

APPENDIX C

Stone, Derek

From: Licensing Shared Email
Sent: 07 June 2021 12:43
To: Stone, Derek
Cc: Robson, Debra
Subject: FW: REFERENCE 21/01865/LAPREM - PREMISES LICENCE BY THE BEACH SOUTHSEA LIMITED T/A BY THE BEACH SOUTHSEA CAFE 27 ST GEORGES TERRACE SOUTHSEA PO4 9QS

[REDACTED]

From: Nigel Durham [REDACTED]
Sent: 07 June 2021 11:49
To: Licensing Shared Email [REDACTED]
Subject: REFERENCE 21/01865/LAPREM - PREMISES LICENCE BY THE BEACH SOUTHSEA LIMITED T/A BY THE BEACH SOUTHSEA CAFE 27 ST GEORGES TERRACE SOUTHSEA PO4 9QS

SECOND REPRESENTATION RELATING TO NEW PREMISES ALCOHOL 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

Second Representation By:- Nigel Durham

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

I refer to my Representation dated 3 June 2021 **objecting** to the granting of an alcohol Premises Licence.

All of the points made in my Representation sent on 3 June 2021 remain and the points made in this my Second Representation are additional.

4 St Georges Terrace is in the terrace of St Georges Terrace attached to 27 St Georges Road.

My wife Paula Durham and I have owned and used at 4 St Georges Terrace as our residential home since April 2015.

On the afternoon of Saturday, 5 June 2021 I received through my front door letterbox a letter dated 4 June 2021 from my next door neighbours who are the Applicants to Portsmouth City Council ("PCC") for a Premises Licence for the on premises and off premises sale of alcohol between the hours of 10.00a.m. and 11.00 p.m. 7 days a week 52 weeks of the year.

The Applicants letter has been addressed to and delivered to their neighbours which seeks to address the Representations made by neighbours of 27 St Georges Road objecting to the application for a Premises Licence. The Applicants state this letter dated 4 June 2021 has already been sent to PCC .

Sadly, this letter dated 4 June 2021 misrepresents the pending application and also is factually incorrect. Nowhere does the Applicants letter address the Public Nuisance caused by noise expressly and validly raised as a concern in Representations made in opposition.

I set out below my representation by way of response to the Applicants letter to their neighbours dated 4 June 2021.

Page 1

1st Paragraph

The Applicants state they moved "We moved into the area of Eastney in December 2020 , having lived in the Portsmouth area all of our lives" which is clearly not the case when on the company file at Companies House on 3 June the address shown for one of the directors is,

Lee Matthew Tindal - Director

██████████, Waterlooville, Hants ██████████

Denmead and/or Waterlooville has a Portsmouth postcode but is not in the Portsmouth it is the Portsmouth are to be accurate.

Carl Christian the former occupant of 27 St Georges Road is said to be "overjoyed" that the premises would become a cafe again as his parents owned a cafe on this site. This statement is misleading because the reference to cafe was before the adjoining terrace of residential houses were built and the cafe was open early morning until early afternoon on part of the site of what was a petrol station catering for drivers of vehicles when parking was not a problem as it is today. 27 St Georges Road was not at that time part of and attached to the residential terrace of houses of St Georges Terrace as it is today where every one of my rooms in my home shares a party wall with 27 St Georges Terrace. Additionally, this statement is hearsay and historically irrelevant.

" We have been greatly encouraged by our local neighbours and passers-by and have openly welcomed feedback over the past 3 months whilst starting work on the cafe." This statement is ambiguous and unreliable. Equally, from my personal experience I do not accept feedback by local neighbours and passers-by have given any comfort or expression of welcome alcohol being served until 11.00 p.m. I have had at least 10 people either knock on my front door or stopping me when outside the front of my house objecting to the granting of the alcohol Premise Licence and telling my they oppose it outright. The Applicant statement comments equally relate to a cafe opening not the sale of alcohol, I think neighbours and passers-by do not object to a cafe being open early morning to late afternoon. This statement if accurate will be supported by indicative of the number of Representation to PCC made by neighbours in the immediate area and locally in support of the alcohol Premises Licence.

