

1



Reference No



**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I, **Amanda O'Reilly (on behalf of a collective of 31 residents and with the support of Castle Rd and Area Residents Association)**.....  
*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).**

<b>Part 1 – Premises or club premises details</b>			
<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
Monty's Restaurant & Bar 69 Castle Rd Southsea			
<b>Post town</b>	Portsmouth	<b>Post code</b>	PO5 3AY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  HKS Enterprise Limited
---

<b>Number of premises licence or club premises certificate (if known)</b>
22/01360/LAPREM

<b>Part 2 – Applicant details</b>	
In what capacity are you applying for the premises licence to be transferred to you?	
I am	
<b>Please tick <input checked="" type="checkbox"/> yes</b>	
1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)	<b>YES</b>
2) a responsible authority (please complete (C) below)	
3) a member of the club to which this application relates (please complete (A) below)	

<b>(A) INDIVIDUAL APPLICANTS</b> (fill in as applicable)									
Please tick <input checked="" type="checkbox"/> yes									
Mr		Mrs		Miss		Ms	YES	Other title (for example, Rev)	
<b>Surname</b>					<b>First names</b>				
O'Reilly					Amanda				
I am 18 years old or over							(Please tick <input checked="" type="checkbox"/> yes)	<b>YES</b>	
<b>Current postal address if different from premises address</b>									
71 Castle Rd Southsea									
<b>Post town</b>	Portsmouth			<b>Post code</b>	PO5 3AY				

<b>Daytime contact telephone number</b>	██████████
<b>Email address (optional)</b> ████████████████████	
<b>Post Town Portsmouth</b>	<b>Post Code</b> PO5 3AY

<b>(B) DETAILS OF OTHER APPLICANT</b>
<b>Name and address</b>  Supported by 31 local residents - list of representations with addresses attached
<b>Telephone number (if any)</b>
<b>Email address (optional)</b>

<b>(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT</b>
<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

<b>This application to review relates to the following licensing objective(s)</b>
Please tick one or more boxes <input checked="" type="checkbox"/>

1) the prevention of crime and disorder	YES
2) public safety	
3) the prevention of public nuisance	YES
4) the protection of children from harm	

**Please state the ground(s) for review (please read guidance note 2)**

The following requested amendments to the licence from the collective of residents are fair and reasonable and will not have a detrimental effect on a well run business. We do not do this lightly and have given real consideration for what is appropriate and how the residents' stress can be reduced whilst supporting the business to operate successfully. These relatively simple changes will make a huge difference to the residents' wellbeing and enable us to live happy and peaceful lives. We also hope this would enable relations between the residents and staff of Monty's to draw a line under past conflict and have a mutually respectful and supportive existence.

We would like to acknowledge that since the noise abatement notice, residents have seen an improvement in the running of the restaurant - we very much appreciate this. However the restaurant has been a problem repeatedly over the last 15 years and we are requesting the adjustments to the licence for clarity for all concerned and in the hope that it will prevent yet another repeat of the problems in the future.

**1) Noise - the removal of permission for live and amplified music to bring the licence in line with the planning restriction.**

- This will support the prevention of public nuisance.
- Monty's has a Planning Restriction (attached) which means the venue is not permitted to exceed 5DB 3m from the front of the premises or in the adjoining homes. This was established to: *"control the specific scale and nature of the use, having regard to the close proximity of residential accommodation in the interests of safeguarding residential amenity"*. The licence should reflect this restriction for clarity.
- Monty's (at the time called Bar 69) was deemed wholly inappropriate for live and amplified music by PCC at a review in 2010 due to the close proximity of homes which are attached either side and above (and are all single room width so residents cannot move away from the noise but suffer it in every room in their properties) as well as homes opposite on the very narrow street. The only reason this is not still in place is due to the widespread, national reset which was part of the 2012 Live Music Act which does state that Councils can reinstate the removal of live and amplified music from venues that are clearly not appropriate. *"It is possible to reinstate existing licence conditions upon a formal review of the licence. The licensing authority can also impose a statement whereby the provisions of the Live Music Act 2012 will no longer apply"* - direct quote from Live Music Act 2012.
- Monty's received a Noise Abatement Notice in March 2023 after the PCC Noise Team recorded levels in the adjacent property that peaked at 10 times the permitted level. Since that notice there has been a marked improvement with only one loud live event that was reported to PCC and a couple of times when the volume of recorded music had increased but been

