



# NOTICE OF MEETING

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## LICENSING SUB-COMMITTEE

WEDNESDAY, 27 JULY 2016 AT 10.30AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino, 023 9283 4060

Email: [jane.didino@portsmouthcc.gov.uk](mailto:jane.didino@portsmouthcc.gov.uk)

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Committee Members Councillors Julie Swan (Chair), Hannah Hockaday (Vice Chair), Dave Ashmore, Jennie Brent, Ken Ellcome, Paul Godier, Scott Harris, Steve Hastings, Suzy Horton, Leo Madden, Lee Mason, Stephen Morgan, Steve Pitt, David Tompkins and Gerald Vernon-Jackson,.

The panel today consists of : Councillors Julie Swan, Ken Ellcome and Paul Godier  
The reserve member is Councillor Steve Hastings.

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(NB This agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

**Licensing Sub Committee meetings are digitally recorded.**

## **A G E N D A**

- 1 Apologies.
- 2 Declarations of Interest.

**3 Licensing Act 2003 - Application for a review of a premises licence - Cross Keys, Birdlip Road, Paulsgrove, Portsmouth PO6 4EE (Pages 1 - 48)**

Purpose.

The purpose of this report is for the committee to consider an application by the Chief Officer of Police, Hampshire Constabulary, for the review of the premises licence at the Cross Keys, Birdlip Road, Paulsgrove, Portsmouth, under section 51 of the Licensing Act 2003 ("the Act").

**RECOMMENDED that the committee determine the application.**

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

# Agenda Item 3

**REPORT TO:** LICENSING SUB-COMMITTEE 27<sup>th</sup> JULY 2016  
**REPORT BY:** LICENSING MANAGER  
**REPORT AUTHOR:** DEREK STONE

**Licensing Act 2003 – Application for a review of a premises licence – Cross Keys, Birdlip Road, Paulsgrove, Portsmouth PO6 4EE**

## 1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application by the Chief Officer of Police, Hampshire Constabulary, for the review of the premises licence at the Cross Keys, Birdlip Road, Paulsgrove, Portsmouth, under section 51 of the Licensing Act 2003 (“the Act”).

The premises licence is held by Hawthorn Leisure Limited and the Designated Premises Supervisor is Mr Steven Nigel Greaves.

## 2. STATUTORY PROVISIONS

The steps set out in the Act for reviewing premises licences and club premises certificates are intended to represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

At any stage following the grant of a licence or certificate, a responsible authority or any other person may make an application for the review of a licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

## 3. THE APPLICATION

The application and grounds for the review are attached as Appendix A to this report and relate to the following licensing objectives:

- The prevention of crime and disorder
- Public Safety

It is the concern of the Chief Officer of Police that crime and disorder emanating from the venue is rising and public safety is a concern. This follows two recent serious assaults where the injuries sustained have required the victims to receive surgery. Police have concerns that the Designated Premises Supervisor Mr Greaves has failed to demonstrate that the licensing objectives are being promoted and that his management at the venue is ineffective and does little to support the licensing objectives.

### **Officer Note:**

Full details of police concerns are presented in the review application together with supporting documents Annex A to F.

#### 4. BACKGROUND INFORMATION

The Cross Keys is a community pub situated in the heart of Paulsgrove and is the only remaining public house in this area.

The premises are currently licensed for the provision of the following licensable activities:

- **Sale by retail of alcohol**

Sunday to Thursday - 10:00 until 23:59  
Friday and Saturday - 10:00 until 00:30

- Performance of live music Monday to Sunday 19:00 until 23:00
- Playing of recorded music Monday to Sunday 19:00 until 23:00
- Late night refreshment Monday to Saturday 23:00 until 23:30

- **Opening hours of the premises**

Sunday to Thursday - 10:00 until 00:30  
Friday and Saturday - 10:00 until 01:30

A copy of the premises licence is attached as Appendix B.

In accordance with the procedure laid down in the Licensing Act 2003 (“the Act”), a public notice of the application for the review of the licence was advertised at the premises concerned and also in a prominent position at the Civic Offices. In addition a notice of the application was also posted on the website of Portsmouth City Council together with the grounds for the review. A copy of the application was also served on all of the responsible authorities.

#### 5. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

This review on behalf of the Chief Officer of Police, Hampshire Constabulary will be presented by PC 21945 Pete Rackham.

**Officer note:**

**The police have made various suggestions in their review application including changing the existing licensing conditions, inserting new conditions, the removal of the current DPS and reduction in hours of trading.**

There is a representation from Paulsgrove Ward Councillor Cllr Stuart Potter supporting the venue and providing his thoughts on how the venue should run in relation to door supervision attached at Appendix C.

#### 6. POLICY AND STATUTORY CONSIDERATIONS

When determining the application for review of the premises licence, the Committee must have regard to:

- Promotion of the licensing objectives which are;

- prevention of crime and disorder
  - public safety
  - prevention of public nuisance
  - protection of children from harm
- The Licensing Act 2003;
  - Its Statement of Licensing Policy;
  - Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
  - The representations, including supporting information, presented by all the parties.
  - The Statutory Guidance (revised in October 2014) provides advice in relation to the consideration of review applications.

In particular, members should have regard to the following advice:

**Paragraph 11.1** - *“The proceedings set out in the Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.”*

**Paragraph 11.2** – *“ At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.”*

**Paragraph 11.10** - *"Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.*

**Paragraph 11.16** - *"The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives."*

**Paragraph 11.17** – *“The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence.*

**Paragraph 11.18** - *However, where responsible authorities such as the Police or environmental health officers have already issued warnings requiring improvement – either*

*orally or in writing – that have failed as part of their stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate”.*

**Paragraph 11.19** - *Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- *to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- *to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *to suspend the licence for a period not exceeding three months;*
- *to revoke the licence.*

**Paragraph 11.20** – *“In deciding which of these powers to invoke, it is expected that licensing authorities should so far possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response”.*

**Paragraph 11.21** – *“For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual”.*

**Paragraph 11.22** – *“Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives”.*

**Paragraph 11.23** - *“Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again.*

*However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence".*

## **7. APPEAL PROVISIONS**

An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a Magistrates' court. An appeal may be made by:

- the Chief Officer of Police;
- the holder of the premises licence; or
- any other person who made relevant representations in relation to the application.

