

# Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 2nd June, 2021  
at 4.00 pm

**PLEASE NOTE TIME OF MEETING**

Virtual Meeting

This meeting is open to the public

## **Members**

Three Members drawn from the Licensing Committee

## **Contacts**

Democratic Support Officer  
Maria McKay  
Email: [maria.mckay@southampton.gov.uk](mailto:maria.mckay@southampton.gov.uk)

Executive Director Communities, Culture & Homes  
Mary D'Arcy  
Tel: 023 8083 4611  
Email: [mary.d'arcy@southampton.gov.uk](mailto:mary.d'arcy@southampton.gov.uk)

## **PUBLIC INFORMATION**

The Members of the Licensing Committee are Councillors G Galton, B Harris, Laurent, Leggett, McEwing, Noon, J Payne, Spicer, Stead, Streets.

### **Terms of Reference**

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act 2003 and Gambling Act 2005, including:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
  - Variation of designated premises supervisors
  - Transfer of premises licences
  - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

**When dealing with Licensing Act matters the Sub-Committee must only take into account the following statutory Licensing Objectives:-**

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

**Likewise, when dealing with Gambling Act matters the Sub Committee must only take into account the statutory Licensing Objectives below:-**

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

**Fire Procedure:-** In the event of a fire or other emergency a continuous alarm will sound, and you will be advised by Council officers what action to take.

**Access:-** Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

**Smoking policy:-** The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room, you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council's Guidance on the recording of meetings is available on the Council's website.

### **Dates of Potential Meetings Municipal Year 2021/22**

Meetings are scheduled on a weekly basis usually at 4pm on a Wednesday evening.

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference are contained in the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

### **Quorum 3**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

## **DISCLOSURE OF INTERESTS**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision-making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

### 1 **ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### 2 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

### 3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### 4 **STATEMENT FROM THE CHAIR**

### 5 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### 6 **NEW PREMISES APPLICATION - PORTERS STEAKHOUSE, UNIT 2, HAVELOCK CHAMBERS, SOUTHAMPTON SO14 3BQ** (Pages 1 - 58)

Tuesday, 25 May 2021

Executive Director Communities, Culture & Homes

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# Agenda Item 6

**DECISION-MAKER** LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

**SUBJECT** HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE – **Porters Steakhouse Unit 2 Havelock Chambers 20 - 22 Queens Terrace**

**DATE OF HEARING** Wednesday 2<sup>nd</sup> June 2021 at 16.00hrs (Online)

**REPORT OF** SERVICE DIRECTOR – COMMUNITIES, CULTURE AND HOMES

**E-mail** licensing@southampton.gov.uk

Application Date : 8th April 2021                      Application Received 8th April 2021

Application Valid : 8th April 2021                      Reference :                      **2021/00948/01SPRN**



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## ***Representations from Responsible Authorities***

Responsible Authority	Satisfactory?
Safeguarding Children	No Response
Fire Service	No Response
Environmental Health - Licensing	Satisfactory

Home Office	No Response	
Building Control	No Response	
Public Health Manager	No Response	
Police - Licensing	No Response	
Trading Standards	Satisfactory	
<b>Other Representations</b>		
<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
Mr. Diogo Cerqueira	Flat 24, Havelock Chambers,20 - 22 Queens Terrace, Southampton SO14 3BQ	<b>Resident</b>
Mrs Zara Di'Giorgio	14 Holly Hill, Southampton, SO16 7ER	<b>Resident</b>
Mr Mark Castelino	Flat 26, Havelock Chambers,20 - 22 Queens Terrace, Southampton SO14 3BQ	<b>Resident</b>
Ms Radmila Zassijenko	Flat 24, Havelock Chambers,20 - 22 Queens Terrace, Southampton SO14 3BQ	<b>Resident</b>
Sam Hudson	Flat 19,Havelock Chambers,20 - 22 Queens Terrace, Southampton SO14 3BQ	<b>Resident</b>
Mr. Ian Baxter	45 Burridge Road, Burridge, Southampton SO311by	<b>Resident</b>
Miss Maria Gherda	Flat 21, Havelock Chambers,20 - 22 Queens Terrace, Southampton SO14 3BQ	<b>Resident</b>
Miss Maud Afonso	Flat 9,Havelock Chambers,20 - 22 Queens Terrace, Southampton SO14 3BQ	<b>Resident</b>
Mr. Niall Casey	16 Havelock Chambers,20 - 22 Queens Terrace, Southampton SO14 3BQ	<b>Resident</b>

## ***Legal Implications***

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for grant of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community. In doing so the sub-committee must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;



- its own statement of licensing policy
- the Statutory Guidance

An application may be refused in part and thereby only permit some of the licensable activities sought.

An applicant for grant of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.

