

NOTICE OF MEETING

LICENSING SUB-COMMITTEE

TUESDAY, 31 OCTOBER 2017 AT 10.00 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lisa Gallacher, Local Democracy Officer 02392 834056 Email: lisa.gallacher@Portsmouthcc.gov.uk

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

<u>Committee Members</u> 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.

<u>The panel today consists of:</u> Councillors Lee Mason, Steve Hastings and Steve Pitt The reserve member is Councillor David Tompkins.

(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

<u>Licensing Sub Committee meetings are digitally recorded.</u>

AGENDA

- 1 Appointment of Chair
- 2 Declarations of Members' Interests
- 3 Licensing Act 2003 Review application Painters Arms, 18 Lake Road, Portsmouth, PO1 4HA (Pages 3 64)

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:

Painters Arms, 18 Lake Road, Portsmouth, PO1 4HA.

The holder of the authorisation is recorded as Mrs Bernice Margaret Rosina Gofton.

The Committee is requested to determine the review 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 31 October 2017

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Review Application - Painters Arms, 18 Lake Road, Portsmouth, PO1 4HA

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:

Painters Arms, 18 Lake Road, Portsmouth, PO1 4HA.

The holder of the authorisation is recorded as Mrs Bernice Margaret Rosina Gofton.

2. THE REVIEW APPLICANT

The application and grounds for the review are attached as **Appendix A** and has been submitted by the Chief Officer of Police and relates to the following licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

This is due to an increase in incidents of violence, the premises remaining open after hours and evidenced poor management of the CCTV which has failed to support the licensing objectives as detailed above.

3. BACKGROUND INFORMATION

The Painters Arms is located in Lake Road and whilst the property is owned by El Group (formerly Enterprise Inns PLC) the Designated Premises Supervisor and Premises Licence Holder is Bernice Goften who has held the lease agreement and premises licence since March 2009. The premises are run by Mrs Goften assisted by her niece and other bar staff. It is the view of the police that the DPS and Licence holder is not capable of operating the premises in a way that upholds at least three of the four licensing objectives.

A copy of the current authorisation is attached as **Appendix B**.

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 also posted on the council website.

The review application was also served on the responsible authorities.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

Further representations have been received from Mrs Nickii Humphreys Portsmouth City Council Licensing manager and Gosschalks Solicitors agents on behalf of El Group which are attached as **Appendix C.** These representations raise concerns regarding the current management of the premises.

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
 - o 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:

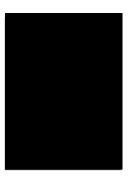
- The applicant for the review;
- the holder of the premises licence or club premises authorisation; or
- any other person who made relevant representations in relation to the application.

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

7. APPENDICES

- **A.** Copy of the redacted review application together with any supporting documents
- **B.** Copy of the current authorisation
- C. Copies of any other relevant representations received

THE COMMITTEE IS REQUESTED TO DETERMINE THE REVIEW APPLICATION



For Licensing Manager And on behalf of Head of Service



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PC 21945 Rackham

(Insert name of applicant)

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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.

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|----------------|---|---------------------|----------------------------|
| | ses or club premises details | | |
| Postal address | s of premises or, if none, ordnar | nce survey map re | eference or description |
| Painters Arms, | 18 Lake Road | | |
| Post town | Portsmouth | Post code | PO1 4HA |
| Name of prom | ises licence holder or club hold | ina club promisos | cortificate (if known) |
| Bernice Gofton | | ing club preimses | o certinicate (ii kilowii) |
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| Number of pre | mises licence or club premises | certificate (if kno | wn) |

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(B) DETAILS OF OTHER APPLICANT

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| |
| |
| 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) 02392 688754

E-mail address (optional) peter.rackham@hampshire.pnn.police.uk

| This application to review relates to the following licensing objective(s) | |
|--|--------|
| Please tick one or more bo | oxes √ |
| the prevention of crime and disorder | X |
| 2) public safety | Х |
| 3) the prevention of public nuisance | Х |
| 4) the protection of children from harm | |

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

The Chief Officer of Police has requested a review of the premises licence under the following grounds:

- The prevention of Crime and Disorder
- Public Safety
- Prevention of a Public Nuisance

This is following a recent increase in incidents of violence at the premises, the premises

being open for trade beyond its permitted hours and an inability by staff to be able to operate the CCTV following these incidents.

As a result of these incidents the Chief Officer of Police believes that this has seriously undermined the ability of the Designated Premises Supervisor and Premises Licence Holder, Bernice Gofton to be able to operate the premises in a way which supports the licensing objectives and as such will be requesting the licence be revoked.

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

Painters Arms

The Painters Arms is a community pub in Lake Road, Portsmouth. It is situated in between a commercial area and residential area.

Currently the premises have a licence to sell alcohol Monday to Saturday until 23:00 hours and Sunday until 22:30 hours.

The Designated Premises Supervisor and Premises Licence Holder is Bernice Gofton. She has operated the premises for some time. As DPS and PLH she is the sole point of responsibility for the premises. Enterprise Inns do however own the property and have been included historically in discussions with the DPS.

History/Timeline of issues

Over the last few years the Police Licensing Team have engaged repeatedly with the DPS.

In August 2014 following a spike in the level of incidents PC Matt Moss wrote to the DPS and the Area Manager for Enterprise Inns. The letter raised issues with regards to:

- Potential under age drinking at the premises
- An increase in incidents of violence at the premises within the last month
- That the violence incidents are linked to persons who are drunk

PC Moss then made a number of suggestions to assist the DPS in preventing issues at the premises. These can all be found in **Annex A** of the Police bundle and include ensuring the CCTV system is in working order.

In July 2016 PC Jackie Cherry, following a spike in incidents over the weekend made contact with the DPS's bar manager. During this meeting the incidents were raised. CCTV operation at the premises was also raised and advice from PC Cherry was provided around ensuring that CCTV recorded for 31 days and could be operated by staff.

In December 2016 PC Smurthwaite from the local Neighbourhood Policing Team raises a number of issues at the premises which include:

- Known shoplifters entering the premises to meet and sell stolen goods to customers in front of staff and staff turning a blind eye to this.
- Staff member lone working in a busy environment who had received little training and whose attitude was to "pull pints and take the money".

