

APPENDIX C

Stone, Derek

From: Robson, Debra
Sent: 03 June 2021 10:47
To: Stone, Derek
Subject: FW: Licensing Application Ref. 21 01865/LAPREM Dated 11 May 2021 - By The Beach Southsea Limited T/A By The Beach Southsea Cafe

From: Licensing Shared Email [REDACTED]
Sent: 03 June 2021 10:09
To: Robson, Debra [REDACTED]
Subject: FW: Licensing Application Ref. 21 01865/LAPREM Dated 11 May 2021 - By The Beach Southsea Limited T/A By The Beach Southsea Cafe

From: Nigel Durham [REDACTED]
Sent: 03 June 2021 09:53
To: Licensing Shared Email [REDACTED]
Subject: Licensing Application Ref. 21 01865/LAPREM Dated 11 May 2021 - By The Beach Southsea Limited T/A By The Beach Southsea Cafe

REPRESENTATION RELATING TO NEW PREMISES LICENCE REFERENCE 21 01865/LAPREM - DATED 11 MAY 2021

PCC Reference 21/01865/LAPREM

Applicant:- By The Beach Southsea Limited
Trading Name:- By The Beach Southsea Cafe
Address:- 27 St Georges Road, Southsea, Hampshire PO4 9QS

Representation By:- Nigel Durham

Residential Address:- 4 St Georges Terrace
St Georges Road
Southsea
Hampshire
PO4 9QS

I am living as a private resident in my only home which is my one and only permanent residence at 4 St Georges Terrace St Georges Road Southsea and have resided at this address since April 2015.

I make these Representations **OBJECTING** to the granting of a Premises Licence under the Licensing Act 2003 to By The Beach Southsea Limited Trading As By The Beach Cafe at 27 St Georges Road Southsea Hampshire PO4 9QS.

REASONS

1. Real risk of crime and disorder,
2. Public Nuisance,
3. The Applicant for the Alcohol Premises Licence is not someone who operates the business.

Crime and Disorder

1. By it's nature residents expect to carry on a normal and peaceful home life with their family. By granting a Premises Licence to sell alcohol the Applicants this will cause disturbances and conflict between residents and customers particularly late at night when children's sleep is disturbed in close-by properties for 7 nights every week of the year.
2. Parking is limited and is already difficult for residence to park and so customers of By The Beach Southsea Cafe ("BTBSC") are unlikely to park legally. Recent parking restrictions have eased local parking issues but not solved the problem for residents and consequently illegal parking is very likely to occur and which will obstruct residents exiting their property from their own off-road parking. Currently the residents at 27 St Georges Terrace have 2 vehicles which are parked off-road in front of the shop and the residents have visitors who park on the road in front of 27 St Georges Terrace then the visitor vehicle causes restricted view and limited view for a driver pulling out of St Georges Terrace. Clearly customers will park immediately outside 27 St Georges Road throughout the opening hours which will be unsafe by obstructing view and vehicle manoeuvrability.
3. Litter by way of smoked cigarettes are also likely to occur and cause problems due to the wind coming off the sea down St Georges Road. Currently residents pick up the litter from their premises, but BTBSC will generate an increase in litter from outside customers who will not always be able to stop the wind causing paper and cigarette ends blowing away.

Public Nuisance

1. The granting of a Premises Licence to BTBSC will cause and substantially effect the immediate neighbours of 27 St Georges Road at Eastern Terrace and at St Georges Terrace with unacceptable levels of noise by reason of outside dining, playing of music smoking and vaping.
2. In the Application BTBSC states at Part 3 in the Operating Schedule that bit is intended to have a wide range of activities between the hours of 8.00 a.m and 5.00 p.m. **PLUS** themed evenings, private events, meetings and conferences where alcohol will be served inside and/or outside the premises until 11.00 p.m. for 7 days a week. These opening hours when alcohol will be served are

unreasonable and will cause a Public Nuisance to at least 30 local residents in the immediate vicinity.

Please look at Google Earth and see that 27 St Georges Road is surrounded on every side by no less than 30 residential properties.

3. Part 3 of the Operating schedule of the Application incorrectly states that there is a shop and public house selling alcohol in St Georges Road. Both the Premier shop and The Eastney Tavern are on Cromwell Road. The Premier shop is only for off-sales not consumption on the premises.
4. Public nuisance will also be suffered by neighbours and the local community with the playing both inside and outside of live and recorded music up to 11.00 p.m.. 27 St Georges Road was not and is not designed to restrict or defuse noise from customers drinking alcohol, it is designed as a shop where noise is minimal. Noise from 27 St Georges Road will be heard by neighbours and residents in the locality who are entitled to quiet enjoyment of their own space.