In considering this application the sub-committee is obliged to consider the application in accordance, in particular, with both the Licensing Act 2003(Hearings) Regulations 2005 (as amended) and the rules of natural justice

The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.

The sub-committee must also have regard to:

- *The Crime and Disorder Act 1998*  
Section 17 of the Crime and Disorder Act 1998 places the sub-committee under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- *The Human Rights Act 1998*  
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the sub-committee to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the sub-committee that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the sub-committee which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Copies of the application for grant of a premises licence and the representations to it are annexed to this report.

## **Equality Act 2010**

Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

## **SUMMARY**

<b>Applicant</b>	<i>Mr. Christopher Lawbuary</i>
<b>Designated Premises Supervisor</b>	Parminder Sandhu

This is an application for a new premises licence. The premises shall operate as a Steakhouse on a restaurant type basis serving dry-aged steak.

The new premises licence application is for the following licensable hours and activities:

### **Licensable Activities.**

Recorded music	
Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 00:00
Saturday	12:00 - 00:00
Sunday	12:00 - 00:00
Provision of late night refreshment	
Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:00
Saturday	23:00 - 00:00
Sunday	23:00 - 00:00
Supply by retail of alcohol	
Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 00:00
Saturday	12:00 - 00:00
Sunday	12:00 - 00:00

The applicant has submitted proposed conditions to be added to the licence to promote the four licensing objectives.

The application has received nine local representations.

*Application Form Pages 5-29*

*Operating Schedule- Pages 30-34*

*Plan – Page 35*

*Public Representations- Pages 36-53*

*Hearing Procedure Notes-Pages 54-57*

**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 in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** Christopher Lawbuary

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <b>Porters Steakhouse Unit 2, Havelock Chambers Queens Terrace</b>			
<b>Post town</b>	Southampton	<b>Postcode</b>	<b>SO14 3BQ</b>

Telephone number at premises (if any)	<b>02380 390684</b>
Non-domestic rateable value of premises	<b>£45000</b>

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Lawbuary			<b>First names</b> Christopher		
<b>Date of birth</b> 23/06/1990		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
<b>Nationality</b> British					
Current residential address if different from premises address		113 Upper Shirley Avenue			
Post town	Southampton			Postcode	SO15 5NL
<b>Daytime contact telephone number</b>			[REDACTED]		
<b>E-mail address (optional)</b>		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>				<input type="checkbox"/> Please tick yes	
I am 18 years old or over					
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
0 1	0 5	2 0 2 1

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)  
 Following the success of Porters Wine & Charcuterie, Porters brings an exciting new steakhouse to the heart of Southampton. Situated just off of Oxford street, Porters Steakhouse serves exceptional dry-aged steak in a unique and welcoming setting.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)

- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					



**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	12:00	24:00			
Tue	12:00	24:00			
Wed	12:00	24:00			
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur	12:00	24:00			
Fri	12:00	24:00			
			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	12:00	24:00			
			The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.		
Sun	12:00	24:00			
			On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00		

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	23:00	24:00			
			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Tue	23:00	24:00			
			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Wed	23:00	24:00			
Thur	23:00	24:00			
Fri	23:00	24:00			
Sat	23:00	24:00			
Sun	23:00	24:00			



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	12:00	24:00			
Tue	12:00	24:00			
Wed	12:00	24:00			
Thur	12:00	24:00			
Fri	12:00	24:00			
Sat	12:00	24:00			
Sun	12:00	24:00	<p><b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)</p> <p>The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.</p>		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Parminder Sandhu	
<b>Date of birth</b>	██████████
<b>Address</b> ██████████ ██████████ ██████████	
<b>Postcode</b>	██████████
<b>Personal licence number (if known)</b> PERS/13/1224	
<b>Issuing licensing authority (if known)</b> Test Valley Borough Council	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).  
 Not applicable

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	24:00	
Tue	12:00	24:00	
Wed	12:00	24:00	
Thur	12:00	24:00	
Fri	12:00	24:00	
Sat	12:00	24:00	
Sun	12:00	24:00	
			<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)

## M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Please see attachment

**b) The prevention of crime and disorder**

Please see attachment

**c) Public safety**

Please see attachment

**d) The prevention of public nuisance**

Please see attachment

**e) The protection of children from harm**

Please see attachment

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li></ul>
--------------------	--

	<ul style="list-style-type: none"> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	
Capacity	

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
[Redacted]			
Post town	[Redacted]	[Redacted]	[Redacted]
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**DATA PROTECTION**

The Council is collecting this information in order to perform this service or function, and if further information is needed in order to do so, you may be contacted using the details provided.

In performing this service, the Council may be required to share your information with other organisations or departments, but it will only do so when it is necessary in order for the service to be provided.

The Council may also share your personal information for the purposes of the prevention, investigation, detection, or prosecution of criminal offences, but will not share your personal information, or use it for this, or any other purpose, unless provided for by law.