- Cleanliness issues at the premises.
- CCTV unable to be accessed as the DPS and staff members do not know how to work

PC Smurthwaite speaks with the DPS regarding these issues and is unimpressed with the response from her with the DPS walking out of the premises mid conversation.

PC Smurthwaite provides advice to the DPS regarding how to manage the situation and minimise the issues which he has advised. A copy of a summary of these issues and the actions advised by PC Smurthwaite are found in **Annex B** of the Police bundle.

Following this information an email is sent to the then Area Manager of Enterprise Inns Tony Warnants. This and his response to the matter including an email detailing the advice to the DPS is also found in **Annex B** of the Police Bundle.

19/02/2017 - 18:01 - Common Assault - 44170065155

Incident where two family members of the DPS. Niece and Daughter are behind the bar working. The Daughter is drunk and an argument ensues after the she is seen to provide alcohol without payment to customers, Daughter then hits niece.

The Police attending note that the daughter is drunk, slurring her words, unsteady on her feet and difficult to communicate with. No complaints are forthcoming from the niece and the daughter leaves the premises.

Following this incident Tony Warnants is contacted and alerted to the issues. **Annex C** of the Police Bundle shows the email where he states he will engage further with the DPS.

03/03/2017 - 22:50 - GBH with intent - 44170081472

Incident where there is a dispute between two females at the premises. A male becomes involved and in the ensuing melee falls to the floor where he alleges that two females stamp on him. This causes him to break a rib and later it transpires that he has a punctured lung as a result.

On Police arrival the two females have left the premises. No one at the premises is able to give an account of what happened and staff advise the Police that CCTV is not working.

As a result of the CCTV not working and of the lack of engagement from persons at the premises, Police are unable to identify any offenders or piece together an accurate account of what actually happened.

Following this incident PC Rackham attends the premises and speaks with the DPS. During this meeting concerns are raised with the CCTV not working yet again and advise is given to the DPS with regards to ensuring a new CCTV system is in place which works, utilising door staff at the premises to minimise issues and also to join the Portsmouth Business Crime Reduction Partnership in order to ensure that any persons posing a risk to the business can be identified and refused entry.

An email was sent to the DPS following this and also Tony Warnants. He replies and states that he believes that Enterprise are unable to assist further with the DPS due to her being fully aware of what is expected of her and due to tenancy issues. This can be found in **Annex D** of the Police Bundle.

21/05/2017 - 00:15 - ABH x2 - Public Order - Assault Police - 44170190227

A male who is barred from the premises enters and is refused service. He becomes aggressive threatening one person, punching two others leaving them with ABH injuries and when Police attend, spits at one of them.

This matter is still being investigated and is with the CPS for a charging decision at the time of writing.

Following this incident the DPS was able to provide CCTV of the incident which did indeed show the male being refused service.

However on looking back through the incidents as part of the review process it appears that this incident occurred some one hour and 15 minutes after the premises is meant to have finished serving alcohol and would indicate that the premises was open for trade after its permitted hours. Potentially offences have also been committed under the licensing act 2003 as a result.

<u> 26/06/2017 – 18:30 – Public Order – 44170244002</u>

Staff member living above the premises reporting that when coming down to the bar two customers become aggressive to her, shouting at her abuse.

Police have attempted to contact the staff member to no avail so this matter has been filed.

09/07/2017 - 18:32 - Common Assault - 44170263374

Informant reporting that two females have entered the garden area of the premises and have begun drinking their own alcohol. As they are asked to leave they have thrown a can of alcohol at the informant.

Police attend and request CCTV in order to identify the offender and the staff member on site is unable to provide the CCTV as they cannot work it.

Police later return to the premises and find that the camera is positioned in a way which does not show the incident.

As a result the matter is filed.

09/07/2017 - 21:40 - Criminal Damage - 44170263474

Informant reporting that the DPS daughter has been refused service at the premises, refused to leave and then damaged a telephone and a chair at the premises.

Suspect is arrested and later charged with criminal damage. CCTV was able to be viewed on this occasion.

16/07/2017 - 00:30 - Criminal Damage - 44170272587

Female initially calling the Police to state that she had been assaulted by bar staff and customers at the premises. On Police attendance the female is seen to have lacerations to her hands and fingers which the female stated was caused by the assault.

CCTV was able to be viewed at the premises and shows a lawful ejection from the premises and the female punching a window pane causing the injury.

Following this CCTV was requested numerous times. The premises did not provide the CCTV and later decided to no longer pursue a complaint in this matter.

On looking back through the incidents as part of the review process it appears that this incident occurred some one hour and 30 minutes after the premises is meant to have finished serving alcohol and would indicate that the premises was open for trade after its permitted hours. Potentially offences have also been committed under the licensing act 2003 as a result.

26/08/2017 - 23:44 - Common Assault - 44170331497

Informant reporting that a customer has slapped the back of a staff members hand.

<u>02/09/2017 – 01:00 – ABH – 44170339912</u>

Informant reporting that whilst in the smoking area of the Painters Arms Pub an unknown male has hit him in the side of the face causing an injury to his ear.

The informant allegedly reports this to staff at the premises who do nothing about the incident.

CCTV is requested as part of the investigation but the CCTV is not working and cannot be viewed or downloaded.

On looking back through the incidents as part of the review process it appears that this incident occurred some 2 hours after the premises is meant to have finished serving alcohol and would indicate that the premises was open for trade after its permitted hours. Potentially offences have also been committed under the licensing act 2003 as a result.

09/09/2017 - 00:05 - GBH with intent - 44170349208

Suspect becomes involved in an argument with a male. Suspect is in the garden area, victim in the street. The suspect jumps the fence and attacks the victim biting off his ear lobe causing GBH injuries.

On looking back through the incidents as part of the review process it appears that this incident occurred some 1 hour after the premises is meant to have finished serving alcohol and would indicate that the premises was open for trade after its permitted hours. Potentially offences have also been committed under the licensing act 2003 as a result.

On requesting the CCTV footage the premises advise that the CCTV is not working and has not done so for a while.