The decision of the Committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

A copy of the Statement of Licensing Policy, statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

## **8. APPENDICES**

- A. Review application from Hampshire Constabulary (plus supporting documents)
- B. Copy of the premises licence for Cross Keys.
- C. Representation from Cllr Potter.

**THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION**

**Principal Licensing Officer**

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**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

Page 1 of 9

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 21945 Rackham, on behalf of the Chief Officer of Hampshire Constabulary,  
(*Insert name of applicant*)

Apply for the review of a premises licence.

Apply for the review of a club premises certificate.

(*Select as applicable*)

Make a representation about a premises licence/club premises certificate

**Premises or Club Premises details**

Postal address of premises:	Cross Keys Birdlip Road, Paulsgrove, Portsmouth, Hampshire
Postcode ( <i>if known</i> ):	PO6 4EE

Name of premises licence holder or club holding club premises certificate ( <i>if known</i> ) Hawthorn Leisure Limited
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Number of premises licence or club premises certificate ( <i>if known</i> ) Unknown
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**Details of responsible authority applicant**

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:
Surname: Rackham First Names: PC Peter
Current postal address : Violent Crime Reduction and Licensing Team Portsmouth City Council Civic Offices Guildhall Square Portsmouth
Postcode: PO1 2AL
Daytime telephone number:
E-mail address: ( <i>optional</i> )

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

**This application to review relates to the following licensing objective(s)**

- Select one or more  
boxes*
- |   |                                     |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) Public safety                        | <input checked="" type="checkbox"/> |
| 3) The prevention of public nuisance    | <input type="checkbox"/>            |
| 4) The protection of children from harm | <input type="checkbox"/>            |

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

The Chief Officer of Police is requesting a review of the Premises Licence of the Cross Keys Public House in Birdlip Road, Cosham under the following grounds:

- Prevention of Crime and Disorder
- Public Safety

This follows a number of issues at the premises over the last 12 months where the licensing objectives have been seriously undermined by the ineffective management of the Designated Premises Supervisor. This follows two incidents in the last three months where persons visiting the premises have been assaulted and received GBH level injuries requiring surgery.

The Cross Keys Public House is located in Birdlip Road in the Paulsgrove area of Cosham. It is in the middle of a residential area and is very much a local community pub.

The DPS is a male named Stephen Greaves who has been in day to day control of the premises since August 2014. The Premises Licence Holder is Hawthorn Leisure Limited. They are a company based in London and historically have been quite difficult to make contact with regarding any concerns raised. The Premises Licence Holding company also appear to be a property development company who purchase licensed premises with a view of developing them into dwellings.

The Police Licensing Team has engaged with the DPS numerous times around incidents and failure to comply with premises licence conditions. The History of this is as follows:

Public Order - 44                      - 14/09/2014 00:01 hours

A local resident contacts the Police and states that directly after the closure of the premises there has been a disturbance with 7-8 persons fighting in the car park. The resident states that one person has urinated against their van.

The group leave prior to Police arrival. There are no further calls to the Police regarding this incident. The premises did not contact the Police to report this.



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Public Order - 44

– 17/10/2014 22:31 hours

An unknown person contacts the Police and states that there is a fight at the premises. On Police arrival the offenders have left the premises and no one wishes to speak with Police.

The DPS is spoken to as part of the investigation and states he did not see the incident. The DPS stated that he could not identify any of the offenders and did not know what has happened. The DPS also advised that there was no CCTV of the incident as there was no CCTV system on site.

Following this incident PC Rackham attended the premises around a month later on the 15/11/2014 at 19:00 hours to discuss the incident and check the licence. He speaks with the DPS who advises him that it was a quiet pub with no issues. The DPS advised that with regards to the incident on 17/10 he hadn't really seen much. PC Rackham then performs a licence check. The following issues are noted:

- The Premises Licence Summary is not on display – DPS stated that he forgot to put it up following a refurbishment.
- No operational policies in place as per licence conditions – DPS stated that he had not provided them.
- No Staff training as per licence conditions – DPS stated that this was not in place.
- No toughened drinking glasses as per licence conditions – DPS stated that this was not in place.
- Had not attended any of the pubwatch meetings for Cosham since he became the DPS as per licence conditions – DPS stated that he was unaware that there was a Pubwatch. DPS was advised to contact the manager of the First Post in Cosham High Street.
- Had not put any measures in place to monitor the noise levels from the premises as per the licence conditions – DPS stated that these were not in place.
- Children under the age of 14 were clearly using an area detailed as no persons under 18 unless eating a meal as per the licence conditions – DPS stated that he did not serve meals at the premises and that children had been in when open, unless Crisps were a meal. The DPS was advised that Crisps were not a meal.

PC Rackham advised the DPS that failing to comply with the Premises Licence Conditions was an offence under Section 136 of the Licensing Act 2003. PC Rackham advised the DPS that he needed to put measures in place to rectify the situation and that if he did not, he may leave himself liable for prosecution or the review process or both. PC Rackham then explained in detail what the DPS needed to do to rectify the situation.

During PC Rackhams dealings with the DPS he appeared “passively obstructive”. He answered his questions but appeared completely non plussed about the situation. It appeared to PC Rackham that either the DPS didn't care about the situation or didn't understand the potential issues he faced. There was no sense of urgency to rectify the situation and whilst the DPS was honest to admit things weren't as they should, he didn't offer up any method of resolving the matters.



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Following the DPS explaining that he had no email address PC Rackham wrote to him at the premises address. The letter PC Rackham sent is produced in Annex A.