For more detail about how we handle your personal data please see our privacy policies:

For Southampton City Council applications: <http://www.southampton.gov.uk/privacy>  
 For Eastleigh Borough Council applications: <https://www.eastleigh.gov.uk/privacy>

## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500,

- and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.

## 15. Entitlement to work/immigration status for individual applicants and applications

### from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland. **(up until 30 June 2021).**
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland. **(up until 30 June 2021).**
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland. **(up until 30 June 2021).**
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when**



**produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence. **(up until 30 June 2021).**
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence. **(up until 30 June 2021).**
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home

Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form. **(up until 30 June 2021).**

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in  
the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided

to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

## **PORTER'S STEAKHOUSE**

Unit 2, Havelock Chambers,  
20-22 Queen's Terrace,  
Southampton. SO14 3BP

### **APPLICANT'S DRAFT CONDITIONS**

In addition to the mandatory conditions the following conditions are proposed by the Applicant to promote the four licensing objectives:

#### **Nature of the premises**

1. The premises shall not operate as a nightclub and there shall be no dance floor. The premises shall only operate as a Steakhouse on a Restaurant type basis.

#### **Door supervision**

2. As a predominantly food-based establishment it is not anticipated that SIA door supervisors will be required initially, however, the premises licence holder will monitor this and will review the need for door supervisors on an ongoing basis.

#### **Outside controls and dispersal policy**

3. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised so as to ensure that there is no public nuisance or obstruction to the public highway.
4. There shall be a designated and demarcated smoking area at the front of the premises for customers. This area shall be monitored by staff on a risk assessed basis.

#### **Local initiatives and engagement**

5. The premises will be an active member of Pubwatch and Business Improvement District (or similar local schemes) if they are operating.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

7. For at least 12 months after the premises opens to the public the premises shall host quarterly residents' meetings to discuss any issues that have arisen in relation to its operation. Thereafter, residents' meetings shall be at a frequency agreed between the premises and resident representatives. The dates and times of these meetings shall be publicised on the premises' website.

### **Noise mitigation**

8. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. Notices shall be prominently displayed at all exits requesting customers to respect the needs of local residents and businesses and leave the area quietly.

### **CCTV**

10. The premises will have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
11. CCTV warning signs to be fitted in public places.
12. The CCTV system will be operating at all times whilst the premises are open for licensable activity. All equipment will have a constant and accurate time and date generation.
13. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage will be securely retained for a minimum of 28 days.
14. The system will be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.
15. The DPS or premises manager will be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.
16. A competent trained person in the use of and operation of the CCTV, nominated by the data controller, will be in attendance at the premises at all times that licensable activities take

place. This person will be able to fully operate the CCTV system and be able to download, at the times of the visit, any information lawfully requested by any Responsible Authority.

17. Any images recovered will be in a format that can be viewed on readily available equipment without the need for specialist software.
18. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS WILL report the failure to the Hampshire Western Police Licensing Unit within 24 hours, and arrangements made to repair the fault without delay.

### **Training-**

19. Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which will be signed and dated by the member of staff who has received that training.
20. All staff will receive refresher training every six months as a minimum and records will be kept of this refresher training which will be signed and dated by the member of staff who received that training.
21. All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of one year. Training records will be kept on the licensed premises to which they relate to.

### **Challenge 25**

22. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence will ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.
23. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.
24. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

25. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to the meal.

### **Refusal's book**

26. A written log will be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder will ensure that the refusals log is checked, signed and dated on a weekly basis by the duty manager/manageress.

27. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

28. The record of refusals will be retained for 12 months.

### **Incident book**

29. An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

30. Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author. If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

31. At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

32. This record will be retained for 12 months.

### **Litter and waste**

33. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
34. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00hrs and 08.00hrs on the following day.

#### **Availability of food**

35. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

#### **Non-standard hours**

36. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
37. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.



# Notes:

## Licence Plan

- Building Boundary
- Indoor License Area
- Fire Control Panel
- Fire Call Point
- S Smoke Detection
- H Heat Detection
- S Sounder
- Illuminated Exit
- E Fire Extinguisher Point
- Self Closing Fire Door
- E Emergency Light
- CCTV



Client: Tony/Chris  
 Project: Porters Steakhouse  
 Address:  
 Havelock Chambers  
 Queens Terrace  
 Southampton  
 Hampshire  
 SO14 3BQ  
 Title: Licence Plan A1  
 Designer: Matt Brenchley  
 Scale: ##### @ A1  
 Drawing Number: 10222020459  
 Date: 22/10/2020  
 Revision: A

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 UNIT 18 THE SIDINGS, NETLEY ABBEY, SOUTHAMPTON,  
 HAMPSHIRE, SO31 5QA

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ALL DIMENSIONS AND SIZE DESIGNATIONS GIVEN ARE SUBJECT TO VERIFICATION ON JOB SITE AND ADJUSTMENT TO FIT JOB CONDITIONS.