Following this incident PC Rackham makes contact with the DPS and new Area Manager for Enterprise Inns Paul Gill. They are advised of concerns around the operation of the premises. The importance of ensuring that CCTV is fixed without fail and sent conditions which PC Rackham are placed onto the premises licence in order to deal with these issues. PC Rackham advises that if these items are not rectified then a review of the licence will be considered in order to achieve the change needed to sort these issues. This correspondence

and the proposed conditions are provided in **Annex E** of the Police bundle.

Following this correspondence a meeting is arranged for the 19/09/2017 at the premises with the DPS and Paul Gill.

Following these issues the CCTV is replaced at the premises.

<u>15/09/2017 – 23:54 – ABH x 4 – 44170358637</u>

Following a wake the DPS's daughter becomes involved in an argument and assaults another female. Customers step in and the partner of the daughter assaults them.

Police attend. CCTV cannot be operated at the premises by any staff member. This matter is still under investigation.

On looking back through the incidents as part of the review process it appears that this incident occurred some 54 minutes after the premises is meant to have finished serving alcohol and would indicate that the premises was open for trade after its permitted hours. Potentially offences have also been committed under the licensing act 2003 as a result.

17/09/2017 - 19:01 - ABH - 44170360730

Customer smashes two glasses at the premises and uses a pool cue to hit another person with. Male leaves prior to Police attendance.

On Police attendance no one can work the CCTV.

The local inspector raises concerns with the DPS and considers closing the premises using powers under the Anti Social Behaviour Crime and Policing Act 2014 but does not once the DPS agrees to do so of her own accord.

Officers re attend following the incident and are told the following:

- CCTV does not work
- The DPS is too busy to provide it
- Staff cannot work the CCTV.

On 19/09/2017 PC Rackham and PCC Licensing Derek Stone attended the premises and met with the DPS and Paul Gill.

Our concerns were raised with the DPS around the consistent issues with CCTV and violence at the premises on a regular basis. We also raised the concerns that looking through the incidents it appeared that the premises had on a number of occasions been open beyond its permitted hours and that all of these points had seriously undermined the licensing objectives at the premises.

The DPS agreed that the premises had been open beyond its permitted hours and also that it had been selling alcohol beyond its permitted hours. The DPS also stated that she had been aware of this and had advised her staff to stop doing it but they had continued. The DPS was advised that this was concerning due to her inability to prevent staff from opening later. The DPS stated she was aware that she had to stop serving alcohol from 2300 hours and that it

was an offence to do so after this time.

The DPS was advised to ensure the following in the interim period between the meeting and any potential review as a way of minimising the risk at the premises:

- SIA registered door staff present from 19:00 to close of premises
- CCTV engineer called to train staff and change position of outside cameras
- Footage is burnt off of the incident on the 17/09 for investigating officers
- DPS to be present on Friday and Saturday nights to prevent opening past permitted hours.
- DPS joins the PBCRP in order to enable herself and staff to prevent banned persons entering the premises and causing issues.

This is contained in an email contained in **Annex F** of the Police bundle.

Whilst at the premises I noted that the banned individual from the incident on the 21/05/2017 was at the premises and being served alcohol.

Summary

Following these numerous issues of violence, trading beyond the permitted hours of the licence and a seeming inability to operate the CCTV system the Police have considered what is the most proportionate and reasonable action in these circumstances.

To do nothing is not an option. It is quite clear from the evidence that the DPS is unable to operate the premises in a way which promote the licensing objectives and unable to operate the premises in a way which prevents crime and disorder. The DPS has exacerbated these issues by operating beyond the permitted hours of the premises licence. It is also clear that to do nothing will also lead to further incidents of crime and disorder at the premises. Given that incidents are increasing in nature and violence is becoming more prevalent action needs to be taken.

The Chief Officer of Police believes that the following options should be considered by the committee as a way of resolving these issues and preventing crime and disorder at the premises:

Revocation of the Premises Licence

Revoking the premises licence should be seriously considered in this instance. The premises have been operated in a way which has undermined the licensing objectives, particularly the prevention of crime and disorder. The DPS has allowed persons to enter the premises and sell stolen goods. Guidance issued under S182 of the Licensing Act 2003 states that the committee should consider revocation in the first instance when they are used for the purposes of selling stolen goods.

Revocation of the premises licence would also immediately stop the premises from being able to continue being the focal point for a cycle of violence which has been prevalent in 2017 at the premises.

Removal of the DPS

It is clear to the Chief Officer of Police that the DPS is unable to operate the premises in a way which supports the licensing objectives. The DPS has also knowingly allowed the premises to remain open past its permitted hours and the evidence shows that this has in turn led to issues of violence.

The DPS also has repeatedly received the same advice from the Police with regards to what will resolve these issues. The DPS has repeatedly failed to act on this advice and this again has led to an increase in violence at the premises.

Removing the DPS would ultimately ensure that a new person could come in and work with the Police to resolve these issues. However the DPS is also the Premises Licence Holder. She would still have responsibility for the premises and be involved in management decisions involving the premises. Unfortunately a committee is unable to remove a premises licence holder and as such the current DPS will remain able to run the premises in a way which does not promote the licensing objectives and it is highly likely these issues raised will just continue.

Introduction of proposed conditions

As shown in **Annex E** the Police have previously proposed a set of conditions to be placed onto the premises licence which would, if complied with, minimise any risk of issues at the premises.

However, whilst this would be the case with a new management structure, the current management structure has demonstrated that they are unable to comply with their permitted hours, let alone a series of conditions.

It is the belief of the Chief Officer of Police that to impose these conditions with the same DPS and PLH would be pointless. The current DPS and PLH would just ignore them and the incidents of violence would continue.

Suspension of the Premises Licence

The committee could consider a suspension of the premises licence for up to three months in order for a change in management and give the premises to be able to comply with the premises licence conditions. However once again, even if the DPS is removed she will remain PLH and once the suspension is over the same issues are highly likely to manifest themselves once again.