My property will without doubt be subject to intrusive and excessive noise because there is a shared internal wall between 27 St Georges Terrace and the lounge area in my property, Currently this dividing wall does not block voices or noise from our neighbours and if evening customers are in BTBSC noise will be amplified many times more because the inside customers seating area with tables and toilets are next to our shared wall. This will disturb us on a nightly basis potentially every night of the week - it will be like next door holding a party every night of the week which is unreasonable. The Applicants have not made any mention or provision in their application whatsoever to reduce noise levels to their immediate neighbours or the local community.

5. A public nuisance will also be caused to neighbours and the community caused by the cooking odours for events and themed evenings. Themed evenings will no doubt cooking with spices, herbs and garlic which will be noxious and interfere with residents, neighbours, and the community's enjoyment of being in their gardens.
6. As an example of the standard of noise insulation at 27 St Georges Road the previous owner, Karl Christian Cakes, rented part of the residential accommodation of 27 St. Georges Road to a tenant and this tenant possessed and often played his piano. When the piano was being played it was clearly audible in my property both when inside with the windows shut and outside when we were sitting in our garden. Very considerably the tenant only played during the day and never in the evening.
7. The noise and odours generated at 27 St Georges Road if a Premises Licence is granted will have a detrimental impact on the densely populated neighbourhood where households will suffer totally unreasonable and disproportionately. All residents in the area surrounding 27 St Georges Road are

entitled to the rights of quiet enjoyment and free from strong odour so normal family activity can continue.

8. Residents in the immediate vicinity of 27 St Georges Road will suffer from unacceptable noise when their windows are open. Additionally, when windows are open neighbouring properties will suffer air pollution from customers standing and sitting outside smoking and vaping. Personally, when residents from Eastern Terrace to the immediate right of 27 St. Georges Road and St Georges Terrace to the immediate left of 27 St Georges Road will undoubtedly walk into clouds of cigarette smoke and scented VAPE smoke. This could be a risk to health causing harm to individuals over a period of time, personally I am an asthma sufferer and avoid any environment with cigarette smoke and VAPESmoke.
9. After closing time at 11.00 p.m. noise suffered by Neighbours living in the vicinity of 27 St Georges Road will increase until midnight because if last drinks are served at 11.00 p.m. customers will not be leaving the premises until 11.20 p.m. It is more than likely customers will then continue their conversation and talking and this noise will directly impact on all immediate neighbours.
10. Noise will continue after 11.00 p.m. when the staff clean the kitchen which from experience will have the door open during this operation as well as putting out bottles and rubbish which will cause unacceptably loud noise to all neighbours.

The Home Office Documents

Revised Guidance issued under Section 182 of the Licencing Act 2003

I respectfully refer to the Committee to the above-captioned document which I rely on generally and specifically the following,

Sections

1.17 the ability to impose conditions in the event a licence is granted and which for avoidance of doubt I oppose.

1.19 consideration of the provisions of The Noise Act 1990 and The Clean Neighbourhoods Environmental Act 2005.

2 Crime and Disorder by virtue of potential bad and or aggressive behaviour by customers, illegal and inconsiderate parking and litter.

I respectfully refer to the following sections.

"Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working

(including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate. "

These sections give wide powers to you and which I respectfully suggest is relevant and sufficient grounds to **reject** BTBSC application for a Premises Licence to serve alcohol between the hours of 10.00 a.m. to 11.00 p.m. every day of the week and every day of the year.

THE APPLICANT IS NOT SOMEONE WHO OPERATES THE BUSINESS

The Portsmouth City Council website page "Premises Licence" clearly states,
"... Any of the following people or establishments may apply for a premises licence:

- someone who operates a business **in the premises** to which the application relates.."

Companies House search of By The Beach Southsea Limited (Registration number 12799305) on 2 June 2021 states there are 2 directors who are,

Lindsay Katherine Martin - Director

of [REDACTED]

Lee Matthew Tindal - Director

of [REDACTED]

The Applicant for the alcohol premises licence have stated at page 15 of the Application that Grace Lowden Sturrock of [REDACTED] is the designated individual at the premises.

Ms. Sturrock is not a director or an officer of By The Beach Southsea Limited and so is clearly not "someone who operates a business in the premises to which the application relates".

GENERALLY

I have set out my objections but if the Licencing Committee or anyone involved in considering the application for a Premises Licence for 27 St Georges Road then please contact me. Further, if I can answer any points not raised above or to be discussed when considering the Application for an Alcohol Premises Licence then please contact me and I shall reply in person or writing as directed.

I would also point out that there are a substantial number of Representations by neighbours and residents in the immediate area of 27 St Georges Road, all of whom object to the granting of a Premises Licence and so far as I am aware **no Representation in support has been made whatsoever**. Clearly the granting of a Alcohol Premises Licence is not wanted either by the neighbours of 27 St Georges Road or local community.

I am also willing to assist with a site visit by any PCC Councillor or Council Officer to view the surrounding area and detrimental impact the granting of an Alcohol Premises Licence will have on it.

Regards

Nigel Durham
4 St Georges Terrace
St Georges Road
Southsea
Hampshire
PO4 9QS