

APPENDIX C

Stone, Derek

From: Stone, Derek
Sent: 05 February 2021 10:33
To: Paul Brindley
Subject: RE: The Grand Hotel Excelsior
Attachments: Queens Hotel PL_Redacted.pdf

Dear Paul & Karen

Thank you for your reply.

From your response it is clear that you still object to the times that the applicant has submitted in their application, and on that basis the matter will have to proceed to a Licensing Sub-Committee hearing for the panel to hear your concerns and what the applicant is proposing and then make a decision.

The applicant must uphold all of the four Licensing objectives at all times these are :-

The Prevention of Crime and Disorder
Public Safety
Public Nuisance
Protection of Children from harm

Noise can be considered as Public Nuisance but The Licensing Act 2003 is not necessarily there to be used when other statutory legislation is already in place to protect those living in the area of the premises.

The Licensing Act 2003 however does have a review mechanism built into it so that if problems occur after a Licence is granted or varied, should problems occur and any of the four licensing objectives are not being upheld, the premises can be brought back before a Licensing Sub-Committee and the Licence could be revoked in extreme circumstances. Or, conditions could be attached, times varied, the Designated Premises Supervisor (DPS) removed and so on in order to address the problem.

A review is a last resort, and it would have to be serious, and evidence that all other efforts had failed so for example noise, it would need to show that Environmental Health had engaged with the venue, statutory noise abatement notices served and no change forthcoming.

You can view premises Licence applications on line through Licensing, Portsmouth City Council, however I have attached the Queens Hotel Licence for your reference. Please be advised that this is not the most recent Premises Licence as in January 2021 they submitted a variation to add two ball rooms that have now been completed to the Licence. This was set for a Licensing hearing as six local residents objected to it on the grounds of noise but when it was explained what the hotel were going to do to limit any breakout of noise all objections were removed. The new Premises Licence has not been issued yet.

I am not in a position to answer on the applicants behalf why they have submitted the times that they have requested.

The applicant can submit whatever hours they feel are appropriate to support their business. The hours are quite normal for hotels as you will see from the attached Queens Hotel Premises Licence. I would urge a word of caution, The Licensing Act is not a 'one size fits all' situation, just because a business in one part of the city does one thing, that does not mean it must/should be replicated elsewhere. The

Sub-Committee has to base its decision on evidence to show that if for example, they add conditions over and above what the applicant has already offered, then it has to be justified and it has to be in order to support the Licensing Objectives as listed above.

Unless I hear to the contrary I will proceed with arranging a hearing which must be held within 20 working days from the 12th February.

This will be a virtual hearing but it is a public meeting broadcast live as are all the representations received which are also public record and are all published prior to the hearing. I will hopefully be able to advise you of the hearing date very soon after the closing date for representations next week.

Kind regards

Derek

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

From: Paul Brindley [REDACTED]
Sent: 04 February 2021 19:04
To: Stone, Derek [REDACTED]
Subject: Re: The Grand Hotel Excelsior

Dear Derek,

Thank you for getting back to me and the enclosure from Helen Hubbard. Again I reiterate that I am not against the hotel.

Firstly, I would like to point out that on the hand written application by Helen, it clearly states in Sections 'E' and 'G' that Live Music/Dance can go on indoors until 0300. As my wife and I live in Pitcairn Mews, we along with our neighbours in Mountbatten Square will be adversely affected by these timings. The rear of our house overlooks directly onto the Rotunda on the East side of the RMM. On a hot Summer evening, when someone decides to open a window, we will undoubtedly be disturbed.

If permission is granted to allow outdoor performances until 2359, there will inevitably be a de-rigging crew required to dismantle the stage/set from the performance. I propose that Friday and Saturday events end at 2300 and Sunday and week days end at 2230. This will then allow a reasonable time to dismantle equipment.

Why have these times been submitted when the music at the Victorious Festival ends at 2300?

Also could you please inform me as to where I may view the licence that PCC has granted to the Queens Hotel?

I am very happy to keep the lines of communication open to the benefit of all parties.

Thank you for your time.

Best regards

Paul & Karen Brindley

> On 4 Feb 2021, at 16:39, Stone, Derek [REDACTED] wrote:

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> <Applicants letter to Reps.pdf>