Revocation

It is the opinion of the Chief Officer of Police that the DPS and PLH are unable to operate the premises in a way which promotes the licensing objectives. Anything other than a revocation of the premises licence will not deal with the issues and will just serve to allow them to continue. As such the Chief Officer of Police requests that the licence be revoked.

| | | | | | | Please | tick 1 | √ yes |
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| Have you made an application for rev | iew relat | ing to the | e premis | es before | e? | | | |
| If yes, please state the date of that ap | | | Г | | | | | |
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| | t copies of this form and enclosures to the responsible authorities emises licence holder or club holding the club premises certificate, |
| | nd that if I do not comply with the above requirements my will be rejected. |
| STANDARD SCA FALSE STATEM | CE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE ALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A ENT IN OR IN CONNECTION WITH THIS APPLICATION |
| | ires (please read guidance note 4) |
| | olicant or applicant's solicitor or other duly authorised agent (See If signing on behalf of the applicant please state in what capacity. |
| Signature | |
| Date | 21 st September 2017 |
| Capacity | Police Constable on behalf of the Chief Officer of Police for Hampshire Constabulary |
| | where not previously given) and postal address for correspondence this application (please read guidance note 6) |
| Post town | Post code |
| Telephone numl | ber (if any) |
| If you would pre | fer 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.





Hampshire Constabulary

Chief Constable Andy Marsh

Police Headquarters West Hill Romsey Road Winchester Hampshire SO22 5DB

Portsmouth Licensing Department Core 1-2. Third Floor Civic Offices Guildhall Square Portsmouth Hampshire **PO1 2BY**

Direct Dial: 02392688654

Email:matthew.moss@hampshire.pnn.police.uk

Our ref:

44080232296

Your ref:

12th August 2014

Police Licensing Team concerns increase in incidents

Dear Mrs Gofton,

I am part of the Police Licensing team for Portsmouth and part of my role covers the city centre area where your premises is situated. Whilst the majority of my time is taken up in the Guildhall Walk area I do also keep an eye on other premises within my area, an area within which your venue sits. I have been in and spoken to you a couple of months ago and I have also visited the venue in plain clothes to take a look at how the venue is being run.

This letter is to make you aware that there has been an increase in reported incidents involving your venue, particularly in the last 3 months. The incidents generally involve either drunkenness or persons who are allegedly drinking whilst under age. I am concerned that this may be an emerging pattern and I am keen to work with you to avoid any further issues.

On my last visit I raised some of these issues with you and you reassured me that you would be continuing to deal with those issues. I have met you on and off for some years now and am aware that you have a good trading history in a difficult premises, however I cannot ignore the rise in recent incidents.

The areas of concern are:

- There is a suggestion that persons under the age of 18 are being served at your premises, particularly on a Friday night.
- There have been four reported assault incidents at your venue within the last month
- The persons involved in the incidents have appeared to be drunk.





Hampshire Constabulary

Chief Constable Andy Marsh

At this time I would ask that the following is considered as a minimum. It may be that you are already doing this however if you are not these are my recommendations:

- Ensure that your staff are fully trained in their responsibilities under the licensing act
- Ensure that there is clear signage in relation to under age sales of alcohol
- Ensure that staff are aware of proxy sales (adults buying alcohol for those under 18) and that staff are on the look out for them
- Make sure you have a refusals log with the time and date of all refusals of sale of alcohol are listed,. This will help you pinpoint if there is a particular time or place the refusals generally happen and for what reason.
- Consider not allowing persons under the age of 18 into the venue after an agreed time in the evening. I recommend 9pm.
- Ensure staff are regularly walking the floor to check on those who are drinking but may not necessarily approach the bar, both for age and drunkenness issues.
- Consider getting or improving existing CCTV

At the time of writing your license is very vague when it comes to conditions for the sale of alcohol, however you must still take steps to uphold the licensing objectives, and I believe the above will go some way to addressing these issues.

From a police point of view I will continue to visit north covertly and overtly to check on how the premise is being run. I will also ask the local Safer Neighbourhood Team to regularly patrol when they are on duty and offer their support. Please be aware that we may also test purchase at your venue to check on your procedures when it comes to checking on the age of the clientele.

You are welcome to get in touch to discuss any of the above points, however you will see me at some point this weekend when I will visit the premises and ensure you have received a copy of this letter.

If there is anything we can do to help you please do ask as we are keen to help rather than take any formal action.

Yours Faithfully

PC 3554 Matt Moss
Portsmouth Violent Crime Reduction and Licensing team.



POLICE ANNEX B

Supplementary Occurrence Report

Hampshire Constabulary

Printed:

21/09/2017 18:28 by 21945

Occurrence:

44080232296 Z Prem Licence (Management Occurrence)

Author:

#21945 RACKHAM, P.

Report time: 19/12/2016 13:06

Entered by: #21945 RACKHAM, P.

Entered time: 19/12/2016 13:06

Remarks:

Email re concerns about premises sent to Enterprise

Report:

From: Rackham, Peter

Sent: 19 December 2016 13:06

To: 'Tony Warnants'

Cc: Moss, Matthew; Smurthwaite, Peter; 'I entered to be enterprise inns.com'; 'licensing@enterprise inns.com'

Subject: FW: PAINTER ARMS - Lake Road, Portsmouth - Police Licensing Concerns

Hello Tony

I hope you are well?

Can you please observe the below email.

The email comes from an extremely frustrated Neighbourhood Officer who has been trying to deal with a number of issues at the premises.

I share these concerns and currently have concerns about:

- Use of the premises repeatedly by persons who are clearly attempting to sell stolen goods and being able to do this due to a lack of robust management at the premises.
- Lack of management by the current DPS By her own admission she is clearly not in day to day control of
 the premises and due to this staff are not empowered to make the correct desicions ie ask persons selling
 stolen goods to leave the premises.
- CCTV is non existant and it is deeply troubling that the DPS herself is unable to work it, this is a problem which has been identified a number of times and unfortunately no one has rectified this.
- Cleanliness of the pub Again this points to a lack of management from the DPS.

It is quite clear that the current DPS needs to either begin managing the premises or relinquish her role and ensure that another able manager takes over and does this. The advice given to the current DPS appears quite reasonable.

I have considered what action to take currently given the circumstances and the previous work we have undertaken with the DPS. Currently I am considering if there is a need to take the premises to review. I am hoping that intervention by Enterprise will prevent the need for this.

Please can you advise me what measures will be implemented in order to ensure that the premises operates in a way that supports the licensing objectives.