Hi I would like to add another associated complaint:

The porter's bar that is an establishment from the same business owner also committed to have residents quarterly meetings. They never happened, or as a resident I was never informed of them. I assume that the same will happen in this case.

They have just made a request to go back on the promise they made for the Porters bar when they opened in which they will only sell drink with food. There is therefor reasonable precedent to believe the proponent of this planning will not keep its word regarding the measures exposed in the application:

7. For at least 12 months after the premises opens to the public the premises shall host quarterly residents' meetings to discuss any issues that have arisen in relation to its operation. Thereafter, residents' meetings shall be at a frequency agreed between the premises and resident representatives. The dates and times of these meetings shall be publicised on the premises' website.

#### Noise mitigation

8. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. Notices shall be prominently displayed at all exits requesting customers to respect the needs of local residents and businesses and leave the area quietly.

Kind Regards

Diogo Cerqueira

On Thursday, 15 April 2021, 19:06:14 BST, Licensing <[licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)> wrote:

**From:** Diogo D

**Sent:** 14 April 2021 22:33

**Subject:** Representation reference 2021/00948/01SPRN

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Dear Licensing Manager,

I would like to express my opposition to the requests for licensing with respect to **Recorded Music, Retail Sale of Alcohol and Late Night Refreshments** as it shows in this application:

I would also like to note that the development is "called Steakhouse", so I am assuming that the request to sell cooked food is missing but I would like to strongly oppose to any type of cooking in this establishment premises.

In the past we have had several noise and smoke pollution problems with the previous occupiers of this establishment. Complains have been made for years about the previous occupiers, Casa Brasil and Nook Bar.

The establishment is not well isolated. The noise of music and loud talking and shouting was and will be a huge nuisance to all the occupiers of Havelock Chambers in both sides of the building as there are doors and windows in both sides of the establishment that are not isolated.

Historically the noise has been so that it can be heard within the stairway of the building.

In what respects to the cooking, early this year the new occupants of the now called "Porters Steakhouse" used their kitchen a few days, with the noticeable effect of smoking coming straight into our apartment window. In the old complains of the Casa Brasil and the Nook Bar it can be found that there is a flue that is open right below the 1st floor and expels smoke into every apartment on the west side of the building.

To add to this the air conditioning, extracting system pumps and refrigerator pumps are all located in what should be the garbage and bike storage access of the building, together with the same appliances of the already existing "Porters Wine Bar" on the opposite side of the building.

There is also a second flue, this one going all the way up to the top of the building but the noise generated from this flue is also extremely high.

All the neighbours on the north side of the building already have a continuous problem with noise from flue , A/C and noise from music and loud clients from the Medbar, a new bar on the west side would force us all to close all our windows and make life impossible in the north/west side apartments.

Porters Wine Bar tried to request this exact licensing and it was refused on similar grounds, we would like to call to attention that Porters Steakhouse has the exact same administration and the exact same intentions. That allowing the Steakhouse to open will in fact close and give full access to the Havelock Chambers backyard , bike storage and garbage bin area to the administrators of both Porters' establishments. It will facilitate the passage and movement of employees and other people through the back of the building, increasing even more the noise and nuisance.

We would like to request that you understand that we are already in an area highly exposed to very high levels of noise and smoke from the existing bars, and therefore we oppose to any type of licensing of cooked food, music and alcohol.

We also understand that once an allowance of any kind is made to the establishments it takes several years until any type of enforcement which means that granting a license to Porters would at least mean 2-3 years of suffering to it's neighbours.

Thank you very much for your attention.

Kind Regards

Diogo Cerqueira

Flat 24, Havelock Chambers, 20-22 Queens Terrace, SO14 3BQ

This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or data protection legislation. If you are not the person or organisation it was meant for, apologies, please ignore it, delete it, and notify us. SCC does not make legally binding agreements or accept formal notices/proceedings by email. E

**From:** [REDACTED]  
**Subject:** Comments for Licensing Application 2021/00948/01SPRN  
**Date:** 10 May 2021 18:28:00

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Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:27 PM on 10 May 2021 from Mrs Zara Di'Giorgio.

### **Application Summary**

**Address:** Unit 2 Havelock Chambers 20 - 22 Queens Terrace  
Southampton SO14 3BQ

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mrs Zara Di'Giorgio

**Email:** [REDACTED]

**Address:** 14 Holly Hill, Southampton SO16 7ER

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 6:27 PM on 10 May 2021 We are the owners of Flat 24 Havelock Chambers

We would like to object for the following reasons:

Prevention of Public Nuisance  
Prevention of Crime and Disorder.  
Protection of Children from harm  
Public Safety  
A late licence till 24:00 is another main objection due to public nuisance as it is in a residential Street, there are over 100 residents.