turned down when staff saw residents recording. They have now adjusted their business model accordingly and the residents appreciate the improvement however we have suffered with the noise from this venue, in its many guises, repeatedly over the years, so we need the licence to clarify that it is not permitted to host live music or play amplified music (just background music) so residents do not have to keep going through the stressful process with both licencing and noise abatement. This will also reduce the workload of the licencing team and cost to the Council in the long term.

NOTE: the venue has soundproofing and with the front door closed it can have a reasonable level of background music without exceeding the planning restriction (however the soundproofing cannot negate any bass driven music).

## **2) Request for the same CCTV clause to be included in the Monty's licence that both Delaney's and Becketts have (similar businesses within the same location)**

- This will support the prevention of crime and disorder and the prevention of public nuisance.
- Monty's Restaurant has been a problematic venue for the last few years and the last three summers have been absolute hell for the residents with drunken behaviour and noise from the clientele who have taken over the street. Due to the Bottomless Brunches which encourage the excessive consumption of alcohol in a short time frame, the residents have regularly suffered this behaviour from 11.30am to closing on Saturdays and Sundays with additional Bottomless Brunch booking on Fridays during the summer.
- Monty's has had customers in the premises after the licenced hours, the worst example was in late January when customers were shouting and screaming as they left at 12.50am. This was reported to Licencing who issued warnings to the Licence Holder. CCTV would prevent this situation repeating and allow the Licence Holder to observe the premises when he is not in attendance.
- Castle Rd is 80% residential and is a key project for PCC who are working with residents to create a family focused, green space which they hope will be a pilot for other roads being closed to traffic. There is a strong sense of community and a pride in the environment. The drunken behaviour and poorly managed clientele in the street is not acceptable and is completely opposed to the concept for this quaint street in a conservation area. We have even seen families with children see the large groups of loud, drunk women and decide to walk the longer route to the seafront rather than have to pass them.
- The CCTV will remove the "He said, She said" from the situation and finally mean that residents do not have to police the bar. It is unlikely the unacceptable behaviours would continue with CCTV in place and if they do, both the Council and Police would be able to access the recordings for evidence.
- The Licence Holder is only on site a couple of times a week and may well have been unaware of the excessive volume, drunken behaviours in the street that were not being managed and the closing after licenced hours - CCTV will give him knowledge and control to make sure the business always operates according to his standards.

*Proposed addition from Becketts and Delaney's licence:*

- 1. The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exits.*
- 2. CCTV warning signs to be fitted in public places.*

3. *The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.*
4. *The premises will transfer coverage of incidents onto a USB stick within 24 hours of the incident to ensure it can be accessed quickly and will be kept for 31 days.*
5. *The premises will hold a 14 day retention of all recordings on the understanding that should there be an increase in incidents the CCTV will increase to permit 31 days.*
6. *Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.*
7. *The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.*
8. *There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police and other enforcement agencies on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable digital format. Footage supplied in a digital format will also have a copy of the CCTV system software enabled to allow playback.*

### **3) The Manager to hold a Personal Licence**

- The Manager is the key, responsible staff member for the majority of the time and should have the training and understanding of the responsibility of running an establishment that serves alcohol. This is a clause in many licences.

### **4) Clarification that drinks are not allowed outside the premises**

- This was a suggestion by PCCs Principal Regulatory Services Officer who has received numerous complaints about the noisy drunken behaviour in the street from residents. The pavement area outside Monty's is not part of the licenced area, does not have planning permission for alcohol consumption and there is no pavement licence. For clarity the licence needs to confirm that drinks cannot be taken outside. Suggested condition - *No bottles, glasses or drinking receptacles of any kind shall be used for the consumption of beverages immediately outside the premises*
- Very recently the staff have started to tell customers that they cannot take drinks outside so the business has already adjusted its operating practices so there should be no issue in including this in the licence.