Kind Regards

Pete

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Printed by: 21945 Date: 21/09/2017 18:28 Computer: CQ81SVR Page 1 of 5

POLICE ANNEX B

PC 21945 Pete Rackham Licensing and Alcohol Harm Reduction Team Portsmouth CivicOffices

Peter.rackham@hampshire.pnn.police.uk Ext: 02392 688314 Mobile:

Licensing Home Page

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

From: Smurthwaite, Peter **Sent:** 18 December 2016 10:55

To: Rackham, Peter

Cc: Holland, Richard; Millerchip, Dane, Walker, Emma **Subject:** PAINTER ARMS - big concerns - shoddy premises

Rackers,

I just wanted to keep you in the loop re some recent issues at the PAINTERS ARMS on Lake Road/ Spicer Street.

The public house has come to note far too many times over the last couple of months. Four of our nominals/ IOM's for our beat have been arrested either inside the pub or in the outside drinking area of the pub, in possession of stolen goods which they were trying to sell. There have also been a number of intel logs submitted in relation to an array of stolen bits being offered for sale In the pub. It clear that the staff are turning a blind eye and are not taking any action.

Actions:

I attended the PAINTERS yesterday morning (17/12/16) together with PC BURTON with the intention of speaking to the DPS/ premises licence holder and pointing out my concerns. On entering the pub there were approximately 25 patrons drinking and 1 member of bar staff was on duty (SHARON). Sharon does not have a personal licence – in her words she just 'pulls the pints and takes the money'.

Bernice GOFTON is the DPS – she wasn't at the premises she was out looking after her 3 great grand-children.

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POLICE ANNEX B

Donna GOFTON was called by Sharon and she came and spoke to me in the main area of the pub. Donna is a personal licence holder and is also Bernice's daughter.

The pub was filthy – environmental health need to be tasked with conducting a visit – are you able to help with this?

I asked Donna to call Bernice and then waited 10 mins for her to arrive.

I explained to Bernice and Donna that the pub was on my radar for all of the wrong reasons – mainly because criminals were using her pub to meet, socialise and sell there freshly stolen woes.

Bernice stated that she knew that there was a 'bit of a problem' but stated that she 'had sorted it out'. I explained that she had not sorted out the problem because I had been into the pub twice to arrest people in the last few weeks, who had stolen items from town and were trying to sell the goodies on – right under the noses of staff.

Bernice then tried to blame Sharon, stating that she is usually the only person in the pub and it was her responsibility who she let in and served. I tried my best not to lose it and calmly stated that its her name on the licence and she is the DPS and therefore she should be spending the majority of her time at the premises and it was her responsibility to monitor who comes in and out of the premises.

Bernice then stormed out of the pub. I followed her out. She then admitted that she's rarely on site, has no idea what goes on, and can't cope as she spends most of her time looking after her very young great grandchildren. I then explained that in light of her disclosures she shouldn't remain as DPS/ premises licence holder.

I asked Bernice for a copy of some CCTV footage from the 15/12/16 – someone else allegedly selling on goods to staff and customers. Bernice stated that neither she or anyone else knew how to use the CCTV system or burn footage – I stated that this was unacceptable.

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POLICE ANNEX B

| I then showed Bernice, Donna and Sharon 4 x A4 coloured pictures of and an and an and an |
|--|
| Considerations: |
| I explained to Bernice that Sharon (bar staff member) cannot cope on her own and alcohol shouldn't be supplied without a personal licence holder on site. I asked Bernice to implement the following as a minimum: |
| Employ at least 2 more members of staff – one to be a personal licence holder. |
| Employ someone on the door even if it's just for the xmas period - to monitor who is coming in and out – just until the premises has been sorted. |
| Remove herself as DPS. |
| Buy some cleaning products and clean the pub – it was disgusting – dirty glasses being used to serve drinks, food on the floor etc, just filthy. |
| Train all staff members how to use the CCTV system. |
| I have told Bernice that I will be visiting the pub every week in uniform. None of what I have suggested and requested is excessive, but Bernice (or Enterprise), need to spend some money and invest in the pub to bring it up to speed. |
| I know I am a bit rusty, but is there any way we can think about reviewing the PAINTERS licence or at least adding some additional licence conditions so that the premises becomes compliant with the act? Can you make contact with Bernice and add some pressure pleeeeeeaaaaaaaase? |
| I've added this email to the z prem. |

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Printed by: 21945 Date: 21/09/2017 18:28 Computer: CQ81SVR Page 4 of 5

Smurfers

CRIME INFORMATION PACK

To access relevant information for victims of crime and anti-social behaviour please click here

HAMPSHIRE CONSTABULARY

To access the Hampshire Constabulary website please click <u>here</u>

Have you signed up to Hampshire Alert yet? It's FREE to get crime alerts and info for your area www.hampshirealert.co.uk

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Printed by: 21945 Date: 21/09/2017 18:28 Computer: CQ81SVR Page 5 of 5

POLICE ANNEX B

Supplementary Occurrence Report

Hampshire Constabulary

Printed:

21/09/2017 18:28 by 21945

Occurrence:

44080232296 Z Prem Licence (Management Occurrence)

Author:

#21945 RACKHAM, P.

Report time: 20/12/2016 17:16

Entered by: #21945 RACKHAM, P.

Entered time: 20/12/2016 17:16

Remarks:

Reply from AM re issues raised by NPT officers

Report:

From: Tony Warnants [mailto:

Sent: 19 December 2016 17:21

To: Rackham, Peter

Subject: RE: PAINTER ARMS - Lake Road, Portsmouth - Police Licensing Concerns

Peter hi

Thank you for your email.

I shall visit Bernice tomorrow & then respond to you more fully.

Regards,

Tony

Tony Warnants

Regional Manager



T: 0121 272 5000 • enterpriseinns.com

Enterprise Inns plc, 3 Monkspath Hall Road, Solihull, West Midlands, 890 4SJ



Emails relating to formal requests or notices under provisions contained in the Pubs Code 2016 should be sent to pubscode@enterpriseinns.com or by recorded delivery to 3, Monkspath Hall Road, Solihull, West Midlands, B90 4SJ.