**From:** [REDACTED]  
**Subject:** Comments for Licensing Application 2021/00948/01SPRN  
**Date:** 11 May 2021 14:49:36

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Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:49 PM on 11 May 2021 from Mr Mark Castelino.

### **Application Summary**

**Address:** Unit 2 Havelock Chambers 20 - 22 Queens Terrace  
Southampton SO14 3BQ

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Mark Castelino

**Email:** [REDACTED]

**Address:** Flat 26, Havelock Chambers, 20 - 22 Queens Terrace,  
Southampton SO14 3BQ

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 2:49 PM on 11 May 2021 I strongly object to this application due to it being a public nuisance and a health and safety issue for residents and myself.  
I trust this will be rejected

**From:** [REDACTED]  
**Subject:** Comments for Licensing Application 2021/00948/01SPRN  
**Date:** 12 May 2021 21:06:42

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Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 9:06 PM on 12 May 2021 from Ms Radmila Zassijenko.

### Application Summary

**Address:** Unit 2 Havelock Chambers 20 - 22 Queens Terrace  
Southampton SO14 3BQ

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### Customer Details

**Name:** Ms Radmila Zassijenko

**Email:** [REDACTED]

**Address:** Flat 24, Havelock Chambers, 20 - 22 Queens Terrace,  
Southampton SO14 3BQ

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 9:06 PM on 12 May 2021 I object due to :  
-prevention of public nuisance, prevention of crime and disorder, protection of children from harm, public safety.

I am also strongly objecting to their application for a late license till 24 00, as all nearby residents will be severely affected. Porters Steak house and Bar is located on a residential street. All businesses located on the same premises before ( Casa Brasil, Nook Bar, and pre-pandemic Porters) were always affecting our life. We have drunk people crowding in front of the building, people smoking and screaming, we even had a case when one of our residents was assaulted by a Porters bar customer. We constantly witness unsocial behavior and we are confident that it will get even worse because they are extending their premises which will result in a higher amount of visitors and further dangerous situation for residents on our street. As a resident at Havelock Chambers, I am severely affected by Porters Steakhouse already, even before their official opening:

First of all, I am unable to open windows, due to their

kitchen extractor being located right under our windows, sending us the toxic fumes. As a long covid-19 sufferer with breathing problems I require my windows to be open at least a bit to supply additional oxygen flow, and with Porters Steakhouse operating now without given permission yet, my health is affected already. And please keep in mind they are NOT yet opened, however, they are already cooking. The noise from it is also a big disturbance to my work and daily life. I am self-employed and work mostly from home.

All above doesn't give me any confidence that the applicant is a considerate, respectful, and law-abiding business. However, I am confident that this business will cause even more problems after opening affecting life of many people. I object to all their applications and agree with all comments made by residents of Havelock Chambers and other commenters.



**From:**



**Subject:**

Application Ref 2021/00948/01SPRN - Objection

**Date:**

10 May 2021 23:48:23

**CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.**

Dear Sir or Madam,

RE: Porters Steakhouse, Havelock Chambers, Queens Terrace

I am writing with regards to the application for a grant of a premises license Ref 2021/00948/01SPRN.

I am a resident of the residential flats directly above Porters Steakhouse (Flat 19 Havelock Chambers, 20-22 Queen's Terrace, SO14 3BQ) and have a number of concerns with regards to this application that lead me to lodge an official complaint.

I am objecting to their request for a late license till 00:00, as I believe this will present me and other residents in the immediate area with not only significant disruption to our daily lives, but also present us with potential safety risks.

Whilst there are other bars and restaurants that operate in the nearby area until late hours, due to the extreme closeness to our proximity I believe this will present a significant public nuisance issue to us residents and is an unnecessarily late time for a restaurant to operate.

There have been issues in the past with this establishment, not only in terms of noise but also crowding of our building entrance due to the fire exit doors being located nearby. I have also been informed that an occupant has previously been threatened by a customer of this bar, which only further highlights my concerns, also in terms of Crime and Disorder.

I would also like to request that additional licensing conditions are imposed to only serve alcohol with meals as required by the original planning restrictions. This will help to prevent the issues I have highlighted above, whilst still allowing the business to operate within the current set parameters.

Please take my comments into consideration when reviewing this application. I am able to provide further details if needed.

Yours Sincerely

Sam Hudson



**From:** [REDACTED]  
**Subject:** Comments for Licensing Application 2021/00948/01SPRN  
**Date:** 12 May 2021 13:48:12

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Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:47 PM on 12 May 2021 from Mr Ian Baxter.