PC Rackham also wrote to the Premises Licence Holding company. This is produced in Annex B.

On the 28th November 2014 PC Rackham received a phone call from Mark Ogden the area manager who advised him that he was not impressed with the issues and that he had visited the DPS and together they had put in place measures to address what they had been advised. Ogden stated he would email PC Rackham what measures were being taken.

On 3rd December 2014 PC Rackham received an email from Mark Ogden, confirming their conversation. The email is produced in Annex C.

Following on from assurances from the Premises Licence Holder that the DPS would comply with his licence conditions, on the 6th January 2015 the DPS did not attend the Cosham Pubwatch. The Chair person confirmed that no contact had been made with themselves from the premises.

In January 2015 a minor variation was put in by the Premises Licence Holder in order to redress some confusion around the previous conditions. These were not objected to in an email dated the 16/01/2015 sent by PC Rackham to Mark Ogden. In the email PC Rackham also expressed disappointment with regards to the lack of attendance by the DPS to the Pubwatch. Mark Ogden replied acknowledging this. These emails are produced in Annex D.

ABH - Incident 44                      23/01/2015 23:59.

A report from a member of the Public states that two males have had a fight in the door way of the premises. During the fight one male has received injuries to his face which are consistent with ABH level injuries. These injuries were gained by a male with a Pool Cue from the premises. Police attend and no one wishes to speak with them. The victim also refused to allow officers to investigate the matter. Produced is a statement from an attending officer. It is produced in Annex E.

On 25th January 2015 PC Rackham returns in order to ensure that the premises licence conditions were complied with. PC Rackham notes that the DPS is present and drinking alcohol on arrival. The licence check was performed and all items were complied with. The DPS was reminded of the date and time of the next pubwatch meeting and stated he would attend as this would allow him to identify problem persons and ensure that they were banned from his premises. This would reduce the risk of persons causing issues at his premises..

PC Rackham also raised the issue reported on 23rd January 2015. The DPS claimed to have no knowledge of the incident which occurred at his front door from customers of his.

PC Rackham when leaving the premises notes a drunk male leaving. The male was very



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angry and upset and was shouting at someone inside the pub. Another male and the drunk males father left the premises with him and calmed him down prior to leaving. At the time the DPS just shrugged his shoulders.

On the 25th March 2015 the DPS had failed to attend the pubwatch and had also not made contact with the chair person despite stating he would.

To this date the Chief Officer of Police is unaware of the DPS attending any pubwatch meeting at all despite being made aware of who to contact, where to go, when they are and the fact that it is a licence condition of his.

On 3rd August 2015 a local resident contacted Police to state that they were aware that the premises was being used by persons under the age of 18 and that the DPS was aware of this. The local beat team attended the premises following this on the 11/08/2015 at 20:30 hours. They did not see any persons appearing to be on the premises under age and also were advised by the DPS that they do not serve persons who appear under age if they cannot show valid ID.

ABH - 44                      03/01/2016 23:15

A taxi driver is waiting outside to pick up a fare when a male leaves the pub, appearing to the driver to be heavily in drink and opens the passenger door shouting "Drive, Drive". The taxi driver explains that he cannot and the male punches him in the face twice. The male runs off. Police are unable to locate the offender or identify him.

GBH - 44                      06/03/2016 23:30

Police are contacted by the partner of a male. The partner states that earlier in the evening at 19:30 hours her partner was attacked in the Cross Keys by a male known to them both. The partner stated that the offender punched the victim to the floor and began stamping on his head and arm. This led to a broken arm which requires an operation.

Police have investigated this matter and found issues with there being no call from the premises regarding the incident. This meant that Police were unable to attend at the time and secure potential forensic evidence in relation to the incident which may have assisted with the investigation. There was also no CCTV at the premises and the victim himself did not wish to provide us with further information and refused to engage with the Police regarding providing a statement or supporting a prosecution.

Police did identify a suspect named by the victim and his partner. The suspect was currently on a Pubwatch ban following a similar incident in January 2015 where he was charged with a GBH at another premises in the area.

As a result of the incident PC Rackham attended the premises at 15:30 on the 7th March 2016 with Derek Stone PCC Principle Licensing Officer.

On attendance the DPS was asked for his account of the incident. Again he stated that he



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did not see what had happened as he was out the back. He advised that he heard a commotion and saw the offender whom he named stood over the victim whom he also named. He stated he asked the offender to leave which he did. He then stated that he helped the victim up and could not see any injuries so he didn't think it was serious. The DPS stated that he had phoned the Police via 101 but couldn't get through. When asked for the number he rang on, the DPS could not provide this. There is no record of any call from the premises to Police regarding this incident.

I advised the DPS that the offender was on a local Pubwatch ban. I asked why he had not attended and pointed out that had he attended he would have been aware and could have prevented the incident. The DPS stated he had attempted to attend but had not tried hard enough. He could not provide a valid reason for failing to attend every pubwatch for over a year.

The DPS stated that he would be putting in CCTV following the incident. He stated that he had a CCTV system for the past three months but had not yet installed it.

A licence check was performed during the visit and the following issues were found:

- Condition 4 relating to attendance at a local pubwatch not adhered to.
- Condition 8 relating to best practice documentation not adhered to.
- Condition 11 relating to fire risk assessments not adhered to.

The DPS again was advised of the importance of ensuring that he adhered to his licence conditions and again advised of the importance of contacting the Police in the event that there was an incident of violence.

The DPS was also advised that he needed to put in place measures to be compliant with his licence conditions and also to put in place measures to ensure that should an incident occur that Police would not face difficulty in investigating the incident.

The DPS agreed to rectify the issues and install the CCTV. It was agreed for myself and Derek Stone to return in order to check that these items had been sorted.

A further visit was performed on 17/03/2016 at 14:30 hours. The DPS had rectified all issues and performed the following:

- CCTV was installed covering all areas of the inside of the premises. The DPS advised that the system lasted around 30 days and that he was able to operate the system, including providing a copy should Police request it.
- Fire Risk Assessment was provided and was relevant to the premises.
- Staff appeared to have been re trained and this documented.
- DPS had contacted the Pubwatch chair with regards to attending the next pub watch meeting.

