But if there is some evidence to support its decision the weight to be given to any particular piece of evidence is a pure matter of discretion for the Crown Court.

(6) The nature of evidence called and accepted in licensing matters is not of the nature of evidence called, for instance, in the criminal courts. Licensing courts and authorities dealing with licensing matters are not bound by the strict rules of evidence, and they can therefore, and properly do, accept hearsay evidence and unproved documents. Again, what weight they attach to such evidence is a matter for them to consider. There was evidence in this case to support the Crown Court's findings.

(7) A Crown Court is entitled to reconsider, and if it thinks right, to differ from an inspector who dealt with the planning issues. However, if an inspector in a matter of this sort has specifically dealt with a particular issue, and expressed his view or conclusion on that issue, it is clear that his view or conclusion must be given great weight by the local authority, and by the Crown Court on an appeal, and there would have to be good reason for rejecting that view or conclusion. In this case there was an overlap between the matters dealt with by the inspector and the Crown Court, but the Crown Court had not trespassed on the area with which the inspector had had to deal.

Statutory provisions considered

Gaming Act 1968, ss 30, 34, 54, Sch 7, Sch 9, paras 8, (2), 12, 13
Courts Act 1971, s 10

Cases referred to in judgment

R v Knightsbridge Crown Court ex parte International Sporting Club (London) Limited and Another [1981] 3 WLR 640, QBD

R v Medical Appeal Tribunal ex parte Gilmore [1957] 1 QB 574, [1957] 2 WLR 498, CA

Sagnata Ltd v Norwich Corporation [1971] 2 QB 614, [1971] 3 WLR 133, CA

Tehrani and Another v Rostron [1972] 1 QB 182, [1971] 3 WLR 612, CA

R.J. Harvey QC and *J. Ker-Reid* for the applicant

J. Hugill QC and *H. Singer* for the respondent

GLIDEWELL J:

This is an application for judicial review of a decision made on 25 June 1981 at Manchester Crown Court by His Honour Judge Hardy and four justices dismissing an appeal to them against the refusal of the Tameside Metropolitan Borough Council to grant a permit under s 34 of the Gaming Act 1968 for premises in Ashton-under-Lyne. The relief sought comprises an order of certiorari to quash the decision, an order of mandamus requiring the court to rehear the appeal and associated declarations.

I start by saying something about the applicants and their application. The applicant company is a subsidiary of a group which manufactures and sells gaming machines on a large scale. The applicant company is concerned in the business of operating what are called leisure centres. At present the company has one such subsidiary in Leeds and one in Batley, and has planning permission for two others, also in Yorkshire. There is recognised in the trade a distinction between what is called a leisure centre and what is called an amusement arcade. This distinction, as I understand it, is based largely upon the nature of the machines which are installed in the respective institutions, and to an extent upon the way in which they are decorated and furnished. A leisure centre is intended to appeal to older people (by which I do not mean those who are necessarily of an age to draw the old age pension, but those certainly of maturer years) in particular to those who are engaged in shopping, which at any rate during the working week must largely mean housewives. A suitable location for a leisure centre is therefore thought by those concerned in running them to be a major shopping street or a shopping centre.

By contrast, an amusement arcade contains machines and entertainments some of which involve a good deal of noise, and I suppose also flashing lights, and it is set out and is expected to appeal much more to the younger members of society, particularly teenagers.

One of the ways in which the use of gaming machines on which prizes may be won may be rendered lawful is by the grant of a permit relating to premises under s 34 and Sch 9 of the Gaming Act 1968. Such a permit may relate either to premises in which another main trade is carried on, to which the machine or machines is or are an addition, as for instance is the case where one or two such machines are installed in a cafe; alternatively, the permit may relate to premises such as a leisure centre where the whole object of the enterprise is to provide facilities for playing these machines. The use of such premises therefore requires both a permit under s 34 and planning permission if, as is normally the case, the use in planning terms of the premises has previously been a different use.

For leisure centres the appropriate district council is normally both the planning authority and the licensing authority under s 54, a fact which imposes on the authority the obligation to make sure that it does not confuse its functions.

I turn to the history of the matter. On 25 November 1979 the applicant company (now the appellant company) made an application for planning permission for a change of use of premises at 212 Stamford Street, Ashton-under-Lyne as a leisure centre. On 5 March 1980 the Tameside Metropolitan Borough Council refused that application on the ground that the proposed use would be 'out of character with the area'. (That last phrase is a quotation.) The applicants appealed.

On 5 August 1980 the inspector who had heard the appeal allowed it, he being delegated to deal with the matter. In his decision letter he said his opinion was: 'The decision in this case turns firstly, on whether or not the proposal would have an adverse effect on the amenity and character of Stamford Street and secondly, whether it would prejudice the effectiveness of the retail trade in this locality'.

Having in his letter, in the usual way, summarised the cases presented, both by the appellant company and by the council, he came to his

conclusions. On the first issue he said: 'I am satisfied ... that a leisure centre is unlikely to have a materially adverse effect on the amenity and character of the adjoining shopping area'. He also said: 'It is unlikely that it will attract congregations of people or an undesirable element of the population which would be likely to cause problems in Stamford Street'. Then he said, thirdly: 'The social and moral aspects of the proposal are matters for consideration by the appropriate licensing authority and are not material planning considerations'.

He then turned to the second issue. He characterised Stamford Street as a secondary shopping area and said it was expected to continue as such. He said: 'I consider that the appeal proposal is unlikely to have an adverse effect on the shopping effectiveness of the street since a large percentage of its customers would be likely to be mature women shoppers who, during shopping hours, would find relaxation offered by the centre for short periods during a shopping trip'. He therefore decided to allow the appeal.

On 9 October 1980 the company made an application for a permit under s 34 of the 1968 Act. On 21 November 1980 the Director of Administration of the Tameside Metropolitan Borough Council wrote to the appellants' solicitors telling them that the relevant committee had considered that application, that the committee had been told that planning permission had been granted, and the police had raised no objection, but he said: 'Following detailed consideration of the application during which Members expressed concern at the opening of this leisure centre within a shopping area and were mindful to refuse the application on moral grounds, it was resolved -- that a decision upon the application be deferred until the next meeting to enable the applicant to attend'. The letter went on to invite them to do exactly that.

So on 11 December 1980, which was the date of the next meeting of the committee, the applicants attended the committee meeting, represented by their solicitors, and I think by, counsel (but I am not entirely certain) and made representations to the committee which then considered the application having heard those representations. On 11 December 1980 the committee decided to refuse the application, and the refusal was notified to the applicants on 15 December 1980, by letter of that date. That gave the grounds of refusal, which were: 'The granting of such a permit: (1) would encourage young persons to delinquency; (2) would encourage school children to truancy; (3) would be to the detriment of the Borough of Tameside; (4) was not justified as the evidence presented to the Environmental Health and Control Committee by the applicant failed to prove to their satisfaction that the proposals would not be socially undesirable'.

The applicants at once appealed to the Crown Court, but in addition, through agents they asked for an explanation or expansion of the third and fourth of those grounds of refusal. That information was not granted to them. It is fair, therefore, to say that neither of those third or fourth grounds of refusal, without expansion or clarification, can have a great deal of sensible meaning. The third ground, that the grant of a permit would be to the detriment of the Borough of Tameside, is of course a broad statement, but it is one that is quite impossible to rebut unless one knows in what respect it is said it would be to the detriment of the Borough of Tameside, and the question of the social undesirability was not expanded. Therefore it must be assumed, in my view, that it was the first two grounds that were really the