



Portsmouth
CITY COUNCIL

LICENSING ACT 2003

LICENSING SUB-COMMITTEE MEETING

NOTIFICATION OF DECISION

Notice is hereby given to:

Name: «Name»
Address: «Address»
Status: «Status»

in accordance with the provisions of the Licensing Act 2003 ("the Act") and Regulations made thereunder, that a hearing was held on:

Date: 3 November 2010

to consider an application for the variation of a premises licence made in accordance with paragraph 34 of the Act. The details of the applicant and premises are:

Name of Applicant:	Sebastiampillai Jeevanayagam
Premises and address:	Best One, 140-144 Fratton Road, Portsmouth PO1 5DD

Decision of Licensing Authority:

In considering the application, the Committee had regard to the promotion of the licensing objectives, the Act, its statement of licensing policy, the statutory guidance issued by the Secretary of State and the representations (including supporting information) presented by all the parties.

Decision: The application for the variation of a premises licence at Best One, 140-144 Fratton Road, Portsmouth, PO1 5DD was allowed in part so as to permit the following licensable activity, subject to a condition relating to CCTV, as suggested by the Police, to be imposed when alcohol is on sale:

- Supply of alcohol daily from 0800-1000 hours for the consumption off of the premises.

The application to permit the supply of alcohol daily from 2359–0300 hours was refused.

Reasons for decision:

The committee had regard to its Statement of Licensing Policy, statutory guidance, the promotion of the licensing objectives, judgements of the High Court and the representations submitted with the committee report and heard at the meeting today from a responsible authority, interested parties and a ward Councillor. The committee felt that the condition relating to CCTV was necessary and proportionate in the circumstances. The committee were satisfied from the evidence submitted by the Police and local residents that if the late night hours were to be granted there would be a negative impact on the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The human rights of the local residents were also taken into account, specifically Article 8 in relation to the right to a private and family life.

Where an application (or any part of an application) has been granted, the variation will take effect from¹:

3 November 2010

Appeal provisions:

In accordance with the provisions of Schedule 5, Part 1, Paragraphs 1 & 4 of the Act, appeal provisions exist in respect of this application. Those provisions are as follows:

The applicant:

Where the Licensing Authority rejects (in whole or in part) an application to vary a premises licence under section 35 of the Act, the applicant may appeal against the decision. (*Schedule 5, Part 1, Paragraph 1(b) of the Act*).

Where an application to vary a premises licence is granted (in whole or in part), the applicant may appeal against any decision to modify the conditions of the licence. (*Schedule 5, Part 1, Paragraph 4(2) of the Act*).

A person who made relevant representations:

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

- (a) that any variation made ought not to have been made, or
- (b) that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, he may appeal against the decision. (*Schedule 5, Part 1, Paragraph 4(3)(a) or (b) of the Act*).

General provisions about appeals under the Act:

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

¹ The time that the variation will take effect is the time specified in the application or, if that time is before the applicant is given this notice, such later time as the Licensing Authority specifies in this notice.

An appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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.²

On an appeal under paragraph 4(3), the holder of the premises licence is to be the respondent in addition to the Licensing Authority.

Action that may be taken by the magistrates' court:

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

- (a) dismiss the appeal;
- (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

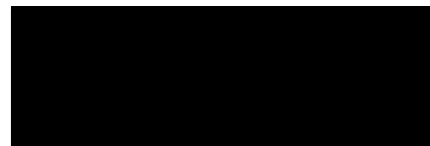
and may make such order as to costs as it thinks fit.

Should you have any questions relating to this Notification of Decision, please contact the Licensing Manager:

Tel No: 023 9283 4604
Fax No: 023 9283 4811
Email: licensing@portsmouthcc.gov.uk

Date of Notice: 19 November 2010

Signed:



Licensing Manager

² In the case of a hearing under section 35 of the Act which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 of the Act, the Licensing Authority must make its determination at the conclusion of the hearing and therefore the period of 21 days will commence from the date of the hearing.

In any other case of a hearing under section 35 of the Act, 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.