Consideration was given at this stage of reviewing the premises licence. However due to the perceived efforts of the DPS to rectify issues a decision was made to continue working with the DPS.



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GBH - 44

26/05/2016 23:43

Assault report from Ambulance stating that a male was assaulted at the premises and has cuts to his face and a broken leg. Once again this report did not come from the premises.

Police attend and speak with the victim. Officers note that he has injuries consistent with a glassing. The Victim does not wish to engage with the Police and initially states that he has fallen over. This is despite his injuries appearing other wise to the Police officers attending.

Witnesses at the premises all state that they have not seen anything happen. Due to the victim not willing to engage the Police the matter is put aside until further contact can be made with the victim in the morning.

The next morning officers investigating speak with a person who names the offenders in this case. The informant states that three males attack the victim. The informant also states that the DPS is friends with the offenders and that they believe that the DPS will try and delete the CCTV of the incident.

Officers re-attend the victim who refuses to engage with Police.

The only line of investigation available is through the DPS and viewing the CCTV to ascertain what has happened. The DPS is contacted and is described by CID officers as "Passively Obstructive". CID state that he appeared to know what had happened but did not wish to provide any information. He also stated that he was unable to operate the system. Officers reminded him of his obligations under the Licensing Act 2003 and he stated he would contact the installers in order to gain the code for the system. This is despite stating to PC Rackham and Derek Stone in March that he could work the system and burn off footage. This delay has severely hampered Police in investigating a serious criminal assault leaving a male with GBH level injuries. Attending officers advise the writer that he appeared reluctant to hand over evidence of this assault.

Officers from the Police Licensing team contacted the DPS and again advised him of his obligations under the Licensing Act 2003. The DPS advised that he could not work the CCTV system and was reminded of what was said in March 2016 regarding this.

The DPS later contacted the Police Licensing Team and provided the CCTV code. When asked why he was advising us of this and not burning off the footage for officers he advised that he could not work the system.

As of Sunday 29/05/2016 the DPS has made no attempt to assist Police with regards to CCTV of the incident.

As you can see from the information provided. The DPS for the premises is clearly unsuitable for the role of Designated Premises Supervisor. His actions consistently demonstrate a complete disregard for the Prevention of Crime and Disorder Licensing Objective and this has led to incidents on his premises resulting in persons with serious



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injuries.

The DPS consistently does not call the Police when persons suffer serious injuries following assaults at the premises.

The Chief Officer of Police is concerned that should the DPS remain in place and new conditions not be implemented, that further serious harm will come to members of the Public using the premises.

The Chief Officer of Police has attempted to work with the DPS in order to improve things and whilst the DPS has eventually put in place measures to ensure compliance with his premises licence, it is still quite clear that he does not care about supporting the Police in investigating crimes where persons are seriously injured. The DPS never sees anything that occurs, he acts as if he is simple and frustrates investigations to serious incidents.

As a result the Chief Officer of Police respectfully requests the committee to consider implementation of the following:

- Removal of Stephen Greaves as DPS.
- Removal of all conditions currently on the premises licence and replacing with those provided in Annex F.
- Reduction of hours to 23:00 hours, 7 days a week.
- Closure of the premises for a period deemed appropriate by the Licensing Committee until such a time that the premises can comply with the new conditions proposed by Chief Officer of Police.

The Chief Officer of Police feels that the implementation of the above will allow the last remaining Public House in Paulsgrove to remain open in a way which fully upholds the licensing objectives and reduce the risk of harm to persons attending the premises.

Have you made an application for review relating to these premises before:  Yes |  No

If yes please state the date of that application: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
*Day Month Year*

If you have made representations before relating to this premises please state what they were

N/A

**Please tick**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I have sent a copy of this representation to the principal licensing officer of Portsmouth





**Application for the review of / Representation in respect of a  
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under the Licensing Act 2003**

City Council

**It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application**

Signature of Officer Completing

Name	<u>PC Rackham</u>	Collar Number:	<u>21945</u>
Signature:	<u>P.Rackham</u>	Date:	<u>02/06/2016</u>

Signature of Authorising Officer (Inspector or above)

Name	<u>Insp Roberts</u>	Collar Number:	<u>2841</u>
Signature:	<u>J.Roberts</u>	Date:	<u>03/06/2016</u>

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# Hampshire Constabulary

Chief Constable Andy Marsh

Portsmouth Central  
Police Station  
Winston Churchill  
Avenue  
Portsmouth  
Hampshire

PO1 2DG

Mr Stephen Greaves  
Cross Keys Public House  
Birdlip Road  
Paulsgrove  
Portsmouth  
PO6 4EE

Telephone: 101

Direct dial: 101

Fax number:  
023 9289 1890  
Minicom TextRelay:18001 101

Email:

**Our ref:** 44080243281

**Your ref:**

November 26, 2014

Dear Mr Greaves,

I am writing with regards to my recent visit to the Cross Keys Public House on 15<sup>th</sup> November 2014 at around 19:00 hours in which I raised numerous compliance issues relating to the Premises Licence.

As the Designated Premises Supervisor it is your responsibility to ensure that all aspects of the Premises Licence are adhered to and that the venue is fully compliant with legislation under the Licensing Act 2003 and also fully supportive of the Licensing Objectives.