### **Application Summary**

**Address:** Unit 2 Havelock Chambers 20 - 22 Queens Terrace  
Southampton SO14 3BQ

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Mr Ian Baxter

**Email:** [REDACTED]

**Address:** 45 Burr ridge Road, Burr ridge, Southampton so311by

### **Comments Details**

**Commenter Type:** Other

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 1:47 PM on 12 May 2021 Owner F23 Havelock Chambers.

Having owned my property since new, this is yet another application to upset the residents.

When i first purchased the property Oxford St was predominantly restaurants and had a safe and more mature environment. Sadly since then Oxford Street and surrounding streets have deteriorated with more and more bars attracting the wrong attention. These decisions impact residents and the overall safety when entering the building off the street.

I therefore strongly oppose another unnecessary bar.

**From:** [REDACTED]  
**Subject:** Comments for Licensing Application 2021/00948/01SPRN  
**Date:** 12 May 2021 10:16:15

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Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:16 AM on 12 May 2021 from Miss Maria Gherda.

### **Application Summary**

**Address:** Unit 2 Havelock Chambers 20 - 22 Queens Terrace  
Southampton SO14 3BQ

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Miss Maria Gherda

**Email:** [REDACTED]

**Address:** Flat 21, Havelock Chambers, 20 - 22 Queens Terrace,  
Southampton SO14 3BQ

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 10:16 AM on 12 May 2021 I don't think having a bar right below is something that would be beneficial to us. I would like to avoid further noise nuisance in the area. Thank you!

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Comments for Licensing Application 2021/00948/01SPRN  
**Date:** 10 May 2021 15:08:28

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Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:08 PM on 10 May 2021 from Miss Maud Afonso.

### **Application Summary**

**Address:** Unit 2 Havelock Chambers 20 - 22 Queens Terrace  
Southampton SO14 3BQ

**Proposal:** Premises Licence

**Case Officer:** Tricia Young

[Click for further information](#)

### **Customer Details**

**Name:** Miss Maud Afonso

**Email:** [REDACTED]

**Address:** Flat 9, Havelock Chambers, 20 - 22 Queens Terrace,  
Southampton SO14 3BQ

### **Comments Details**

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

**Comments:** 3:08 PM on 10 May 2021 Hi,

My objection is to:

- prevent public nuisance
- prevent crime and disorder

We do not really know the future intentions of Porters and we do not need another long operating hour bar/restaurant in this area. The bar/ restaurant will most likely apply for a licence to operate until a later time (As most of the bars do). This would be deceiving the residents for personal benefits (not only the ones who opposed this license but also the ones who supported this license not really knowing what are the intentions of Porters).

Porters should only serve alcohol with a meal as required by the planning restrictions. If this is not followed it will cause a public nuisance to the residential units in the adjacent/above buildings.

Thank you for taking into consideration these reasons when making the final decision.

Kind regards,  
Maud Afonso

Niall Casey  
16 Havelock Chambers  
20-22 Queens Terrace  
Southampton

Ref.: Porters Steakhouse Licencing application - 2021/00948/01SPRN

Dear Sir / Madam

As chairman of the Havelock Chambers RTM co. representing the interests of the leaseholders and tenants of the block I would like to object to the following application. It is not acceptable in the form that it is due to the problems it will cause through:

Prevention of Public Nuisance  
Prevention of Crime and Disorder.  
Protection of Children from harm  
Public Safety –

We have had problems with Porter Wine & Charcuterie since it opened and we wish to ensure that this is not repeated with this establishment owned by the same individuals on a larger scale.

Licencing seem to have failed to acknowledge and pick up that with the same owners and the same planning restrictions on this unit also that it is imperative that they have the same condition placed on this establishment as their other Porters' establishment on the ground floor.

**"3.Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to the meal."**

This must be remedied and the condition included on this new premises. Most of the anti-social, public nuisance and crime and disorder issues have come from when this condition has been ignored on their other establishment. This included two tenants being threatened by one of a group of their customers drinking outside their establishment.

This licencing condition ensuring that they can only serve alcohol with a meal, also required by the Havelock Chambers planning restrictions, is to ensure it does not operate effectively as a bar, which would cause a

public nuisance to the over 100 residential units in the buildings adjacent to or above the ground floor units.

They have stated it is not the intention to operate as a drinking establishment but based on the leaseholder's comments to the previous leaseholder about getting A4 status at Havelock Chambers and their operation of the Porters Wine Bar that has and will continue to be their intention. It will very likely ultimately be a bar that also serves food. If that is not their intention then they will have no issue with conditions to prevent this. It also needs to be considered that opening up as an ostensible restaurant also requires conditions to ensure it does not then change its use should it not work out. The previous leaseholder stood up in front of the Licencing committee and stated that the Nook "bar" and Kitchen was to be a family friendly American themed burger bar to get their licence and the next day went back to have the current applicants finish refurbishing it as the "sports bar" it opened up as. We cannot have another variation of this happen. Porters have notably included bar stools at the bar in their provided layout for their intended drinking customers.

