



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

TUESDAY, 29 AUGUST 2017 AT 9.30AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino, 023 9283 4060
Email: jane.didino@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Committee Members Councillors Lee Mason (Chair), Hannah Hockaday (Vice Chair), Dave Ashmore, David Fuller, Colin Galloway, Paul Godier, Scott Harris, Steve Hastings, Ian Lyon, Leo Madden, Stephen Morgan, Gemma New, Steve Pitt, David Tompkins and Gerald Vernon-Jackson.

The panel today consists of: Councillors David Fuller, Scott Harris and Stephen Morgan
The reserve member is Councillor Steve Pitt.

(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

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 **Appointment of Chair.**
- 2 **Declarations of Members' Interests.**
- 3 **Licensing Act 2003 - Review Application - Holiday Inn Express, Eastern Road, Portsmouth PO6 1UN. (Pages 3 - 40)**

Purpose.

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

Holiday Inn Express, Eastern Road, Portsmouth, PO6 1UN.

The holder of the authorisation is recorded as Atlas (Portsmouth) Limited.

The committee is asked to determine the matter.

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 29 August 2017

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: Derek Stone

Licensing Act 2003 - Review Application - Holiday Inn Express, Eastern Road, Portsmouth, PO6 1UN

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

Holiday Inn Express, Eastern Road, Portsmouth, PO6 1UN.

The holder of the authorisation is recorded as Atlas (Portsmouth) Limited.

2. THE REVIEW APPLICANT

The application and grounds for the review are attached as **Appendix A** and has been submitted on behalf of the Chief Officer of Police Hampshire Constabulary by PC Pete Rackham and relates to the following licensing objective:

- Protection of children from harm

This follows the premises failing three test purchase operations where alcohol has been sold to persons under 18 years of age.

3. BACKGROUND INFORMATION

The Holiday Inn is located on the Eastern Road at Farlington and has 150 guest rooms over two floors. It has three meeting rooms and a central bar area alongside main reception. On the 12th March 2017 a 16 year old was deployed into the premises as part of a police test purchase operation and was sold alcohol across the bar by a member of hotel staff. The venue's Deputy General manager Caroline Sanders was advised and the police requested that all staff were retrained with regard to their responsibilities under the licensing act in particular to under age sales. This advice included the reiteration of the challenge 25 policy and the implementation of refusal logs. On the 2nd April 2017 a different 16 year old was served alcohol as part of a follow up test purchase operation. On the 5th April the DPS was changed to Caroline Sanders Deputy General Manager and a minor variation to the licence was also submitted seeking to remove out of date conditions and conditions regarding CCTV, Training, Challenge 25 and Refusal Logs added. A copy of the current authorisation is attached as **Appendix B** which was issued on the 9th May 2017.

As a result of the two failed test purchases the Police issued a closure notice on the venue for 4 days (26/05/17 to 30/05/17)

On the 1st July 2017 a third 16 year old was directed to undertake a test purchase at the venue to test the measures now in place. Once again this child was served alcohol which has prompted the review of the premises licence.

In accordance with the act and prescribed regulations, public notice of the review application was given both at the premises and also at the Civic Offices. In addition, a notice of the review application was posted on the council website. The review application was also served on the responsible authorities.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

The representations received from PC Pete Rackham are attached as **Appendix A** along with supporting information police annex A & B.

A further representation has been received from Nickii Humphreys Licensing Manager of Portsmouth City Council on the same grounds of protection of children from harm.

This representation is attached as **Appendix C**

Attached as **Appendix D** are two photographs showing the reception and bar area.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the review application, 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;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

The Statutory Guidance 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 2003 Act for reviewing premises licences and club premises certificates 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."*

Paragraph 11.2 - *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the*

licensing authority to review the licence or certificate 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 or certificate 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."*

In reaching a decision upon a review application, the guidance offers assistance to the licensing authority as follows:

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 licence holder."*

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 own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."*

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

- *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;*
- *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);*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence."*

Paragraph 11.20 - "In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that 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 to address the causes of concern that instigated the review.

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 that 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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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."

A copy of the Statement of Licensing Policy, current 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.