On the 15<sup>th</sup> November 2014 I raised the following issues with you:

- Premises Licence Summary was not on display where customers could see it – A requirement under section 57 of the Licensing Act 2003.
- The condition stating “In an area previously covered by the children’s certificate (as shown on the plan attached to the licence) children under the age of 14 may be present providing that meals and non alcoholic beverages are available for sale and consumption in that area until 21:00 Hours” was potentially not being adhered to. Children under the age of 14 were present and on speaking with you about the sale of food you replied “It’s not a food place” and then asked “Do crisps count as a meal”. I advised you that crisps did not count as a meal and were a snack.
- The condition stating “The licence holder shall ensure that existing operating procedures and policies, which include risk assessments, training of all staff in all aspects of regulatory compliance and operating policies and measures for the avoidance of noise or other nuisance to neighbours are maintained” was



# Hampshire Constabulary

Chief Constable Andy Marsh

not being adhered to. You informed me that there were no Policies or risk assessments in place to be maintained.

- The condition stating “The licence holder shall ensure that all staff are trained in drug awareness and control of drunkenness and violent behaviour” was not being adhered to. You informed me that you had not trained your staff in this at all.
- The condition stating “The licence holder shall ensure that toughened drinking glasses are predominantly available for use by customers” was not being adhered to. You informed me that all the glass was normal glass ware and not toughened glass.
- The condition stating “The manager of the premises shall be an active member of any local pub watch or club watch scheme” was not adhered to. You informed me that you had never been to a local pub watch and that you did not know one existed since you took over the premises in August 2014. You stated that you had made no efforts to find out. I advised you to contact the manager of the First Post Public House in Cosham High Street who was the chair so that you could attend.
- The condition stating “The licence holder shall ensure that such training and supervision is given to staff to prevent incidents of public nuisance” was not adhered to. You stated that you had not trained any of your staff.
- The condition stating “The licence holder shall ensure that staff regularly monitor noise levels from the premise, including regular visits to all parts of the premises including the exterior and deliveries outside opening hours” was not adhered to. You stated that you did not do this.
- The condition stating “The licence holder shall ensure that due regard is given to the adoption of best practice guidance in relation to control of noise from pubs and clubs, national alcohol harm reduction strategy toolkit and any other such voluntary codes of practice which shall include the BBPA and Portman Group point of sale promotions” was not adhered to. You stated that you had not seen any of these.
- The condition stating “The licence holder shall ensure that sufficient numbers of staff are employed to secure the protection of children from harm and shall ensure that appropriate training is provided to staff” was not adhered to. You informed me that you had not trained your staff.

I advised you of these matters and explained that you needed to look at the Premises Licence and ensure that you complied with each of the conditions. I advised you to do this as soon as possible and also contact Hawthorn Leisure Limited the Premises Licence Holding company in order to receive assistance. I pointed out to you that each breach of the Premises Licence conditions was an offence under Section 136 of the Licensing Act 2003 for which you could be prosecuted for.



# Hampshire Constabulary

Chief Constable Andy Marsh

Please can you advise me what actions you have already taken and what actions you intend to take in order to rectify these issues.

I shall be making contact with the Premises Licence Holding Company to advise them of the issues. I must advise you that failure to contact me will leave me no option to consider the review process for the premises. Currently the Police Licensing Team wish to work with you regarding the matters. However we are only able to do this we are able to engage effectively with you.

Yours Faithfully

Pete

PC 21945 Rackham  
Violent Crime Reduction and Police Licensing Unit  
Portsmouth

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# Hampshire Constabulary

Chief Constable Andy Marsh

Portsmouth Central  
Police Station  
Winston Churchill  
Avenue  
Portsmouth  
Hampshire

PO1 2DG

Hawthorn Leisure Limited  
47 Park Lane  
London  
Greater London  
W1K 1PR

Telephone: 101

Direct dial: 101

Fax number:

Minicom TextRelay:18001 101

Email:

**Our ref:**  
**Your ref:**

November 26, 2014

Dear Sir/Madam

I am writing to you with regards to a recent visit I performed at the Cross Keys Public House, Birdlip Road, Portsmouth on November 15<sup>th</sup> 2014 at 19:00. I understand that you are the Premises Licence Holding Company for the venue.

During my visit I found a large amount of Non Compliance with the Premises Licence conditions. I raised this with the Designated Premises Supervisor, Stephen Greaves and advised him to put measures in place to ensure that the venue becomes compliant. I also advised him to contact yourselves for support.

I attach a letter sent to the DPS detailing these issues. Please can you advise me what measures are being taken to rectify these issues. I am more than happy to discuss these matters by phone or in person if you so wish.

If I do not hear any thing from yourselves or the DPS I shall have no other option than to consider the review process to achieve compliance at the venue.

I look forward to hearing from you.

Yours Faithfully

Pete

PC 21945 Rackham  
Violent Crime Reduction and Licensing Team  
Portsmouth



# Hampshire Constabulary

Chief Constable Andy Marsh



## Annex C

Hi Mark

Thankyou for the reply to me.

I shall note the information provided and perform a check regarding these matters in the near future.

Whilst Portsmouth does not have a pack we can provide we do have some items which shall increase due dilligence at the venue. I provide these with the email. I can provide Challenge 25 posters should you require them.

Regarding the rest of the matters noted in my letter are you in any position to confirm if they have been actioned. I refer to the policies and procedures that should be maintained and documented as per the premises licence and also the types of glass available to customers? As well as the refusals log at the venue?

I am more than happy to meet up when you're free to discuss the plans for the pub.

Any issues I can be contacted by my mobile which is

Kind Regards

Pete

*Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department  
/Tel: DD: [REDACTED]  
(Portsmouth City Council, Community Safety, Civic Centre),  
[REDACTED]*

---

**From:** Mark Ogden [REDACTED]  
**Sent:** 03 December 2014 21:36  
**To:** Rackham, Peter  
**Subject:** Cross Keys, Birdlip Road, Portsmouth

REF: [REDACTED]

Hi Peter,

Thanks for returning my call on Friday 28<sup>th</sup> November in regards to your recent visit to the Cross Keys, Paulsgrove.

Apologies for not getting back to you sooner.

After going through your letter I can confirm that I have spoken to Mr Stephen Greaves and the following points have been actioned.