I am objecting to their request for a late licence until 24:00 on the basis of late night public nuisance, as it is in a residential Street. There are over 100 flats or student pods above or adjacent to the unit. A restaurant would not want to be open until 24:00 as they would mostly be empty in the last hour or more, the other "real" restaurants on Oxford Street close at 22:00 or 23:00 at the latest. This highlights the likelihood the intention is to operate as a bar, which planning conditions also do not allow. The establishments that open until 24:00 or later around Oxford Street are the bars, which also sell food as indeed almost all pubs do these days.

Porters wine bar would generally only have people drinking in there after 10pm or even 9pm and would have groups coming in for only drinks after this time. Customers that are there to drink behave very differently to those that are there for a meal. Nearly all the public nuisance issues happen late at night or at the weekend.

There has been a long history of public nuisance and disorder issues with this Porters Steakhouse unit and the applicant's current unit since opening on the ground floor with noise nuisance and crowding of our entrance. There have been noise abatement notices put on this unit,

again this was not down to individuals visiting a restaurant but because it was also operating as a bar causing all the problems.

It must be ensured as a condition of any licence that they only use the main entrance on Latimer street as the entrance and exit for their customers. The licence must have a condition that they must not use the "Fire Doors" on Queens Terrace which have been boarded up to prevent use for over 12 years but the new owners have removed this boarding, which would enable its use. This is to prevent intoxicated customers coming into contact with our residents as they only have the one entrance to use and that is on Queens Terrace. They should not be allowed to use their fire exit doors on Queens Terrace because it could cause issues of public nuisance and crime and disorder by bringing their potentially intoxicated customers closer to our entrance to congregate and clash with our residents. We had a tenant physically threatened by a Porters Wine bar customer when entering the building before lock down.

They are already breaking their provisional condition 8. Noise from the plant and equipment is causing a nuisance to the residents of the block, vibration from it is also causing a problem. The substructure of the building being steel beams; the vibration carries through out the building. This is an issue 24 hours a day 7 days a week.

8. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

They should not be given an Alcohol Licence until this has been resolved along with other planning issues such as no bin store, bike stores and no insulation as required amongst other things.

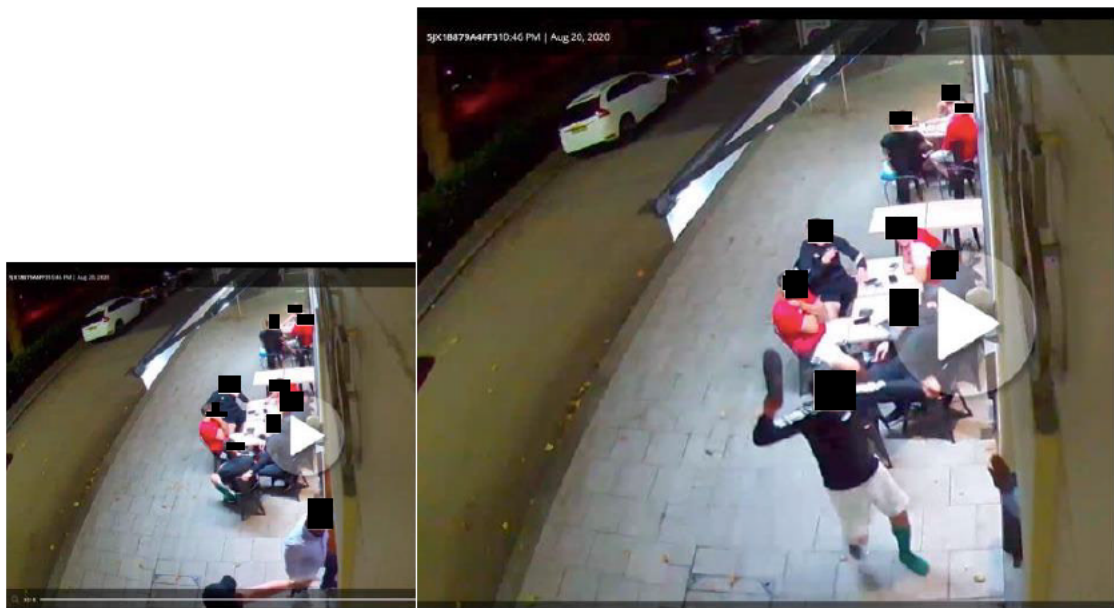
It is imperative that conditions are put on now because they have already regularly been a nuisance to Havelock Chambers' residents. Their behaviour and actions show they have no real respect for their neighbours or basic regulations for the area. It is our view that they and their establishments need to have more conditions and regulation of their behaviour not less as they are requesting!