6. APPEALS

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

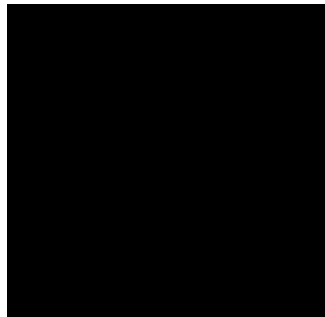
- The applicant for the review;
- the holder of the premises licence or club premises authorisation; or
- any other person who made relevant representations in relation to the application.

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.

7. APPENDICES

- A. Copy of the redacted review application together with supporting documents (Police Annex A & B)
- B. Copy of the current premises licence
- C. Copies of any other relevant representations received
- D. Two photographs showing reception and bar area

THE COMMITTEE IS REQUESTED TO DETERMINE THE REVIEW APPLICATION



For Licensing Manager
And on behalf of Head of Service

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Reference No

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I PC 21945 Rackham

.....
(Insert name of applicant)

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

Part 1 – Premises or club premises details			
Postal address of premises or, if none, ordnance survey map reference or description			
Holiday Inn Express, Eastern Road			
Post town	Portsmouth	Post code	PO6 1UN

Name of premises licence holder or club holding club premises certificate (if known)
Caroline Sanders

Number of premises licence or club premises certificate (if known)

Part 2 – Applicant details	
I am	Please tick <input checked="" type="checkbox"/> yes
1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)	
2) a responsible authority (please complete (C) below)	x
3) a member of the club to which this application relates (please complete (A) below)	

(A) INDIVIDUAL APPLICANTS (fill in as applicable)									
Please tick <input checked="" type="checkbox"/> yes									
Mr		Mrs		Miss		Ms		Other title (for example, Rev)	
Surname					First names				
I am 18 years old or over								(Please tick <input checked="" type="checkbox"/> yes)	
Current postal address if different from premises address									
Post town						Post code			
Daytime contact telephone number									
Email address (optional)									
Post Town					Post Code				

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

PC 21945 Rackham – Hampshire Constabulary
 Alcohol Harm Reduction and Licensing Team
 Licensing Office
 Guildhall Square
 Portsmouth
 Hampshire
 PO1 2AL

Telephone number (if any)

E-mail address (optional)

This application to review relates to the following licensing objective(s)Please tick one or more boxes

1) the prevention of crime and disorder

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

x

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

The Chief Officer Of Police has applied for a review of the Premises Licence currently held by Holiday Inn Express, Eastern Road, Portsmouth on the following grounds:

- Protection of Children from Harm

This is following a number of incidents at the premises recently where there have been a number of Test Purchase failures which have called into question the ability in a way which supports the Protection of Children from Harm licensing objective.

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

Holiday Inn Express, Eastern Road is a hotel with bar situated in Eastern Road, Portsmouth. It currently has a premises licence to sell alcohol until 23:00 Monday to Saturday and 22:30 hours on a Sunday to members of the public and 24 hours to persons resident at the premises. The premises also supply alcohol in rooms via a mini bar facility.

The premises general manager is Lee Price he is supported by Caroline Sanders who is the deputy general manager. It is Caroline Sanders who is the current Designated Premises Supervisor. It is understood that Lee Price works from another site in Southampton. Caroline Sanders it is understood is based at the premises.

On Sunday 12th March 2017 the Police performed a Test Purchase Operation. The Holiday Inn was visited. A 16 Year old test purchase operative was sent into the premises. The TP Operative was sold alcohol by a member of staff at the premises and as such the member of staff committed an offence under S146 Licensing Act 2003 the sale of alcohol to a person under 18 years of age. This was observed by a plain clothed Police officer. The member of staff was issued with a Fixed Penalty Notice of £90.

As a result of the Test Purchase failure on the 12th March 2017 Police engaged with the premises and provided advice to the Deputy General Manager Caroline Sanders. The advice given was:

- Retrain all staff with documentation to show this
- Reiteration of Challenge 25 to all staff
- Refusals logs to be implemented and used on a regular basis

This email was sent on 16th March 2017. It also stated the consequences of further test purchase failures. This email can be found in **Annex A** of the Police Bundle.