Premises Licence – now displayed and available to view

Under 21 – Signage now put up

Training Sheet – this has been implemented, staff retrained and signed off

Children – Stephen has spoken to customers and enforcing

I noticed that a few pubs I look after in the Southampton area received a pack from Hampshire Constabulary regarding challenge 25, pub watch etc, and was wondering if you have any spare?

Also it would be good if we could meet up and then I can update you on plans etc for pub

Regards

Mark Ogden

Business Development Manager

Hawthorn Leisure

[REDACTED]

[REDACTED]

[REDACTED]

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**Annex D**

Mark

I hope you are well?

I am writing with regards to the recent minor variation submitted for the Cross Keys in Portsmouth. I can confirm that Police have no objections to this taking place.

I am however dissapointed with the current DPS of the premises who despite my letter to him in November 2014 has not made contact with the Chair of the Cosham Pubwatch (DPS of the First Post in Cosham High Street) and did not attend the pubwatch meeting held this month.

Please could you advise me if a representative shall be making contact with the chair and if they intend to attend the next pubwatch meeting. This will be a very good oppurtunity for the venue to speak with the Police to gain best practice information and share information about problem people in the area who are a risk to the premises.

Many Thanks

Pete

*Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department*

*/Tel: DD. [REDACTED]*

*(Portsmouth City Council, Community Safety, Civic Centre),*

[REDACTED]

[REDACTED]

Hi Peter,

Thanks for the update on the variation changes.

Also appreciate that you let me know about the pub watch meeting, very disappointing! I will make contact with the partner and inform him of my disappointment and yours, and for him to make contact and attend next meeting.

Regards

**Mark Ogden**

Business Development Manager

Hawthorn Leisure

[REDACTED]

[REDACTED]

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### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

Statement of: PC STEPHANIE LANSLEY	URN <input style="width: 90%;" type="text"/>
Age if under 18: Over 18 <i>(if over 18 insert 'over 18')</i>	Occupation: Constable 3091
<p>This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p> <p>Signature:..... (witness) Date: 24/01/2015</p> <p style="text-align: center;">PC STEPHANIE LANSLEY</p>	

I am PC 3091 LANSLEY of the Hampshire Constabulary currently stationed at Cosham. On Saturday 24<sup>th</sup> January 2015 at 0007 hours I was on duty in uniform when I attended Birdlip Road in Paulsgrove to the report of a male who had been assaulted.

On arrival I was met by a male I know to be [REDACTED] [REDACTED] who stated that the victim was in his house across the road. I went over to the address and could see a male in the kitchen who had blood on his arms and face and had the following visible injuries –

Bruising to back where he had been kicked, swollen and cut lower lip, cut to top of head in hair about 1 ½ cm in length, he had grazing to both of his lower arms and a notable bruise to the right of his neck near the collarbone. He stated that he did not lose consciousness at any point.

The informant, [REDACTED] [REDACTED] described what she saw –

a white male, 6foot tall, late 40's in age, bald, fat build, jeans and pink t-shirt hit [REDACTED] several times with a pool cue, this happened just outside the front door to the pub in the car park area. She said that she had seen him before but does not know who he is.

[REDACTED] informed me that he picked up ½ of the pool cue from the floor of the carpark and took it inside the address where [REDACTED] took refuge. I seized this and can produced it as [REDACTED]/01.

[REDACTED] was wearing a white t-shirt with blue stripes on it, jeans and is about 5'6" tall, slim build, dark brown hair which is obviously gelled.

[REDACTED] refused to speak to me and tell me what happened. He did not want to wait for an ambulance; however one was enroute so I made him wait. When I discovered after about 10 minutes that there were no free units from ambulance to attend he was taken home to [REDACTED] his parents so they could take him to the hospital. [REDACTED] would not let me photograph his injuries and kept moving and walking away. He would not let me seize his clothing.

He was taken to his home address in the police van and I had no further dealings.

Signed: \_\_\_\_\_

Signature witnessed by: \_\_\_\_\_



**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

Continuation of Statement of: PC STEPHANIE LANSLEY

Signed: \_\_\_\_\_

PC STEPHANIE LANSLEY

Signature witnessed by: \_\_\_\_\_

**Page 30**

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01. The licence holder shall comply with the following requirements concerning the use of CCTV at the premises.

**Operation and Storage.**

The CCTV system must be fully operational whilst the venue is open to the public.

The recording equipment shall be stored and operated in a secure environment with limited access.

The system shall be regularly maintained and serviced.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 31 days good quality pictures.

The images produced will be date and time stamped.

**Access**

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

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

At all times that the premises is open for trade a person shall be on site that is able to work the CCTV system and provide a copy of any footage to the Police or Licensing authority on request.

The CCTV shall cover all of the inside of the premises and outer areas including the car park of the premises.

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

- Sale of alcohol to persons under 18
- Challenge 25 and acceptable forms of identification
- Signs of drunkenness
- Refusal register and when/how to use
- The Licensing Objectives

A copy of this training shall be kept on site and provided to the Police or Licensing Authority upon request.

3 . A refusal log shall be kept and maintained at the premises in a digital or paper copy. Police shall have access to the refusal log on request.

4 A representative shall be an active member of any local Pub Watch scheme where there is one in existence and their membership welcome. Where the Pubwatch agree to ban a person, the DPS shall ensure that the banned person does not enter the premises.

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

6 The premises will operate a Challenge 25 Policy.

7 The person known as Stephen Greaves shall have no involvement whatsoever in the management or running of the venue. He shall not work in any capacity whatsoever at the premises.

8 The DPS will provide a written ejection policy document which will be adhered to. This document will be agreed in conjunction with the police. The policy can be amended if agreed in writing with the Police Licensing Department.

9 The DPS will provide a written refusals policy document which will be adhered to. This document will be agreed in conjunction with the police. The policy can be amended if agreed in writing with the Police Licensing Department.

10 The DPS shall ensure that they are a member of a local Crime Reduction Partnership, where one is in existence and their membership welcome. The DPS shall ensure that any person identified through the crime reduction partnership as banned shall not gain entry to the premises.