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Printed by: 21945 Date: 21/09/2017 18:28 Computer: CQ81SVR Page 1 of 1

POLICE ANNEX B

Supplementary Occurrence Report

Hampshire Constabulary

Printed:

21/09/2017 18:29 by 21945

Occurrence:

44080232296 Z Prem Licence (Management Occurrence)

Author:

#21945 RACKHAM, P.

Report time: 29/12/2016 15:47

Entered by: #21945 RACKHAM, P.

Entered time: 29/12/2016 15:47

Remarks:

Email from AM to thepaintersarms@googlemail.com DPS

Report:

Bernice hi,

Thanks for meeting me on Tuesday.

We met as a result of an email to me from Police Licensing who are concerned at the way that Painters is currently being run by you .

I would just like to confirm the main points from that meeting & the actions you have told me you are taking .

The concerns are:

Poor management of the pub & that you are rarely there.

Sale of alcohol taking place without a personal licence holder supervising the sale.

Only one member of staff employed when the pub is busy resulting in proper supervision internally & externally being impossible & local criminals seeing the pub as a place to carry on criminal activity with impunity

CCTV equipment not being used correctly , no-one on site knows how to use it, & cannot supply copy of content to police as required.

Cleanliness of the pub

The above are very serious matters for you & for the pub as it means that the Licensing Objectives of the prevention of crime and disorder, Public safety, prevention of public nuisance, and the protection of children from harm are not being properly upheld by you.

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POLICE ANNEX B

As you know as the Premises License Holder & the DPS it is you who is responsible for these matters & unless these issues are addressed immediately then it is likely the Police will take you to a Premises License review hearing where you might at worst lose the PL or have further licensing conditions imposed.

At our meeting you told me that you had had a number of personal matters to deal with in recent months which I accept have made running the pub more difficult for you but this cannot be allowed to impact on your running of & management of the pub.

To address these issues you told me that you intend to:

ensure adequate staff are available to serve & supervise the premises when you are not there

employ a member of staff as manager & DPS ,Tony (as soon as he has his Personal License which you will immediately attend to) and ensure he has the authority to deal with issues as they arise

ensure a Personal License holder is on duty at all busy times

employ doormen if/as required

ensure relevant staff know how to burn CCTV on to memory stick & keep spare memory sticks available for this ensure thorough cleaning is carried out regularly & effectively

If you have any queries re this email please let me know by return otherwise I will regard them as an accurate record of what we discussed.

If you would like or need any further advice please call me.

I will be visiting the Painters again soon to review matters again with you , I will also be sending a copy of this email to Police Licensing

Regards

Tony

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Printed by: 21945 Date: 21/09/2017 18:29 Computer: CQ81SVR Page 2 of 2

POLICE ANNEX C

Supplementary Occurrence Report

Hampshire Constabulary

Printed:

21/09/2017 18:34 by 21945

Occurrence:

44080232296 Z Prem Licence (Management Occurrence)

Author:

#21945 RACKHAM, P.

Report time: 24/02/2017 16:15

Entered by: #21945 RACKHAM, P.

Entered time: 24/02/2017 16:15

Remarks:

Reply from Tony Warnants AM - He will visit premises next week re response

Report:

From: Tony Warnants [

Sent: 24 February 2017 06:59

To: Rackham, Peter

Subject: RE: The Painters Arms, Lake Road

Peter hi,

Thank you for your email.

I will arrange to visit Bernice ,discuss with her & get back to you with a full response early next week.

Regards,

Tony

Tony Warnants

Regional Manager





T: 0121 272 5000 • eigroupplc.com

ei group plc, 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ

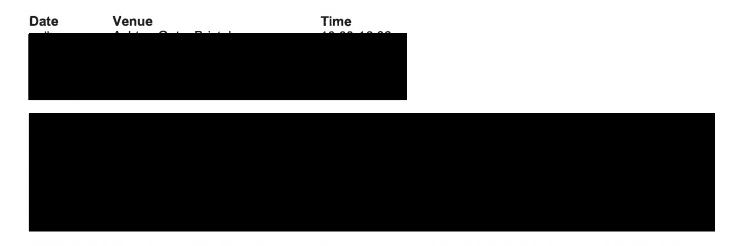




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POLICE ANNEX C



From: peter.rackham@hampshire.pnn.police.uk [mailto:peter.rackham@hampshire.pnn.police.uk]

Sent: 22 February 2017 17:39

To: Tony Warnants <

Cc: stuart.snow@hampshire.pnn.police.uk; jaqueline.cherry@hampshire.pnn.police.uk

Subject: FW: The Painters Arms, Lake Road

Hi Tony

Unfortunatley I have to report some further issues with the Painters Arms, this time to do with two staff members who are related to each other and the DPS and one has assaulted the other.

In a nutshell our victim in this case has been working. One has been drinking whilst the other works. The working party has chastised the other for drinking too much and an argument has ensued where one has assaulted the other. The Police have been called and arranged for the drunk staff member to go home.

I grow increasingly concerned by this particular premises. Whilst I appreciate that there has not been a serious incident there, when I do hear about the premises it is not in a positive light and I am concerned that due to the lack of management of the premises that at some point an incident will occur which may give cause for us to have to consider a review of the licence. This is not a position I want to be in.

My concerns from the information to hand at present are:

• One staff member has got drunk at the premises. The level of drunkeness has been **RESTRICTED**

Printed by: 21945 Date: 21/09/2017 18:34 Computer: CQ81SVR Page 2 of 5

POLICE ANNEX C

witnessed by two Police officers. How is the premises meant to be supporting the licensing objectives if staff members are being served to this level of drunkeness?

 A staff member has allegedly assaulted another. Again this doesnt support the licensing objectives.

Again I find myself concerned about the control staff have of the premises. If they are drunk and assaulting each other how can the premises be supportive of the licensing objectives.

I have also been informed that the DPS Bernice was on the premises at the time of the incident and did nothing to prevent it. I must however stress that this information is not corroborated and I cannot state if this is correct or incorrect at the time of writing.

Please can you advise me what measures the DPS will be taking and what measures Enterprise will be taking in order to prevent similar issues from occuring in the future.