On 2nd April 2017 Police performed a further Test Purchase Operation. A different 16 year old test purchase operative entered the premises and again was served alcohol by the same person as before. Again this person therefore committed offences under Section 146 Licensing Act 2003, the sale of alcohol to a person under 18 years of age. This was observed by a plain clothed Police Constable. The member of staff later attended a Police station for a PACE interview and admitted the offence. As a result he received a Police caution.

On the 5th April 2017 Lee Price sent an email to the Police detailing what further measures were in place at the premises following the previous test purchase failure. This email can be found in **Annex B** of the Police bundle.

Following the two Test Purchase failures the Police issued the premises with a closure notice under S169A (2)) of the Licensing Act 2003. This closure notice was authorised by a Police Superintendent and was accepted by the premises. The closure notice took place between 05:00 hours on 26/05/2017 and 05:00 30/05/2017.

During the closure notice period the Police attended the premises. It was noted that all alcohol had been removed from the bar area. No alcohol was available for sale. The mini bars in the rooms had also been locked. During the visit Police noted that the premises had

in place the following:

- Training documentation for all staff members.
- Clear Challenge 25 signage
- Refusals logs in place
- Authorisation to sell alcohol from the DPS
- A written age verification Policy

Around the same time the premises also agreed to a minor variation to the premises licence as a means of ensuring that measures were in place to ensure that measures were actively in place at the premises to prevent the sale of alcohol to children and also uphold the licensing objectives. The DPS was also changed to Caroline Sanders. This was submitted and as a result conditions no longer relevant to the premises were removed and the conditions around the following attached:

- CCTV
- Training documentation for all staff members including Challenge 25
- Clear Challenge 25 Signage
- Refusal logs

Consideration was given at this time to a review of the premises licence. However given the work the premises had performed in ensuring due diligence and the proactive changing of the licence conditions to prevent harm to children the decision was made not to take this action at the time.

On 1st July 2017 a third Test Purchase failure took place at the premises. Again a different 16 year old test purchase operative entered the premises and then was served alcohol by a member of staff. This was observed by a plain clothed Police Constable. This matter is still being investigated and as such at the time of writing the staff member has yet to receive any formal Police action. However again there has been an offence under Section 146 of the Licensing Act 2003 which has been committed.

Following the failure Police were shown the training documentation for the staff member who sold alcohol to a person under 18. Refusals were seen showing that persons had been refused alcohol and the premises licence conditions were complied with.

The Group Operations manager for the premises licence holder has also advised the Police that the following measures have also been introduced at the premises as a way of preventing the sale of alcohol to children at the premises:

- Serve Legal are to perform weekly ID Compliance and testing from next week.
- All duty managers are to be trained in order to obtain personal licences. This will ensure that at all times a personal licence holder is on site.
- The premises will not accept cash payments for transactions until the premises licence holder is satisfied that the premises is adhering to its Challenge 25 policy.
- The premises will be monitored by the premises licence holder with regards to its training logs and refusals with the premises having to report this to the premises licence holder each week.

As a result of three successive sales of alcohol to children despite engagement with the Police and despite the measures put in place by the premises to prevent this, the Police have had no option to request a review. Whilst the premises has put measures in place to promote

the protection of children from harm licensing objective they have still been three sales of alcohol to persons aged 16 despite this. This leaves the Chief Officer of Police in a quandary. The premises licence holder has a challenge 25 policy, has trained the staff members responsible, shown that at other times refusals have been made. The premises licence holder has also placed conditions onto the licence in order to minimise the risk of this. However despite this, children continue to be served alcohol at the premises.

As such the Chief Officer of Police whilst normally being able to provide a definitive course of action to the committee would like the committee themselves to consider a number of options in which to rectify the situation and prevent further sales of alcohol to children. The Chief Officer of Police respectfully requests the committee to consider when making their decision:

- Revocation of the Premises Licence – This will undoubtedly prevent any further sales of alcohol. Indeed the guidance provided under the Licensing Act 2003 would ask you to seriously consider that in the first instance and given the repeated sales of alcohol to children, that you do indeed revoke the licence.
- Removal of the DPS. Perhaps the committee feel that a new DPS would change the culture at the premises and be able to successfully enforce the measures the premises licence holder has implemented as a way of dealing with this. However the DPS has already been changed and there have been further sales of alcohol to children at the premises.
- Place a requirement on the premises licence for only personal licence holders to be able to sell alcohol. This would add another layer of protection as bar staff would have a bespoke qualification in the sale of alcohol.
- Placing a requirement on the premises licence for every sale of alcohol to require a person to provide a valid form of ID. This would ensure that every person making a sale would have to check ID from customers and would remove the necessity for staff to guess a persons rough age. This is something that has failed repeatedly and persistently at the premises.
- A suspension of the premises licence for a period of up to three months in order for the premises licence holder to implement the measures required by the committee.
- Do nothing. Whilst the committee may feel this to not be appropriate, it is an option should the committee feel that the premises licence holder does not need to make changes or do not feel the need for any measures to be implemented.