11 Each day from 19:00 hours onwards a minimum of two door supervisors shall be employed at the premises. Door supervisors employed by the premises shall be employed solely on door supervisor duties i.e. Safety and Security.

Door supervisors shall wear a fluorescent/reflective orange tabard/jacket, clearly marked security.

The premises shall maintain a duty register giving details of each and every person employed in the role of security and shall provide upon request by any Police Officer or authorised person of the Licensing Authority the following details:

- The Licence number, name, date of birth and residential address of that person.
- The time at which he/she commenced that period of duty with a signed acknowledgment by that person.
- The time at which he/she finished the period of duty, with a signed acknowledgement by that person.

- Any times during the period of duty when he/she was not on duty.
- If that person is not an employee of the licence holder, the name of the person by whom that person is employed or through the services of that person were engaged.
- The register shall be so kept that it can be readily inspected by an authorised officer of the Licensing Authority or Police Officer.
- The duty register shall be comprised of a bound consecutively paged numbered book and the licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.

Door supervisors shall remain on duty 15 minutes following the closure of the premises in order to assist with dispersal of customers from the premises.

12 The Premises must report all incidents of disorder to the Police.

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**Portsmouth**  
CITY COUNCIL

# PREMISES LICENCE

## Licensing Act 2003

### Part 1 – Premises Details

#### Postal address of premises, or if none, ordnance survey map reference or description

**Address:** Cross Keys  
Birdlip Road  
Portsmouth  
PO6 4EE



**Telephone**

#### Where the licence is time limited the dates

This licence is **NOT** time limited

#### Licensable activities authorised by the licence

- ▶ Sale by retail of alcohol
- ▶ Late night refreshment
- ▶ Performance of live music
- ▶ Playing of recorded music

#### The times the licence authorises the carrying out of licensable activities

- ▶ Sale by retail of alcohol
 

Friday and Saturday	10:00 until 00:30
Sunday to Thursday	10:00 until 23:59
- ▶ Performance of live music
 

Monday to Sunday	19:00 until 23:00
------------------	-------------------
- ▶ Playing of recorded music
 

Monday to Sunday	19:00 until 23:00
------------------	-------------------
- ▶ Late night refreshment
 

Monday to Saturday	23:00 until 23:30
--------------------	-------------------

#### Seasonal variation Sale by retail of alcohol

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday, and all other Bank Holidays from 10:00 until 01:30 hrs. 02:30 for the hour of closing.

**Seasonal variation Performance of live music**

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays from 19:00 until 23:59 hrs. On New Year's Eve from 19:00 until 01:00 hrs.

**Seasonal variation Playing of recorded music**

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday & Monday and all other Bank Holidays from 19:00 until 23:59 hrs. On New Year's Eve from 19:00 until 01:00 hrs.

**The opening hours of the premises**

- ▶ Sunday to Thursday 10:00 until 00:30
- ▶ Friday and Saturday 10:00 until 01:30

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption both **on** and **off** the premises

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

**Name:** Hawthorn Leisure Limited

**Address:** Touchstone Pinewood Business Park  
Coleshill Road  
Marston Green  
Birmingham  
B37 7HG

**Telephone:**

**Email:**

**Registered number of holder, for example company number, charity number (where applicable)**

08791672

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

**Name:** Mr Steven Nigel Greaves

**Address:** [REDACTED]

**Telephone:**

**Email:**

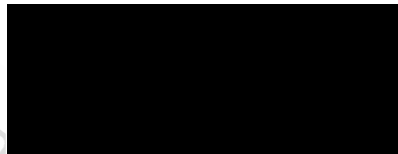
**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

**Personal Licence No:** 14/[REDACTED]

**Issuing Authority:** Portsmouth City Council

**Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder**

**Date Licence granted:** 18 August 2005  
**Date last amended:** 29 January 2015  
**Type:** Variation



Signed on behalf of the Head of Service  
(Authorised Officer)

Portsmouth City Council is committed to complying with the Freedom of Information Act 2000 (FOIA) which applies to all recorded information that it holds or is held on its behalf. Information that is provided to or held by the City Council will be processed and disclosed strictly in accordance with the FOIA, the Data Protection Act 1998 or other appropriate legislation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information go to [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk) and search for 'National Fraud Initiative'.

PORTSMOUTH CITY COUNCIL  
Licensing

**Annex 1 – Mandatory Conditions**

01 No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

02 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

03 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

04 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).



05 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

06 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

07 The responsible person must ensure that:

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

08 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**-- END --**

**Annex 2 – Conditions consistent with the operating schedule**

01 The licence holder may provide Event Days subject to the following conditions:

- 1) a limit of 12 extensions per premises per year;
- 2) an operating plan to be prepared by the licence holder for each extension covering the additional measures to be taken to manage crime and disorder;
- 3) seven days notice to be given in writing to the police at the Licensing Department, Kingston Crescent Police Station, Kingston Crescent Portsmouth and the Licensing Authority;
- 4) an absolute veto for the police in respect of any of the occasions.

02 The licence holder shall ensure that all staff are trained in drug awareness and control of drunkenness & violent behaviour.

03 The licence holder shall ensure that toughened drinking glasses are predominantly available for use by customers.

04 The manager of the premises shall be an active member of any local Pubwatch or Clubwatch Scheme.

05 The licence holder shall ensure that a sufficient degree of illumination is provided to the exterior areas of the premises.

06 The licence holder shall ensure that such training and supervision is given to staff to prevent incidents of public nuisance.

07 The licence holder shall ensure that staff regularly monitor noise levels from the premise, including regular visits to all parts of the premises including the exterior and deliveries outside opening hours.

08 The licence holder shall ensure that due regard is given to the adoption of best practice guidance in relation to Control of Noise from Pubs and Clubs, National Alcohol Harm Reduction Strategy Toolkit and any other such voluntary codes of practice which shall include the BBPA and Portman Group point of sale promotions.