**Please provide as much information as possible to support the application (please read guidance note 3)**

This application is from a collective of thirty one residents (list attached) who fully support these reasonable additions to the licence - all of the collective are local residents who actually live here and have experienced the excessive noise and poor behaviour of the clientele in the street. The four households that are closest to Monty's have lived here 37 years, 43 years, 35 years and 17 years.

The premises has a planning restriction in place to restrict noise, PCC Planning Department have confirmed this is still a current restriction.

The premises was deemed wholly inappropriate for live and amplified music by PCC at a licence review in 2010 (10th September)

The Live Music Act 2012 allows Councils to reinstate licence conditions on Premises that are not appropriate for Live Music

The journey to this request for a licence review:

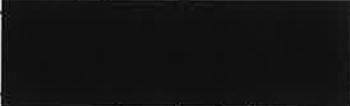
1. When the current owner took over in early 2022 the most recent issues with noise began - rather than background music for a restaurant the premise had music more fitting for a nightclub with bass driven music at an excessive volume. We attempted to discuss this with the Owners on multiple occasions even offering free professional Sound Engineers to offer advice on speaker placement etc but this was refused and sadly communication broke down leaving us no choice but to involve the PCC licensing team who approached the Licence Holder to request their consideration for the neighbours and management of the noise.
2. The problems continued particularly on Friday and Saturday nights.
3. In January 2023 an event with a live singer, and musicians was so dreadfully loud it really was the final straw for the residents who put in formal noise complaints. This event also had customers on the premises until 12.50am which was subsequently investigated by PCC Licencing Officers.
4. Finally on the weekend of the 3rd March 2023 we felt there was no choice but to install the PCC recording equipment in the next door property which recorded the horrendously loud event on the Saturday night with levels that hit 50db - ten times the permitted volume on the planning restriction. This resulted in a noise abatement notice for the premises.
5. Rather than immediately apply for a licence review we waited whilst the PCC Licensing Officer approached the licence holder suggesting they make a variation of licence application to add in the CCTV and removal of live music that the residents were requesting. The hope was that this would be a sign of good faith and respect for the local residents and also save the time and money of a licence review. Unfortunately even with multiple approaches we understand there was no response.
6. Having tried personal communication, communication from the licensing team and a clear request to vary the licence being ignored we had no choice but to request this review.

--

Please tick <input checked="" type="checkbox"/> yes							
Have you made an application for review relating to the premises before?							YES
If yes, please state the date of that application							
		Day		Month		Year	
	2	1	0	7	2	0	1 0

**If you have made representations before relating to the premises please state what they were and when you made them**

Request to have the permission for Live and Amplified to be removed from the licence for Bar 69 (previous name of the establishment). This was taken to the licencing committee on the 10th September 2010 and the panel deemed the premises wholly inappropriate for Live and Amplified music.

Please tick <input checked="" type="checkbox"/> yes	
<p>· I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.</p> <p><b>Licencing Officer has agree to circulate the appllcation to the relevant authorities for the residents</b></p>	<input checked="" type="checkbox"/>
<p>· I understand that if I do not comply with the above requirements my application will be rejected. <b>See above confrmred by email</b></p>	<input checked="" type="checkbox"/>
<p><b>IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION</b></p>	
<p><b>Part 3 – Signatures (please read guidance note 4)</b></p>	
<p><b>Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 5). If signing on behalf of the applicant please state in what capacity.</b></p>	
Signature	
Date	16/6/23.
Capacity	Lead resident for a collective of residents.