The Chief Officer of Police respectfully submits this review for the committee's decision.

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

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

Please tick <input type="checkbox"/> yes	
<ul style="list-style-type: none">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.	<input type="checkbox"/>
<ul style="list-style-type: none">I understand that if I do not comply with the above requirements my application will be rejected.	<input type="checkbox"/>

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	6 th July 2017
Capacity	Police Constable on behalf of the Chief Officer of Police for Hampshire Constabulary

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by email, your email address (optional)			

Notes for Guidance

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

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 06/07/2017 15:35 by 21945

Occurrence: [REDACTED] Prem Licence (Management Occurrence)

Author: #21945 RACKHAM, P.
Entered by: #21945 RACKHAM, P.

Report time: 16/03/2017 16:18
Entered time: 16/03/2017 16:18

Remarks:

TP Failure advise to DPS

Report:

From: Rackham, Peter

Sent: 16 March 2017 16:18

To: [REDACTED]

Subject: Test Purchase Failure 12/03/2017

Dear Caroline

As I am sure you are aware by now, the premises were subject to a Test Purchase operation on Sunday 12th March 2017. This was to check the Challenge Policies that you have in place at the premises. Unfortunately the member of staff working the bar sold alcohol to two 16 year olds.

As such the staff member was issued a Penalty Notice of £90. This was done with the duty manager/supervisor present.

Moving forward there will be a further test purchase within three months. As the law stands a further test purchase failure within this time may be considered as the persistant sale of alcohol and subject to the following:

Prosecution of the DPS for the persistant sale of alcohol

Or

Closure notice to prevent the sale of alcohol for a period of between 48 hours - 14 days.

Review of the premises licence.

All of these measures have the ability to impact hugely in a negative way on the business and are not measures that we wish to impose upon businesses in the city.

As such it is vitally important that the premises takes measures to prevent this from occurring again. I am more than happy to discuss this matter with yourself or the DPS should you require this. I would strongly urge you to consider the following:

Retraining of the staff member involved and documentation to show this

Reiteration of challenge 25 and the importance of this and documentation to show all staff members

RESTRICTED

involved in the sale of alcohol have taken this

Refusals logs implemented and used on a regular basis

Obviously this list is not exhaustive and the more positive things implemented, the less likely you are to have a repeat failure.

Please can you advise me what measures you shall be taking as soon as possible.

Kind Regards

Pete

*PC 21945 Pete Rackham
Licensing and Alcohol Harm Reduction Team
Portsmouth Civic Offices*

Licensing Home Page

<http://www.hampshire.police.uk/internet/advice-and-information/licensing/>

ANNEX B

Supplementary Occurrence Report

Hampshire Constabulary
Printed: 06/07/2017 15:38 by 21945
Occurrence: Prem Licence (Management Occurrence)

Author: #21945 RACKHAM, P.
Entered by: #21945 RACKHAM, P.

Report time: 06/04/2017 17:01
Entered time: 06/04/2017 17:01

Remarks:

Actions taken by the Premises following closure notice and second TP Failure

Report:

From: Lee Price
Sent: 05 April 2017 17:10
To: Rackham, Peter
Subject: FW: Portsmouth North

Good Evening Peter, please see below

Lee Price | General Manager

Holiday Inn Express Portsmouth North | Eastern Road | Farlington | Portsmouth | PO6 1UN
Calls cost 13p per minute plus your phone company's access charge

Web: www.expressportsmouth.co.uk

This hotel is independently owned by Atlas Hotels (Portsmouth) Limited and operated by Atlas Hotels Limited under license from IHG Hotels Limited. Registered address: Quadrant House, Floor 6, 4 Thomas More Square London E1W 1YW. Company No. 10478679

Lee Price | General Manager

Holiday Inn Express Southampton | Adanac Park | Nursling | Southampton | SO16 0YP
Calls cost 13p per minute plus your phone company's access charge

Web: www.expresssouthampton.co.uk

This hotel is independently owned and operated by Atlas Hotels (Trading) Limited under license from IHG Hotels Limited. Registered address: Bridgeway House, Bridgeway, Stratford upon Avon CV37 6YX. Registered company number: 05854147, England

From: Lee Price
Sent: 05 April 2017 17:14
To: peter.rackham
Subject: Portsmouth North

POLICE ANNEX B

ANNEX B

Good Evening Peter

Reference the papers you have served to the Hotel on 05.04.17, I would like to advise that we have taken the below steps

Team meeting called where all staff will be retrained on challenge 25 via a flow training portal

New application for DPS has been sent adding the Deputy GM

Have requested through trading standards an external course to be held at the Hotel for all team members

Authorisation to serve mandates issued to all team members this week outlining the severity of failing the challenge 25 policy

Our solicitors will be in Touch reference the notice served

Kind Regards

Lee Price | General Manager

Holiday Inn Express Portsmouth North | Eastern Road | Farlington | Portsmouth | PO6 1UN
[Redacted] Calls cost 13p per minute plus your phone company's access charge

Web: www.expressportsmouth.co.uk

This hotel is independently owned by Atlas Hotels (Portsmouth) Limited and operated by Atlas Hotels Limited under license from IHG Hotels Limited. Registered address: Quadrant House, Floor 6, 4 Thomas More Square London E1W 1YW. Company No. 10478679

Lee Price | General Manager
Holiday Inn Express Southampton | Adanac Park | Nursling | Southampton | SO16 0YP
[Redacted] Calls cost 13p per minute plus your phone company's access charge

Web: www.expresssouthampton.co.uk

This hotel is independently owned and operated by Atlas Hotels (Trading) Limited under license from IHG Hotels Limited. Registered address:



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: Holiday Inn Express
Eastern Road
Portsmouth
PO6 1UN

Map Ref (E) : 467621
Map Ref (N): 104517
UPRN: 001775023099

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 dance
- ▶ Exhibition of a film
- ▶ Performance of live music
- ▶ Playing of recorded music
- ▶ Other similar music or dance Entertainment

The times the licence authorises the carrying out of licensable activities

Retail alcohol sales

Mon Tue Wed Thu Fri Sat - 10:00 until 02:00

Sun - 12:00 until 00:30

The above hours apply to the area hatched as "Mountbatten Room" on the plans deposited at the Licensing Authority and a copy of which is attached with this licence.

Retail alcohol sales

Mon Tue Wed Thu Fri Sat - 10:00 until 23:00

Sun - 12:00 until 22:30

The above hours apply to the area hatched as "Lounge" on the plans deposited at the Licensing Authority and a copy of which is attached with this licence.

Retail alcohol sales

Mon Tue Wed Thu Fri Sat Sun - 00:00 until 23:59

The above hours apply to hotel residents and their bona fide guests.

Retail alcohol sales

Mon Tue Wed Thu Fri Sat - 10:00 until 00:00

Sun - 12:00 until 23:30

The above hours apply to the area hatched as "Restaurant" and "The Great Room" on the plans deposited at the Licensing Authority and a copy of which is attached with this licence.

Late night refreshment

Sun - 23:00 until 01:00

Mon Tue Wed Thu Fri Sat - 23:00 until 02:30

The above hours apply to the area hatched as "Mountbatten Room" on the plans deposited at the Licensing Authority and a copy of which is attached with this licence.

Late night refreshment

Mon Tue Wed Thu Fri Sat - 23:00 until 23:30

The above hours apply to the area hatched as "Lounge" on the plans deposited at the Licensing Authority and a copy of which is attached with this licence.

Late night refreshment

Mon Tue Wed Thu Fri Sat - 23:00 until 00:30

Sun - 23:00 until 23:59

The above hours apply to the area hatched as "Restaurant" and "The Great Room" on the plans deposited at the Licensing Authority and a copy of which is attached with this licence.

Exhibition of a film

Mon Tue Wed Thu Fri Sat Sun - 00:00 until 23:59

Music and dance equivalent

Mon Tue Wed Thu Fri Sat - 12:30 until 02:00

Sun - 12:00 until 00:30

The above hours apply to the area hatched as "Mountbatten Room" on the plans deposited at the Licensing Authority and a copy of which is attached with this licence.

Performance of dance

Sun - 12:00 until 00:30

Mon Tue Wed Thu Fri Sat - 12:30 until 02:00

The above hours apply to the area hatched as "Mountbatten Room" on the plans deposited at the Licensing Authority and a copy of which is attached with this licence.

Performance of live music

Sun - 12:00 until 00:30

Mon Tue Wed Thu Fri Sat - 12:30 until 02:00

The above hours apply to the area hatched as "Mountbatten Room" on the plans deposited at the Licensing Authority and a copy of which is attached with this licence.

Playing of recorded music

Mon Tue Wed Thu Fri Sat Sun - 00:00 until 23:59

The opening hours of the premises

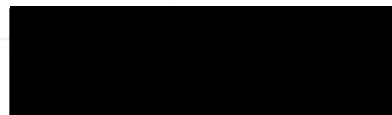
► Monday to Sunday 00:00 until 23:59

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

Alcohol is supplied for consumption on the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence****Name:** Atlas (Portsmouth) Limited**Address:** Quadrant House
Floor 6
4 Thomas More Square
London E1W 1YW**Telephone:****Email:****Registered number of holder, for example company number, charity number (where applicable)**

10478679

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**Name:** Ms Caroline Elizabeth Sanders**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:** [REDACTED]**Issuing Authority:** [REDACTED]**Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder****Date Licence granted:** 28 September 2005**Date last amended:** 9 May 2017**Type:** VariationSigned 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.

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PORTSMOUTH CITY COUNCIL, Licensing Service,
Civic Offices, Guildhall Square, Portsmouth PO1 2ALTelephone (023 9283 4607/023 9268 8367) Fax 023 9283 4811 Email Licensing@portsmouthcc.gov.uk

Annex 1 – Mandatory Conditions

01 In accordance with section 20 of the Licensing Act 2003, no child shall be admitted to any film exhibition unless that exhibition has been granted a certificate by the British Board of Film Classification or the licensing authority itself.

02 Where a programme includes a film in the 12A, 15 or 18 category, no person appearing to be under the age of 12 (and unaccompanied by a person over the age of 18 years in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

03 Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board indicating the category of the film. For a film passed by the Licensing Authority, notices shall be displayed both inside and outside the premises so that persons entering can readily read them and be aware of the category attached to any film or trailer.

04 If the Licensing Authority does not agree with the category in which any film passed by the British Board of Film Classification is placed, they shall be at liberty to alter such category, and, on notice of such alteration being given by the Licensing Authority to the licence holder, the film thereafter shall be treated as having been placed in the altered category and the conditions applicable to the exhibition of films in such altered category shall be complied with.

If the Licensing Authority requests the licence holder to exhibit to them any film, he shall do so at such reasonable time as the licensing authority may, in writing, direct.

05 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.

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

07 (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).

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

09 (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.

10 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.

11 (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 --



Portsmouth
CITY COUNCIL
Licensing

Annex 2 – Conditions consistent with the operating schedule

01 CCTV

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 officers of the Licensing Authority on request.

CCTV shall cover the full licensable area including the entrance to the premises.

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

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

This training shall be documented and records kept on the premises. Police and the Licensing Authority shall have access to an individual's training records upon request.

03 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.

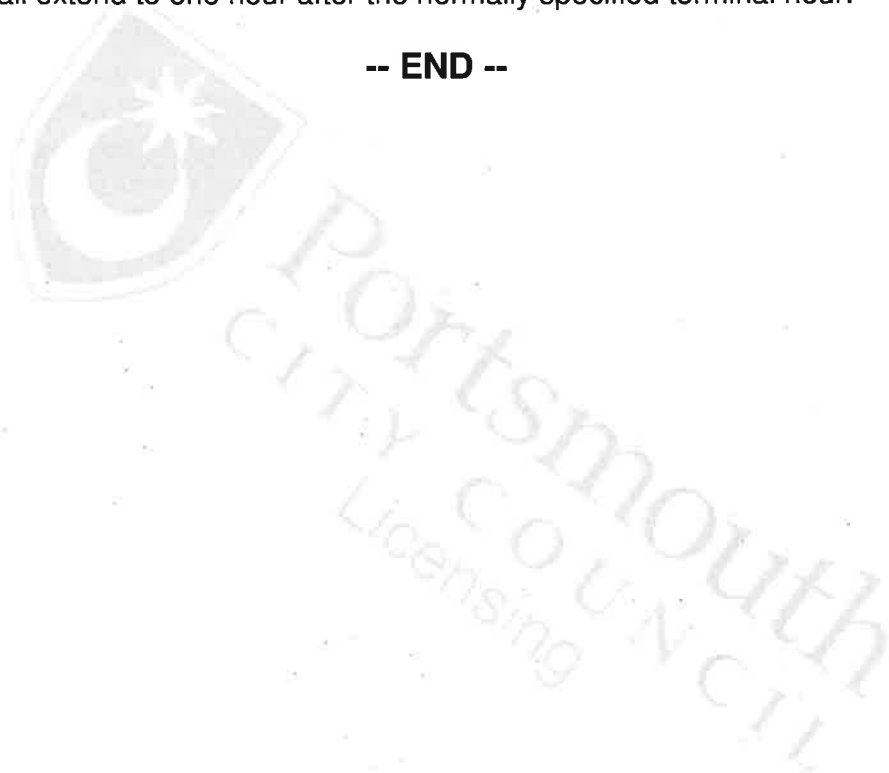
04 A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the police or local authority.

05 The premises shall operate a challenge 25 policy. Challenge 25 signage shall be visible to customers attending the bar.

06 The holder of the licence will ensure that if any guest room is to be occupied solely by persons under the age of 18, all alcohol is removed from any mini bar installed in the room or that the minibar is locked shut and that the key is not made available to the occupiers of the room.

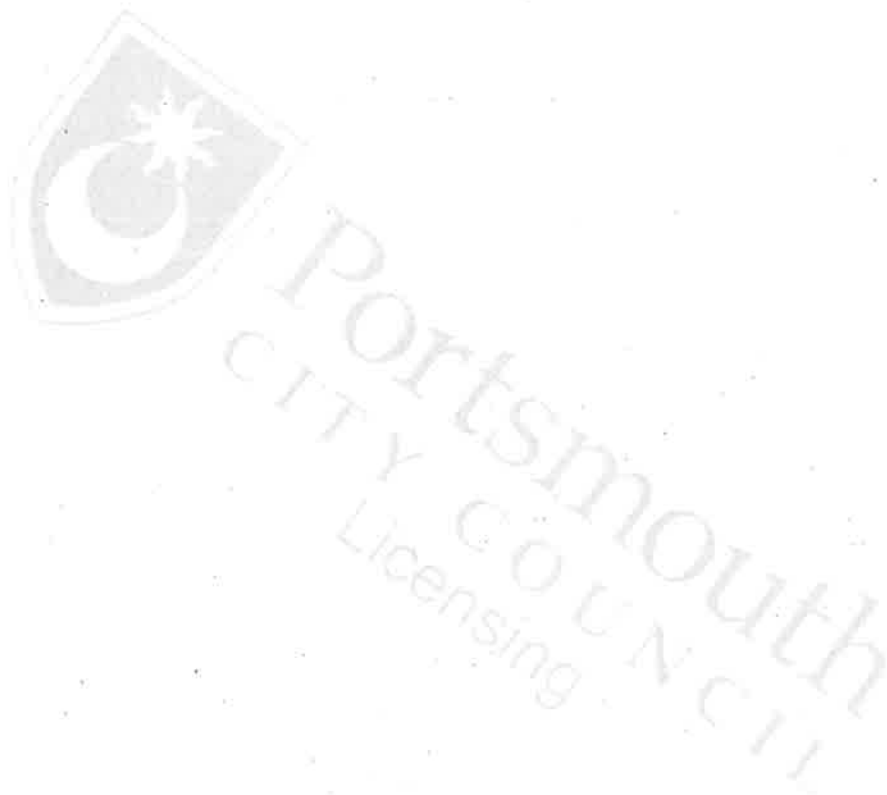
07 In relation to only the morning on which British Summer Time begins, the permitted hours for the provision of music, singing and dancing at licensed premises normally open between 01:30 and 02:00 hours shall extend to one hour after the normally specified terminal hour.