09 The licence holder, where necessary, liaise with public and private transport providers to ensure that public nuisance does not arise from persons leaving the premises.

10 The licence holder shall ensure that there is an adequate procedure in place for the collection and management of litter.

11 The premises licence holder will comply with such statutory requirements for fire and health and safety as from time to time are in force and which includes undertaking such risk assessments as are required under the relevant legislation..

12 Emergency lighting, illuminated exit signs and the fire detection system will be operational throughout the entire building.

13 The licence holder shall ensure that all appliances and systems pertinent to safety are checked and certified by a suitable qualified person on a regular basis.

14 In respect of New Year's Eve, the permitted hours for the sale of alcohol shall continue from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

15 The licence holder shall ensure that sufficient numbers of staff are employed to secure the protection of children from harm and shall ensure that appropriate training is provided to staff.

16 Children under 18 years of age will only be permitted entry to the premises under adult supervision.

17 Children under 18 years of age shall be permitted to be on the premises until 21:00 hours unless they are taking a meal or attending a function when they will be permitted to stay until the end of the meal or function.

18 A challenge 21 policy will be used whereby any person who appears to be under 21 years of age and are attempting to purchase alcohol will be asked to provide identification. The only type of identification that will be accepted is a passport, photo driving licence, EU identify card or any PASS accredited identification. Staff will be trained in this policy and records of the training will be kept.

19 In accordance with paragraphs 6(8) and 18 (5) of Schedule 8 of the Licensing Act 2003, the licence holder shall have regard to the statutory provisions contained within the Children and Young Persons Act 1933 (as amended).

20 The licence holder shall ensure that existing operating procedures and policies, which include risk assessments, training of all staff in all aspects of regulatory compliance and operating policies and measures for the avoidance of noise or other nuisance to neighbours are maintained.

21 The permitted hours restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or

- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

-- END --



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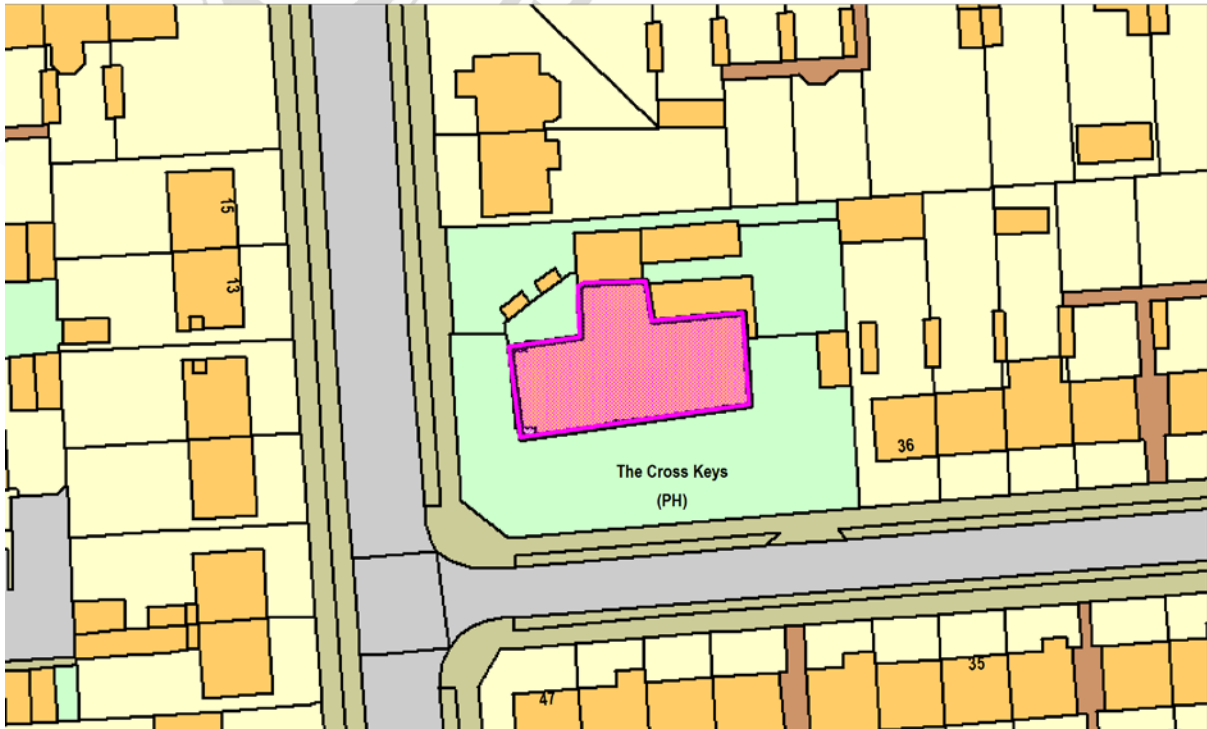
Annex 3 – Conditions attached after a hearing by the licensing authority

-- END --



**Annex 4 – Premises and location plan****Premises Plan(s)**

These will either be shown below or attached as a separate part of the premises licence authorisation.

**Location Plan: Birdlip Road Portsmouth**

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## Appendix C

Dear Derek

My representation below

I understand all that has been presented in this email trail and public safety is of paramount concern at any venue or establishment.

I do have a concern about having two door stewards dressed in hi vis apparel and the frequency they will be required according to the report.

I would suggest hi vis arm band with their id contained within it, with security on the breast of their jackets and on the back is what I have seen used in other establishments around the city.

I do frequent the the cross keys at all different times and feel that having door stewards every day it is open from 20:00hrs is overkill and would put otherwise peaceful people off from entering the cross keys.

It would also put financial burden on the cross keys which could infact close it or is this a roundabout way of seeing that this happens.

Weekends and bank holidays when the cross keys is at it's busiest then yes have door stewards.

Regards

Cllr Stuart Potter  
Paulsgrove Ward  
United Kingdom Independence Party  
Chairman Portsmouth north UKIP branch  
[REDACTED]

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