

## APPENDIX C



Licensing Sub-Committee  
Portsmouth City Council  
Civic Offices  
Guildhall Square  
Portsmouth  
Hants  
PO1 2AL

### Culture, Leisure and Regulatory Services

Licensing Service  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL

Phone: [REDACTED]

Our Ref: 23/02417/LAREVI

Date: 14 July 2023

Dear Members of the Licensing Sub-Committee

### **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - 23/02417/LAREVI MONTY'S RESTAURANT AND WINE BAR 69 CASTLE ROAD SOUTHSEA**

I refer to the recent application for the review of the premises licence in respect of Monty's Restaurant and Wine Bar, situated at 69 Castle Road, Southsea, Portsmouth.

On behalf of the Licensing Authority, I wish to make a formal representation in respect of this application on the following ground:

- Prevention of public nuisance

As members of the sub-committee will be aware, any application for a review must relate to particular premises and must be relevant to the promotion of one or more of the licensing objectives. It is the view of the Licensing Authority that the incidents that have led to the application for the review of this premises licence can be positively tied and linked by a causal connection to Monty's Restaurant and Wine Bar.

The Licensing Authority has had contact with the licence holder and designated premises supervisor since January this year after receiving a complaint from a resident about ongoing noise and disturbance arising from the licensed premises.

A visit to the premises was undertaken and a subsequent formal warning was issued to the licence holder and designated premises supervisor on 15 March 2023 as follows:

*Dear Karim and Reece,*

*Thank you for seeing me recently to discuss the premises licence for Monty's and issued under our reference 22/01360/LAPREM. It is noted that the licence is held by a body corporate (HKS Enterprise Limited) and that Reece Sattari is the resident designated premises supervisor (DPS) for the premises.*

*We discussed the issue of both noise and disturbance (associated with music and people noise) and you advised me that you have now been served with a noise abatement notice by our Environmental Health colleagues.*

***We are concerned that without any tangible measures in place to empirically improve your ability to monitor and control patrons both inside and just outside your premises - it is likely that a residential review of the premises licence will follow - particularly with spring and warmer weather just around the corner.***

*You could not rebut the complaint that the premises was open post 0030 on 22 January 2023 and explained that a "private function" had been taking place. This does not obviate the need to comply with the hours of opening and closing and our records show that no TEN was in place for this function. This was wrong and must not be repeated and you should treat this communication as a formal warning accordingly.*

*Moving forward I would confirm my advice to you in that:*

- *You should consider a minor variation to "add" the following condition to your current licence:*
  - *The provision of an installed CCTV system with at least 3 cameras (to cover the bar trading area and immediate frontage) and with a capacity to both record and to retain clear images for 31 days - such condition wording to be agreed after consultation with both the licensing authority and chief officer of Police.*

*Equally, I think you should consider carefully how you manage future live and/or recorded music at the premises. Whilst you have removed the "Sonos" speaker - I would recommend that you should ensure a designated member of staff is instructed to monitor noise both inside AND outside the venue on a regular basis. This would not be conditional on your licence for entertainment between 0800 and 2300 but is recommended good practice.*

*I have enclosed the necessary form for the minor variation application together with a notice for display from the premises. The fee is £89. My advice is that you submit this variation forthwith but equally you may wish to seek your own independent legal advice.*

No minor variation application has been received from the licence holder to date and it is also understood that there has been no breach of the noise abatement notice since it was formally served by Regulatory Services.

Whilst the Chief Officer of Police is not making any representations in relation to this review application, I have requested clarification on whether any incidents have been reported to Hampshire Constabulary in respect of these premises. The following information has been provided.

#### **44220229668 29/04/2022 00:01 - 10/06/2022 12:10 - Public order**

Male member of staff reporting harassment from a male for past weeks since he began working at Monty's. Agg'd said the matter relates to ongoing noise from the premises and the adjacent property. Agg'd failed to engage with police and the matter was filed.

**44230028554 21/01/2023 20:00 - 21/01/2023 20:10 ASB – Community**

Since 8pm there has been extremely loud DJ music coming from Monty's wine bar (multiple neighbours have reported this to Portsmouth City Council) they never do anything. Tonight the clientele is of a younger age and have spilled out on to the road being aggressively loud, and urinating, doing sexual acts in a driveway & alleyway & lads have been seen taking drugs. The noise level is frightening the elderly residents of this now closed off road.