Kind Regards

Pete

PC 21945 Pete Rackham Licensing and Alcohol Harm Reduction Team Portsmouth CivicOffices

Peter.rackham@hampshire.pnn.police.uk

Ext: 02392 688314

Licensing Home Page

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

From: White, Benjamin, 27385 Sent: 19 February 2017 23:02

To: Rackham, Peter

Subject: The Painters Arms, Lake Road

Hello Pete.

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Printed by: 21945 Date: 21/09/2017 18:34 Computer: CQ81SVR Page 3 of 5

POLICE ANNEX C

This is the RMS as per the conversation you had with PC Chris Sharland 44170065155. We are concerned at the way the bar is being run, there seems to be family tensions. One of the DPS Donna HOLLAND was very intoxicated tonight although not on duty one of her regulars told us that she is an alcoholic, so we are concerned that she is working under the influence. Tonight's incident was between Donna and her cousin Alison DARBYSHIRE because of family tensions. Alison also works at the bar and is a personal licence holder.

Just thought it would need looking at.

Kind Regards,

Ben

PC 27385 Ben White

Response and Patrol Portsmouth Team C

Police Station, Wayte Street.

Cosham, Portsmouth, PO6 3BS

Tel: 101

Email: <u>benjamin.white.27385@hampshire.pnn.police.uk</u>

Website: www.hampshire.police.uk

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Printed by: 21945 Date: 21/09/2017 18:34 Computer: CQ81SVR Page 4 of 5

POLICE ANNEX D

Supplementary Occurrence Report

Hampshire Constabulary

Printed:

21/09/2017 18:37 by 21945

Occurrence:

44080232296 Z Prem Licence (Management Occurrence)

Author:

#21945 RACKHAM, P.

Report time: 24/03/2017 19:18

Entered by: #21945 RACKHAM, P.

Entered time: 24/03/2017 19:18

Remarks:

Reply from RM

Report:

From: Tony Warnants [mailto:

Sent: 24 March 2017 10:41

To: Rackham, Peter < peter.rackham@hampshire.pnn.police.uk >

Cc: Paul Gill <

Subject: RE: Police Licensing Visit - 06/03/2017 Painters

Pete hi,

I have now had the opportunity of discussing the Licensing issues you raise in your most recent & previous emails with regards to Painters internally with Enterprise . I am sorry to say that, as I understand it at this stage & under the terms of our Lease with Bernice, I don't believe we can do anything more formally here at the moment .I have of course been to see Bernice again & made it very clear to her the problems issues & risks she runs in not complying fully with the Licensing Objectives & yourselves and what will likely happen if the PL is taken to review

I would also like to take this opportunity of letting you know that I am leaving Enterprise with effect from 3/4/17 & a new RM is taking over.

The new RM is Paul Gill who was RM in Portsmouth before me & knows the area & the pubs & many of the publicans well, he is aware of the situation at Painters.

I have copied this email to Paul & his number is below.

I would just like to thank you for all the help & support you have given me & our Portsmouth pubs over the last few years.

Best Wishes

Tony

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POLICE ANNEX D



From: Tony Warnants Sent: 07 March 2017 05:48

To: peter.rackham@hampshire.pnn.police.uk **Subject:** RE: Police Licensing Visit - 06/03/2017

Pete hi

1

Thank you for copying me in on your email

I will review this matter again internally as to what action we can take & then email you again

Regards

Tony



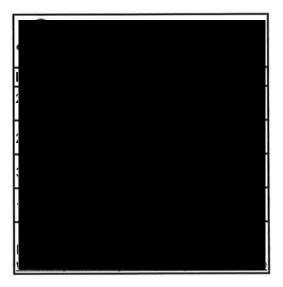


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POLICE ANNEX D





Emails relating to formal requests or notices under provisions contained in the Pubs Code 2016 should be sent to pubscode@eigroupplc.com or by recorded delivery to 3, Monkspath Hall Road, Solihull, West Midlands, B90 4SJ.

From: peter.rackham@hampshire.pnn.police.uk [mailto:peter.rackham@hampshire.pnn.police.uk]

Sent: 06 March 2017 15:39

To: thepaintersarms@googlemail.com

Cc: Tony Warnants <

Subject: Police Licensing Visit - 06/03/2017

Dear Bernice

Thankyou for taking the time to speak with me today at the premises,

As discussed I had some concerns following an incident on Friday night in which there was a report of disorder at the premises which left a male with a suspected broken rib and a punctured lung. As stated this incident has been classified as an Assault GBH incident in the Police records.

We discussed a number of points with which I had concerns and also measures that you could take to minimise this in the future. They are —as follows:

CCTV

The CCTV was not working at the premises due to it turning itself off following an electrical fault caused by rain. I am very concerned that the CCTV has not worked. This has meant that the Police have been unable to investigate a criminal matter to the fullest extent. You have stated that you have reminded staff members to check **RESTRICTED**

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RESTRICTED

POLICE ANNEX D

the CCTV system prior to working to ensure it is recording. I recall having a similar conversation some time ago when a similar issue presented itself.

My advice to you is to see if the electrical system which the CCTV runs off of can be made so it doesn't trip out. This will ensure that the system operates correctly and also prevent periods of non recording. I would advise that you contact Enterprise who own the building to see if they can assist.

Door staff

The incident occurred when there was a DJ and two birthday parties in progress. Whilst you have stated you believe that the DJ being used had its own door staff you did not see them wearing SIA badges which would ensure this. By law you can only use SIA registered door staff to perform a security function.

I am also concerned that throughout the incident the door staff supplied by the DJ were not involved in minimising the impact of the incident. No where in the Police report are door staff noted and I would expect that if customers from your premises were involved in an incident directly outside it, that the door staff would have offered assistance etc.

As such I strongly advise that when you have events operating at the premises which include DJ based entertainment or Live Music, that you use SIA registered door staff from a reputable company in order to prevent any issues.

PBCRP (Portsmouth Business Crime Reduction Partnership)

We discussed your ability to assess persons who have previously been involved in crime and disorder in licensed premises in Portsmouth. The PBCRP (website is www.pbcrp.com) can give you access to a database of banned people in Portsmouth. It also allows you to provide information to the database. This will allow you to check who is coming into your premises and make yourself aware of any banned people. This in turn will reduce the risk of persons causing issues at your premises.