<p><b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b></p> <p>Amanda O'Reilly 71 Castle Rd Southsea</p>			
Post town	Portsmouth	Post code	PO5 3AY

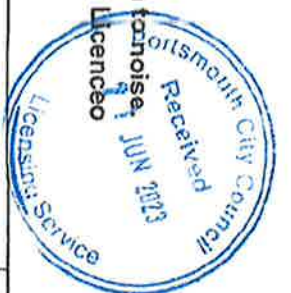


<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by email, your email address (optional)</b>			

#### **Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

- I support the review of the licence for Monty's bar to add the three following conditions:
- 1) To prevent public nuisance in the street - the same condition for internal and external CCTV that Delaney's and Becketts have in their licence (very similar businesses)
  - 2) To permanently reduce the noise disturbance - the licence to reflect the planning restriction in relation to noise.
  - 3) To prevent poor management resulting in public nuisance - the Manager of Monty's to hold a Personal Licence



Name	Address	Postcode	Optional comment	Date
1 A. O'REILLY	71 CASTLE RD	PO5 3AY		30/5/23
2 A. CLARKE	75 CASTLE ROAD	PO5 3AY		30/5/23
3 A. ROBERTS	76 CASTLE ROAD	PO5 3AY		30/5/23
4 J. ROBERTS	75 CASTLE ROAD	PO5 3AY		"
5 K. ROBERTS	75 CASTLE ROAD	PO5 3AY		"
6 S. BRADY	57 CASTLE ROAD	PO5 3AY		30/5/23
7 L. BRADY	70 CASTLE RD	PO5 1AZ		30/5/23
8 S. HULL		"		"
9 J. CLARKE	77 CASTLE RD	PO5 3AY		"
10 DEAN COATE	77 CASTLE RD	PO5 3AY		"
11 S. BRADY	73 CASTLE RD	PO5 3AY		30/5/23
12 D. J. KELLY	71 CASTLE RD	PO5 3AY		30/5/23
13 J. KELLY	68 CASTLE ROAD	"		"
14 J. KELLY	68 CASTLE ROAD	PO5 3AY		30/5/23
15 S. KELLY	38 CASTLE ROAD	PO5 3AY		30/5/23
16 A. KELLY	36 CASTLE ROAD	PO5 3AY		30/5/23
17 S. TRACE	66 CASTLE RD	PO5 3AY		31/5/23
18 R. M. GUNNESS	66 CASTLE RD	PO5 3AY		31/5/23
19 S. M. GUNNESS	66 CASTLE RD	PO5 3AY		31/5/23
20 T. GUNNESS	29 ST. SOUTHERN ST	PO5 3AY		31/6/23

- I support the review of the licence for Monty's bar to add the three following conditions:
- 1) To prevent public nuisance in the street - the same condition for internal and external CCTV that Delaney's and Becketts have in their licence (very similar businesses)
  - 2) To permanently reduce the noise disturbance - the licence to reflect the planning restriction in relation to noise.
  - 3) To prevent poor management resulting in public nuisance - the Manager of Monty's to hold a Personal Licence



	Name	Address	Postcode	Optional comment	Date
21	SHAW LINDA	26 GREY SCOTLAND ST, <del>REVER</del>	PO5 3DY		04/10/06
22	MPO RENDLE	74 GREAT SCOTLAND ST	PO5 3DY		04/10/06
23	TEBBY NASH	25 Great Scotland St	"		05.05
24	HELM BRY	17, GREAT SCOTLAND ST	PO5 3DY		05.03
25	LEE BASHWIN	FRATE, 76 CASTLE RD	PO5 3AZ		05.06
26	Phillippa Saunders	Flat 3 Cooke Ct 76 Castle Rd.	PO5 3AZ		05.06
27	Jenni Van Wyk	Flat 9 Castle Court	PO5 3AZ		05.06
28	Sharon Wainwright	Flat 9, Castle Court	PO5 3AZ		06/06/25
29	SYLV DIPP	FLAT 12 CASTLE COURT	PO5 3AZ		06/06/23
30	MARIE DESAUS	FLAT 8, CASTLE COURT, 76 CASTLE RD	PO5 3AZ		06/06/25
31	MEDIANE DRIZLEY	FLAT 5, CASTLE CT 76 CASTLE RD	PO5 3AZ		
32					
43					
44					
48					
18					
17					
18					
19					
20					