**44230028929 21/01/2023 19:30 - 22/01/2023 00:50 ASB – Community**

Infnt reporting Monty's, Southsea have been playing extremely excessive bass dance music until 00:15. Customers in the bar have also been drinking in the street and being noisy, as well as using the opposite driveway to urinate. She said the license on this is until 22:00 but they have been open passed this.

**44230029064 21/01/2023 19:00 - 22/01/2023 00:30 Public order**

Report that the bar is causing nuisance towards local residents due to it's loud noise. When confronted this has caused the agg'd harm and distress when the owner has argued with him.

**44230089118 04/03/2023 20:30 - 04/03/2023 22:00 Licensing**

Report that live music can be heard emanating from the premises all the way to the Common. Customers are drinking on the road, are loud and abusive. Drug taking can be seen. Elderly residents are afraid to leave their houses. Monty's is notorious for drugs.

**44230174354 03/05/2023 16:30 - 03/05/2023 16:45 Public Order**

Report from resident that the bar manager threatened to damage his property and damage him.

**44230241389 17/06/2023 21:58 - 17/06/2023 21:58 Assault With Injury**

Infnt reporting there is a big party, people out in the street making lots of noise have just attacked infnts husband.

**Conclusion**

As is highlighted within the statutory guidance issued in accordance with the 2003 Act, the Licensing Authority is able to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences.

It is therefore important that in considering the promotion of this licensing objective, the Licensing Sub-Committee focus on the effect of the licensable activities at these 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.

In reaching a decision as regards the review application submitted by residents living in the vicinity of these premises, there are a number of actions that the Sub-Committee may consider which, for ease of reference, are:

- Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence.

I am aware that the applicant for the review of the licence originally requested that the current licence is modified to include conditions to:

- Exclude the provision of live and recorded music as a licensable activity from the scope of the licence
- Add new conditions to the licence relating to:
  - the installation of CCTV at the premises
  - the manager to hold a personal licence
  - drinks not to be allowed to be taken outside the premises

The applicant, following an incident on 17 June subsequently advised the Licensing Authority that she wished to amend the application to request consideration of the revocation of the premises licence.

I am aware that the solicitor acting for the licence holder has submitted proposals for the modification of the premises licence to address the concerns raised by the applicant.

I have had sight of these proposed conditions (which I have outlined below) and, on behalf of the Licensing Authority, consider that they are reasonable and proportionate steps for the promotion of the licensing objectives.

### **Proposed conditions for Monty's Restaurant and Wine Bar**

1. The CCTV system must be fully operational whilst the venue is open to the public. The recording equipment shall be stored and operated in a secure environment with limited access. The system shall be regularly maintained and serviced. The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 31 days good quality pictures. The images produced will be date and time stamped.

It is important that the Police and Licensing Authority are able to access data from the systems quickly and easily and therefore provision shall be made for someone to have access to the secure area and also be able to operate the equipment when

the premises are open to the public. CCTV shall cover the full licensable area. A copy of CCTV footage requested from a police officer or an officer of the Licensing Authority shall be provided immediately..

2. All staff must receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training. Training shall cover:

- i) Sale of alcohol to persons under 18
- ii) Challenge 25 and acceptable forms of Identification
- iii) Signs of Drunkenness
- iv) Refusal register and when/how to use
- iv) The Licensing Objectives

All training relating to the sale of alcohol shall be documented and records kept either in hard copy at the premises or electronically via head office. Police and the Licensing Authority shall have access to an individual's training records upon reasonable request. Training shall be refreshed every six months.

3. Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance.

4. A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the police or local authority.

5. Customers shall not be permitted to drink outside the premises otherwise than when seated in an area which is authorised by Portsmouth City Council for tables and chairs.

6. Following a review of the premises licence the Licensing Authority determined under s177A Licensing Act 2003 to impose a condition that neither live nor recorded music are permitted at any time.

Whilst I am aware that the current licence holder intends to close the business down with effect from 15 July 2023, I consider it necessary for the Licensing Sub-Committee to consider modifying the current licence as referenced above to ensure that any future operator of these premises, who wishes to provide the sale of alcohol and other licensable activities, is required to comply with these conditions to prevent further public nuisance being caused to local residents.

Yours sincerely



**Nickii Humphreys**  
**Licensing Manager**

Email:

