

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Tuesday, 31 October 2017 at 10.00 am in the Executive Meeting Room, floor 3 of the Guildhall, Portsmouth

Present

Councillor Lee Mason (in the Chair)

Councillors Steve Hastings
Steve Pitt

75. Appointment of Chair

Councillor Lee Mason was appointed chair.

76. Declarations of Members' Interests

Councillor Steve Pitt declared a personal interest as he was a former licensee of Enterprise Inns and had worked with Mr Paul Gill approximately 10 years ago. The legal advisor confirmed that this was a non-prejudicial interest.

77. Licensing Act 2003 - Review application - Painters Arms, 18 Lake Road, Portsmouth, PO1 4HA

The hearing procedure of Licensing Act 2003 applications for reviews of licences was followed.

Present

Peter Baulf, Legal Advisor
Tracy Blair, Senior Solicitor (observing)
Derek Stone, Principal Licensing Officer

Clare Johnson, Solicitor Gosschalks
Paul Gill, Enterprise Inns Group
PC Pete Rackham
Nickii Humphreys, Licensing Manager

DECISION

Licensing Act 2003 - in the matter of an application for review of premises licence - Painters Arms, 18 Lake Road, Portsmouth - Decision to suspend the licence until 24.11.17.

This matter had been referred to the Committee by the relevant Responsible Authority, the police and the Licencing Authority who seek a determination before the Committee as to the appropriateness of the current Designated Premise Supervisor, Mrs Bernice Margaret Rosina Gofton based upon a range of material failings with respect to the

following licensing objectives: prevention of crime and disorder, prevention of public nuisance and public safety.

The Committee has heard and read the relevant representations of the Police and Licensing Authority, the relevant Responsible Authorities in respect to the application and have been advised as to the range of powers available under the 2003 Act. In addition the Committee has been advised as to the appropriate Statutory Guidance.

The Committee having considered the evidence adduced by the Police and in particular in support of the contention that the current application for a review of the licence to occasion the removal of the current DPS is consistent with the promotion of the licensing objective of the prevention of crime and disorder, public safety and prevention of public nuisance.

The Committee can see that the previous DPS failed to engage with the responsible authorities and additionally that there were numerous incidents from August 2014 until the 19th September 2017 that are set out by the Police with commendable brevity and clarity , clearly showing a continued pattern of inappropriate management or relevant promotion of the applicable licencing objectives. The DPS has surrendered the tenancy and is no longer the DPS at the premises.

In addition the Committee has heard that the substituted licensing conditions as proffered by the current licence holder, EI Group PLC having taken the premises licence by transfer dated 19th October 2017 are agreed as between the applicant and the responding licence holders EI Group PLC. A copy of the agreed licence conditions (as amended) is attached to these reasons. The discretion of the Committee is engaged.

The Committee having scrutinised the representations made by the relevant authority are on balance entitled to look to the police as being the main source of advice and guidance on matters relating to the promotion of the licensing objective (crime and disorder) and as such feel that they, the Committee are able to accept the reasonable and proportionate representations made by the police as being both accurate and clear.

As stated above and given the level of agreement and concession the committee will grant application for review in the following terms:

- 1. That the conditions as offered and agreed subject to amendment will be attached to the licence forthwith.**
- 2. That the licence be suspended until 24.11.2017 during which time the licence holders will actively recruit a new DPS having disclosed details of the appropriate candidate(s) to the police in advance of the appointment.**

The imposition of the above conditions will serve to promote the licencing conditions of the prevention of crime and disorder public safety and prevention of nuisance. In addition the committee is

reminded of the statutory power to review this matter should the above measures fail to secure the engagement of the licence holders or the relevant DPS and secure the promotion of any of the relevant licencing objectives. The above conditions are consistent with the statutory guidance at paragraph 11.20.

Agreed conditions - Painters Arms

1. The CCTV system must be fully operational whilst the venue is open to the public. The recording equipment shall be stored and operated in a secure environment with limited access.

The system shall be regularly maintained and serviced.

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

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

The images produced will be date and time stamped.

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).

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 outside area of the premises, as agreed with the police.

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

- 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 individuals training records upon request.

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

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

5. The premises shall operate a Challenge 25 policy. Challenge 25 signage shall be positioned at the bar.

6. On Fridays and Saturdays between 19:00 hours and the close of the premises, the gate outside the smoking area shall be closed. No customers shall enter or leave the premises via this route

7. The premises shall be an active member of the local crime reduction partnership (currently named the Portsmouth Business Crime Reduction Partnership) where one is in place and membership welcomed.

8. Unless Hampshire Police Licensing Department have specified otherwise in writing, on a Friday and Saturday door supervisors will be employed from 20:00 until 15 minutes after the closure of the premises to the public. When door supervisors are employed, a minimum ratio of 2 SIA licensed door supervisors for the first 100 customers will be employed at the premises and 1 SIA licensed door supervisor per 50 customers after this. This number shall include door supervisors employed solely on door supervisor duties i.e. safety and security.

9. The door supervisors, shall wear a fluorescent/reflective orange tabard/jacket clearly marked security.

10. The licence holder 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 Council Officer, the following details:-

- (a) The licence number, name, date of birth and residential address of that person;
- (b) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;
- (c) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;

- (d) Any times during the period of duty when he/she was not on duty;
- (e) If that person is not an employee of the licence holder, the name of the person by whom that person is employed or through whom the services of that person were engaged;
- (f) The register shall be so kept that it can be readily inspected by an authorised officer of the Council or Police Officer;
- (g) The duty register shall comprise of a bound, consecutively page-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 the same.

The meeting concluded at 11.00 am.

Councillor Lee Mason
Chair