Relevant photographs have been provided below to highlight the issues with the application and the applicants and their lack of ability to self manage or regulate thus requiring tight conditions.

Best regards

Niall Casey

Below shows two of our tenants from Africa entering the main door of the block when they are threatened by a Porters' customer. The customer with his fist up and a football shoe in his hand was one of a group of individuals that turned up and only drank alcohol against both the planning and licensing conditions of Porters.



Below are three separate photos showing Porters customers drinking in our main and only entrance.





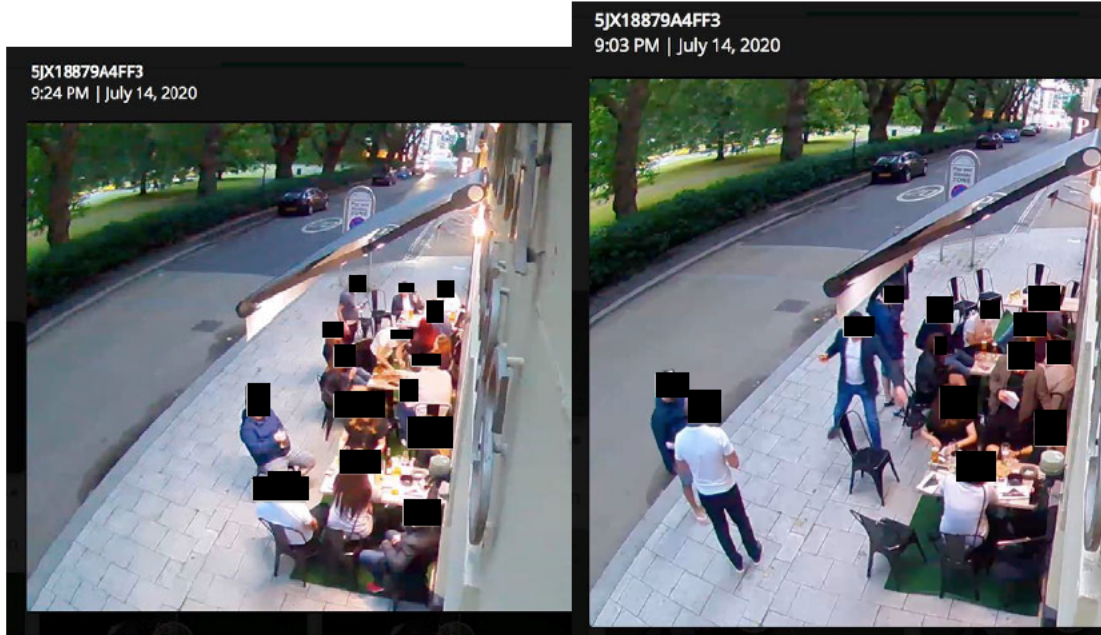
5JX1887HA4D47  
7:23 PM | August 18, 2020



5JX1887HA4D47  
8:49 PM | August 18, 2020



This is a group of 16 plus individuals in a group only drinking outside Porters and our entrance, only 4 of them had some food at one point. This was at a time when Covid – 19 rules meant there should only have been a group of six.



Groups drinking only alcohol outside Porters 24:37 when there Licence is until 24:00 and the Tables and Chairs had to go in by 23:00. On occasions they were there drinking until 01:30.



A skip for Porters Steakhouse blocking the pavement outside Havelock Chambers for a number of days, with no licence.



A

Barrels taken out of Porters Steakhouse and both stacked dangerously and blocking the pavement for several days.



Cars of owners and workers at Porters steakhouse parked the wrong way down a one-way street and blocking a cycle lane showing how they view regulations – they do not abide by them. They need more of them not less!



## **Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005**

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

### **Preliminary matters**

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
  - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
  - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
  - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
  - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
  - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
  - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.
13. The Chair will then explain the procedure that will follow.

### **General information on the conduct of the hearing**

14. Each party is entitled to:
- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
  - (b) With the permission of the Chair, seek clarification on any point by any other party;
  - (c) Address the Sub-Committee.
15. Members of the Sub-Committee may also seek clarification of any party or witness.
16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

### **Hearing Procedure**

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

### **The applicant**

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

### **The representations**

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
  - (a) The person making a representation (or their representative) may present their case.
  - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
  - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

(d) The Chair will invite the applicant to seek clarification on any points made by those making representations.

(e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

### **Summing up**

29. The Chair will invite each person making a representation to make a final statement or sum up their case.

30. The Chair will invite the applicant to make a final statement or sum up their case.

### **Sub-Committee's decision**

31.

(a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.

(b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.

(c) The parties will be invited to wait to be informed of the outcome.

(d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.

(e) If a room is available, the Committee may retire to deliberate and make its decision

(f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.

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