**CITY OF PORTSMOUTH  
TOWN AND COUNTRY PLANNING ACTS**

23

Form 9

**Portsmouth  
CITY COUNCIL**

Reference No: A\*26124/AC

To: **STEVE DRINKWATER ASSOCIATES  
SUNNYSIDE COTTAGE  
LIBERTY ROAD  
NEWTOWN  
FAREHAM  
HANTS  
PO17 6LD**



On behalf of: **MR R G FLEET**

**LOCATION:**

**69 CASTLE ROAD SOUTHSEA PORTSMOUTH HANTS**

**DESCRIPTION OF DEVELOPMENT:**

**USE OF GROUND FLOOR AS MIXED USE AS WINE BAR AND RESTAURANT (CLASS A3)  
AND INSTALL FLUE ON TOP OF FLAT ROOF TO REAR AT SECOND FLOOR LEVEL**

**In pursuance of powers under the above mentioned Acts the City Council, as Local Planning Authority, GRANT PLANNING PERMISSION for the development indicated above in accordance with the application, plans and other particulars received on 21 September 1999 (as amended by letters dated 22 and 28 October, 29 and 30 November and 20 December 1999, letter and enclosure dated 29 October 1999 and plans/drawing received 14, 20 and 27 October and 30 November 1999) and subject also to compliance with the following conditions:-**

- 1 The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.**
- 2 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any other enactment modifying or revoking that Order, the premises shall only be used as a mixed use of wine bar and restaurant and shall not be used for any other purpose in Class A3 of the Schedule to the aforementioned Use Classes Order.**
- 3 The premises shall not be used for the sale of hot food for consumption off the premises.**
- 4 At no time shall the premises hereby approved be operated in conjunction with any adjoining Class A3 premises.**

**THIS IS AN IMPORTANT LEGAL DOCUMENT - READ ATTACHED NOTES CAREFULLY**

- 23
- 5 At no time shall the rear garden/yard area be used by patrons as an open-air dining or drinking area.
  - 6 The mixed wine bar and restaurant use hereby permitted shall only be open to the public between 09.00 to 23.00 hours on Monday to Saturday and 12.00 to 22.30 hours on a Sunday and the premises shall be closed and vacated of all customers outside these trading hours.
  - 7 Patrons shall only enter the premises via the front entrance to No. 69 Castle Road.
  - 8 The rear exit door shown on the approved plans, which gives access to an alleyway leading back to Castle Road, shall be kept closed at all times, except to provide an emergency point of exit from the premises.
  - 9 Works pursuant to this permission shall not be commenced until a scheme for the provision of internal noise insulation, to include all party walls and floors/ceilings, as well as the encasement of the proposed extractor flue as it passes through the two flats on the upper floors to reach roof level, has been submitted to and approved by the Local Planning Authority in writing; and all works forming part of the scheme shall be completed before the permitted use commences.
  - 10 The extractor flue equipment to be positioned on the flat roof shall be colour finished matt black, prior to its installation, and shall be maintained in that colour at all times thereafter.
  - 11 The extractor flue equipment to be positioned on the flat roof shall not vary in appearance to that shown on drawing number Q18338, unless otherwise agreed in writing with the Local Planning Authority. The equipment shall be installed to be as low to the surface of the flat roof as possible and the highest part of that equipment above the surface of the flat roof shall not exceed 0.55 metres when installed.
  - 12 The extraction system shall be installed and in full working order prior to the commencement of the use, and as long as the use continues shall be operated in such a manner as to effectively suppress the emission of fumes and smell. This equipment shall include grease filters and neutralising plant, as shall be specified to the local planning authority in writing before the system is first operated, to meet this requirement.
  - 13 Works pursuant to this permission shall not be commenced until details of the provision to be made for the storage (prior to disposal) of refuse, crates and packaging, have been submitted to and approved by the Local Planning Authority in writing; those facilities shall be provided prior to the first use of the premises.

27

- 14 Noise from activities conducted on the premises shall not exceed the numerical value of the background noise level by more than 5 dB, expressed as LAeq dB (1 hour), between the hours of 0800 to 1800 Monday to Saturday or LAeq dB (5 minutes) at any other time, as measured adjacent to the nearest noise sensitive premises under free field conditions at a position 1.2 metres above ground level no closer than 3.6 metres from any reflecting facade.
- 15 Noise from activities conducted on the premises shall not exceed the numerical value of the background noise level by more than 5 dB, expressed as LAeq dB (1 hour), between the hours of 0800 to 1800 Monday to Saturday or LAeq dB (5 minutes) at any other time, as measured within the nearest adjoining noise sensitive premises at a position 1.2 metres above floor level no closer than 1.5 metres from any shared party wall.

The reasons for the above conditions are:-

- 1 To comply with Section 91 of the Town and Country Planning Act 1990
- 2 to To allow the Local Planning Authority to control the specific scale and nature of the use, having regard to the close proximity of residential accommodation in the interests of safeguarding residential amenity and highway safety.
- 9 &
- 12 to
- 15
- 10 In the interests of visual amenity in order to preserve the character and appearance of Conservation Area No. 12.
- &
- 11

*Planning enforcement  
@ portsmouthcc.gov.uk*

Planning Department  
 Civic Offices  
 Guildhall Square  
 Portsmouth PO1 2AU  
 Telephone (01705) 822251  
 Planning@PortsmouthCC.Gov.UK

  
 Control and Environment Manager  
 12 January 2000

## Summary

### **Introduction**

The Live Music Act (the Act), which was a Private Members Bill with Government support, came into force on 1 October 2012.

### **Effect of the Act**

The Act removes the licensing requirements for:

- Amplified live music taking place between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
- Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the Licensing Act 2003 (or licensed only for the provision of late night refreshment);
- Unamplified music between 8am and 11pm in all venues.

### **Deregulation of the Provision of Entertainment Facilities**

The Live Music Act 2012 also removes the licensing requirements for the following licensable activities:

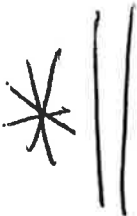
- Making Music;
- Dancing;
- Entertainment of a similar description to making music or dancing.

### **Existing Conditions Attached to a Premises Licence**

Where licensable activities (such as the sale of alcohol) continue to take place on the premises, any existing conditions on the licence that are related to live music will be suspended and shall not have effect.

### **Reviews (LA2003)**

It is possible however to impose new conditions or re-instate existing licence conditions upon a formal review of the licence. The licensing authority can also impose a statement whereby the provisions of the Live Music Act 2012 will no longer apply.





## LICENSING ACT 2003

## LICENSING SUB-COMMITTEE MEETING

## NOTIFICATION OF DECISION

Notice is hereby given to:

**Name:** Mr and Mrs David O'Reilly  
**Address:** 71 Castle Road  
Portsmouth  
PO5 3AY  
**Status:** Applicants

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

**Date:** 10 September 2010

to consider an application for the review of a premises licence made in accordance with Section 51 of the Act. The details of the applicant and premises are:

<b>Name of Applicant:</b>	Mr and Mrs David O'Reilly
<b>Premises and address:</b>	Restaurant 69, 69 Castle Road, Portsmouth PO5 3AY

### 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 review of a premises licence at Restaurant 69, 69 Castle Road, Southsea, Portsmouth, PO5 3AY by Mr and Mrs O'Reilly, as an interested party, was considered. The committee were pleased that an agreement had been reached between the parties, and that both parties had confirmed to the committee that they will not appeal against the agreement. The committee decided to vary the premises licence as from 1 November 2010 as follows:

1. To delete from the licensable activities the regulated entertainment consisting of the performance of live and the playing of recorded music, and other similar music or dance entertainment.



2. To delete the timings for the performance of live music and recorded music.
3. In the conditions (Annexe 2 page 7):
  - a. Delete the reference to live music (02).
  - b. Provide for the closure of the garden area to customers at all times (04).
  - c. Provide for the closure of entry and exit doors to remain closed when regulated entertainment is provided (other than for entry and exit).
  - d. In the interests of clarity, the significance of the date of 1<sup>st</sup> November 2010, is that the licensee has booked solo female performers for Sunday evenings until the end of October. Cancellation of those bookings would involve her in the payment of not insubstantial compensation. A solo singer performed on Sunday 5<sup>th</sup> September 2010 when the level of sound was not unacceptable to the applications for review. In the spirit in which their letters were written the applicants have stated that they will not object to performances by a solo singer with the level of sound obtaining on 5<sup>th</sup> September aforesaid on Sundays at varying times from late afternoon to early evening and for a wedding reception on 20<sup>th</sup> September 2010.

