

## APPENDIX C

**From:** [Astill, Lorraine](#)  
**To:** [Licensing Shared Email](#)  
**Cc:** [REDACTED]  
**Subject:** FW: Application to vary Premises Licence - Hive Cocktail Bar, 50 Osborne Road - 23/03369/LAPREM  
**Date:** 28 December 2023 15:26:18  
**Attachments:** [REDACTED]

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- Official Sensitive -

Dear Licensing

Further to the above application to vary the premise licence for The Hive Cocktail bar I note that the application involves the provision of regulated entertainment from recorded music Sunday until 00:30hrs, Monday to Thursday until 01:30hrs and Friday and Saturday until 02:00hrs. There are residential dwellings located directly above the trading area and in close proximity to the venue, to increase the operational hours is likely to cause a significant impact upon the occupants' homes.

Planning Enforcement have clarified that the premise has restricted opening hours that reflect those of the existing premise license, this condition was appended to the Planning Decision Notice in order to protect the amenity of the residential accommodation. The current Statement of Licensing Policy states that **21.2 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned**. Whilst planning permission is separate to the Licensing Act, to grant the requested operational hours would be encouraging the applicant to breach a legal requirement, which could be open to enforcement action.

Guidance issued under section 182 of The Licensing Act states that applicants are expected to include positive proposals in their application on how they will manage the licensing objectives. Applicants are expected to provide licensing authorities with sufficient information to determine the extent to which their proposed steps are appropriate and make it clear why the steps they are proposing are appropriate for the premises.

The applicant has been contacted in order to give them the opportunity to provide details on how they will meet the licensing objective for the "Prevention of Public Nuisance", however, to date no further information has been provided.

It should also be noted that the Local Authority has not received a noise management plan as specified in Condition 06, Annex 3 of the existing premise license. **"Within 28 days of the licence being granted or any future transfer of the premises licence, the premises licence holder shall submit a noise management plan to the local authority detailing measures to monitor and control noise levels associated with the operation of the venue. Upon approval these measures shall be implemented in full."**

Owing to the premises being directly attached to residential properties I feel there is currently a high risk that the proposed operation is likely to result in public nuisance due to noise from both entertainment and the behaviour of customers within the premises. I believe that attaching conditions would not result in adequate measures being implemented to prevent public nuisance as existing conditions (both licensing and planning) have not been complied with. I

therefore I wish to make representations against this application and recommend that the hours of operation remain the same.

Kind regards

Lorraine Astill  
Principal Regulatory Service Officer

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