Last Paragraph

I have not at any stage been aware from the information set out in either the Application for a Premises Licence or the letter that tables may or may not be used in the back garden so make no comment except to say that obviously loud noise will be heard at the rear of 27 St Georges Road both from the kitchen and undeniably after the cafe has closed and bottles are being tipped into rubbish bins and food waste and rubbish is tipped into commercial rubbish bins.

Page 2

Paragraph 1

"It has and never will be part of the plans to utilise these spaces for customers to eat or drink."

With respect this statement contradicts the Application since the Application is not made to serve alcohol on the ground floor only but the whole of the premises at 27 St. Georges Road.

Nowhere does the Application or any document filed in support state the Premises Licence is to sell alcohol only on the ground floor.

Paragraph 2

"We are not anticipating having any live or loud music as part of our set up, or any private hire events."
(Applicants emphasis)

This statement is NOT correct.

I refer to page 10 at letter E of the Application which clearly states that live music will be played indoors.

Paragraph 3

Opening Times

The Applicants state in their letter that evening opening will be "7pm-11pm average twice per month" and "please note we expect to open only at weekends and in school holidays initially"

I note with concern the word "initially" and clearly at a later date evening opening will be more than twice per month and /or in school holidays.

The Application is for 7 nights per week every week of the year which probably explains the ambiguous use of the word "initially".

Page 14 at letter I states late night refreshments will be served which again begs the question that this will be after 11.00 p.m.

Paragraph 5

Alcohol sales

This is simply repeating the legal requirements for the granting of a Premises Licence.

The Applicants throughout their letter dated 4 June 2021 refer to "we" and "we will" and "we are" but the Application also clearly states a different/third person (Grace Lowden Sturrock) as the "designated premises supervisor" in the licence so consequently the Applicants will not be in attendance or responsible for running all themed and service of alcoholic drinks during their intended opening hours.

Paragraph 6

CCTV

The Applicants state they have installed a CCTV system which will be recording at all times covering when licensed activity is taking place at 27 St Georges Road. This system will be recording either in whole or in part the front of my property which is an unacceptable invasion of my wife and my privacy. Our home is so close because we are joined in the terrace with 27 St Georges Road that this cannot be avoided. It is not right or fair that we and our visitors will be recorded in our own home.

Page 3

Paragraphs 1 and 2

These paragraphs simple repeats of an Applicants legal duty and do nothing to allay the 4 statutory obligations. It is no further help addressing the genuine concern of neighbours and residents in the immediate area of the occurrence of a Public Nuisance caused by noise emanating from premises selling alcohol in an exclusive residential area.

Final Paragraph

This invitation clearly demonstrates the Applicants sincerity by stating in their Application the Cafe will be open from 8.00 a.m.- 5.00 p.m. and evenings 7.00 p.m. - 11.00 p.m. BUT their letter of 4 June 2021 is an invitation from 5.00 p.m. Again this invitation causes concern as an indication to all neighbours and residents demonstrating that any event timing is flexible.

GENERALLY

I wish the Applicants well in their first business venture and although oppose granting of a Premises Licence to permit serving alcohol until no later than 8.00 p.m. only. If the Cafe becomes successful I fear with the noise of customers consuming alcohol I shall be living next door to what will sound like a party every day and this will be true for all residents of St Georges Terrace and Eastern Terrace. This is unreasonable and will cause social problems to the local residents, their children and

I also invite representatives of the Committee and/or PCC to visit 27 St Georges Road, St Georges Terrace and Eastern Terrace and the immediate area to verify that 27 St Georges Road is not an appropriate place to be allowed to serve alcohol until 11.00 p.m. for 365 days of the year.

In all the circumstances and for the reasons set out in my email sent on 3 June 2021 and in this email I respectfully ask that the Application for a Premises Licence be refused.

Regards

Nigel Durham

4 St Georges Terrace
St Georges Road
Southsea
Hants
PO4 9QS