**Reasons for decision:**

In reaching their decision the committee had regard to the promotion of the licensing objectives, the Licensing Act 2003, judgements of the High Court, the Statement of Licensing Policy, statutory guidance issued by the Secretary of State, the Human Rights Act and representations both attached to the reports and heard at the meeting.

**Appeal provisions:**

In accordance with the provisions of Schedule 5 of the Act appeal provisions exist in respect of applications made to the Licensing Authority. Those provisions are outlined as follows:

**Application for review of premises licence**

Where an application for a review of a premises licence is decided under section 52, an appeal may be made against that decision by:

**The applicant for the review;**

**The holder of the premises licence; or**

**Any other person who made relevant representations in relation to the application.**

**Note:** The holder of the licence is to be the respondent in addition to the Licensing Authority in relation to any appeal lodged by the applicant for the review or any other person who made relevant representations in relation to the application.

**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.

The address for the magistrates' court for the Portsmouth Area is:

South and South East Hampshire Magistrates' Court  
Winston Churchill Avenue  
Portsmouth  
Hants  
PO1 2DQ

Telephone: 023 9281 9421

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.<sup>1</sup>

**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](mailto:licensing@portsmouthcc.gov.uk)

Date of Notice: 8 October 2010

Signed:



Licensing Manager

<sup>1</sup> 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.



Amanda O'Reilly

## Monty's License review

1 message

Castle Rd & Area Residents Association <[REDACTED]>  
To: Amanda O'Reilly [REDACTED]

16 June 2023 at 17:56

Dear Amanda,

I want to confirm my agreement and the full support of CRARA with regard to the efforts you have made toward seeking additions to the license regulations for this business.

There have been two owners to the business in the last few years, and we had hoped that the current owner would show a level of consideration to the neighbourhood, as Castle Road is such a narrow residential road. Sadly, the owners seem totally inconsiderate about the affect the noise and anti-social behaviour emanating from their premises has on people who own or rent properties here.

The bottomless Brunches and other types of events they put on mean that people turn up in groups, and leave some two hours later, when a new group arrive. The road is extremely busy to traffic when people arrive / leave and taxi's use it as a taxi rank on occasions. (Ironic when cars are not meant to use the road in this way.)

The music that is played, whether live or not is always way beyond and acceptable level, during the summer months it is impossible to enjoy outside space in our homes, and while double glazing masks the noise to some extent it is unhealthy to have to close all the windows in the summer.

Potentially, in my opinion, the biggest problem is the ant-social behaviour. People stand outside drinking and smoking during the "brunch" session, and foul language and dublous threats and "promises" have been heard among the patrons. When the "Brunch" session is over, or at the end of the evening on during music events etc. the crowd spill out onto the pavement and continue their loud and drunken conversations well into the night.

Anyone needing to sleep in their homes are unable to do so until the noise eventually subsides, and this is not conducive to people who have to get up for work the next day. Residents have learned that there is little point in trying to reason with the Manager or the patrons, as they become subject to abuse and ongoing unpleasantness.

People from further afield who normally walk through Castle Road to the beach have been seen taking a detour and avoiding the unsavoury behaviour of the large groups of people who have become drunk in Monty's.

There is an increase in drug abuse in the area too, with money and little packets being seen changing hands on a regular basis, although this may be partly due to the fact the road is no longer a through road for traffic. Police are aware, but it seems it's "not unusual in Portsmouth".

All in all the area has "gone down hill" significantly, and this is mostly due to the unacceptable behaviour of the drinking establishment we now have in our midst.

Thank you for putting in the effort to try to address the issues with Monty's, I ope you have some success,

Regards Pam. (CRARA Chair)