-- END --



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

-- END --



Annex 4 – Premises plan

Premises Plan(s)

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



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

Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4604

Our Ref: 17/03385/LAREVI

Date: 1 August 2017

Dear Licensing Sub-Committee Members

**Licensing Act 2003 - Application for review of a premises licence
Holiday Inn Express Eastern Road Portsmouth PO6 1UN**

I refer to the recent application by the Chief Officer of Police for the review of the premises licence in respect of the Holiday Inn Express, Eastern Road, Portsmouth, PO6 1UN.

On behalf of the Licensing Authority, I would wish to make formal representations in respect of this application on the grounds of the protection of children from harm.

The Chief Officer of Police has succinctly set out within the review application the grounds for the review, namely that these premises have failed three successive test purchases in respect of the sale of alcohol to children on the following dates:

- 12 March 2017;
- 2 April 2017; and
- 1 July 2017.

Subsequent to each of these failures, it is wholly acknowledged that the licence holder has fully engaged with the Police in terms of reviewing processes, introducing new measures to prevent further underage sales, varying the premises licence to incorporate new conditions and accepting a closure notice for a period of time.

However, despite this intervention and evidenced due diligence, it is of grave concern that the sale of alcohol to children has persisted.

Continued/.....

The statutory guidance issued in accordance with section 182 of the 2003 Act provides specific guidance in respect of a review of a premises licence following persistent sales of alcohol to children. It states:

"The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate".¹

The particular circumstances giving rise to this review application are somewhat unique. It is normally the case that licence holders find themselves facing review proceedings because there has either been a lack of engagement with responsible authorities, insufficient processes being in place or poor management and supervision of licensed premises.

As mentioned previously, this is not the case in relation to these particular premises. The licence holder has clearly demonstrated that measures have been put into place to address the contraventions that have occurred. It is also recognised that the introduction of these measures is not just restricted to these particular premises but has been implemented nationwide across the whole business chain.

Taking into account these circumstances, I would recommend that the Licensing Sub-Committee do **not** consider revocation of the premises licence on this occasion. Instead I would propose that the Committee have regard to the most recent measures that have been instigated by the licence holder and give consideration to modifying the conditions of the premises licence (which includes adding new conditions) as follows:

- 1) The licence holder will ensure that an internal age verification process is put into place for the purposes of ensuring due diligence checks are undertaken by staff when selling alcohol.
 - a) Random checks must be undertaken once every three months and a formal record must be kept of those occurrences;
 - b) Those records must contain details of the date and time of the check and the outcome;
 - c) A copy of these records will be provided on request to either the Police or PCC Licensing; and

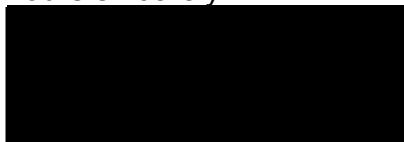
¹ Paragraph 11.30 of the Statutory Guidance.

- d) In the event of a failure, the Police and PCC Licensing will be notified in writing within 48 hours of the failure being notified to the premises licence holder.
- 2) All duty managers shall hold personal licences issued in accordance with the Licensing Act 2003 and will not be permitted to undertake their role until such time as the personal licence has been granted.
- 3) No cash payments for alcohol transactions will be accepted until the premises licence holder is satisfied that employees are adhering to its Challenge 25 policy.
- 4) The premises licence holder will undertake regular monitoring of training and refusal logs. These checks will take place at least one a month and a written record shall be kept of the date that this was undertaken.

It is also recommended that the Licensing Sub-Committee give consideration to suspending the licence from 10:00 hours on Friday 1 September until 10:00 hours Monday 4 September 2017 as a means of deterring the licence holder from allowing the problems that gave rise to the review to happen again.

This action is in accordance with the statutory guidance (see paragraph 11.23) and is considered appropriate and proportionate to the promotion of the licensing objectives given the circumstances leading to the review of the premises licence.

Yours sincerely



Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk

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Appendix D



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