As discussed. It is very important that you consider the above. I am growing increasingly concerned with the issues emanating from your premises and I believe that if you don't put the above in place then your incidents will continue. Should incidents continue then I may be left with no option but to consider the review process to achieve change.

Should you have any queries then please do not hesitate to contact me via the below means.

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POLICE ANNEX D Kind Regards

Pete

PC 21945 Pete Rackham
Licensing and Alcohol Harm Reduction Team
Portsmouth CivicOffices Peter.rackham@hampshire.pnn.police.uk
Ext: 02392 688314

Licensing Home Page

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

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POLICE ANNEX E

Rackham, Peter

From:

Rackham, Peter

Sent:

12 September 2017 08:44

To:

'Paul Gill'; 'thepaintersarms@googlemail.com'

Subject:

Police Licensing - Request for conditions to be placed onto the premises licence

Attachments:

Proposed conditions Painters Arms.doc

Dear Paul/Bernice

Thankyou for your call yesterday morning.

I attended myself with Rocky from PCC Licensing to speak with Bernice but unfortunately Bernice was out temporarily. I was unable to make it back due to my workload.

Firstly I would like to start by stating that the CCTV change is going to be a very positive measure to introduce moving forward and that having a fully working system which can be supplied to the Police following an incident will remove the concerns I have around the CCTV at present which I do not believe to be fit for purpose at this time.

I now wish to raise some other concerns which I believe have been raised with the previous area manager Tony Warnants and Bernice herself a number of times over the last 2 years. These are concerns which I understand have not been actioned. Given there has been an increase in incidents over this time and given that this has undermined the licensing objectives I would like to sit down with you both and look at what can be done to improve matters.

Currently I have a number of options available to me regarding how we move forward and these are as follows:

Do nothing

This currently is not an option. I have considered this but feel that should we get more of these issues then this will seriously undermine my faith in the management of the premises and will be hard pressed to not consider a review of the premises licence.

Agree conditions to be placed on the licence by way of minor variation which are reasonable to prevent similar issues occurring again

Currently this is my prefered option. Having these conditions will satisfy me that that the management will be able to promote the licensing objectives and prevent these issues. Being able to agree a set of conditions with yourselves which are reasonable and achievable will prevent any need for a review.

Review of the premises licence

If I can agree conditions with you I can avoid this. This is not something I want to do but if we are unable to agree then may have to seriously consider this.

Please let me know when you are both free to discuss this matter.

I attach a set of conditions which I would like you to consider. Most of this is what you do anyway. However the SIA request I understand may not be achievable. Either way lets talk.

Kind Regards

POLICE ANNEX E

Pete

PC 21945 Pete Rackham
Licensing and Alcohol Harm Reduction Team
Portsmouth CivicOffices Peter.rackham@hampshire.pnn.police.uk
Ext: 02392 688314

Licensing Home Page

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



Proposed conditions Painters A...

Proposed Variation - Painters Arms

Removal of all conditions on the licence and replacement with the following:

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).

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 outside area of the premises.

- 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 Drunkeness
- 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 Friday 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 On a Friday and Saturday Door supervisors shall be employed from 19:00 hours until after 15 minutes of 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 only 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 a 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 same.

POLICE ANNEX F

Rackham, Peter

From:

Rackham, Peter

Sent:

20 September 2017 03:05

To: Cc: 'thepaintersarms@googlemail.com' 'Stone, Derek'; 'Paul Gill'; Pearce, Jason

Subject:

Police Licensing - Actions required at Painters Arms

Dear Bernice

As discussed today at the meeting with myself, you, Derek and Paul. We raised concerns with regards to the following:

- Recent spike in incidents which are violent in nature
- Continuing inability of the premsies to provide CCTV in a format which can be used as evidence
- Belief that the premises is operating beyond its permitted hours
- That the above has seriously undermined the licensing objectives at the premises

I have stated that due to the above concerns it is highly likely that we shall be requesting a review of the premises licence. You were advised to put the following in place to prevent any further violence occuring at the premises:

- Ensure that Friday and Saturday nights SIA registered door staff from a reputatble company are utilised from 1900 - close of the premises
- That the CCTV engineer trains you and other staff to be able to use the CCTV and that you
 have a facility to burn a copy off for the Police should there be a need to do so immediately
- That CCTV cameras are repositioned around the garden area of the premises as discussed to capture this area fully
- That a copy of the footage is burnt off for the incident on Sunday evening
- That you are present (particularly on a Friday and Saturday night) to ensure that the premises complies with the conditions and requirements of the premises licence particularly around the sale of alcohol and the closure times of the premises. You have stated that this has happened due to your staff letting you down and not following your directions.
- That you join the Portsmouth Business Crime Reduction Partnership, have access to their database and use the database to identify risk persons attending your premises and also prevent persons who are banned from entering. Chris Ceasar operates the system and can be contacted on crime.manager@pbcrp.com

These measures are important to action. The issues which have been raised cannot continue. At present if we go to review you will not be in a strong position at a hearing due to the volume of incidents of violence some of which have resulted in serious injury and some of which are as a result of the premises being open and operating past its permitted hours. If you implement the above the chances will be that matters improve and by the time we reach a hearing you will be able to demonstrate that these measures work and that you are working hard to improve things.

Please take on board the advice I am providing.

Should you have any questions then please do not hesitate to contact me and I shall be happy to discuss further.

Kind Regards

POLICE ANNEX F

Pete

PC 21945 Rackham
Hampshire Force Licensing Team
Portsmouth





PREMISES LICENCE

Licensing Act 2003

Part 1 - Premises Details

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

Address: Painters Arms

> 18 Lake Road Portsmouth

PO1 4HA

Map Ref (E):

464432 100722

Map Ref (N): UPRN:

001775045657

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
- ► Playing of recorded music

The times the licence authorises the carrying out of licensable activities

► Sale by retail of alcohol

Sunday

12:00 until 22:30

Monday to Saturday

10:00 until 23:00

► Playing of recorded music

Everyday

00:00 until 23:59

► Late night refreshment

Monday to Saturday

23:00 until 23:30

The opening hours of the premises

12:00 until 22:50 ➤ Sunday

► Monday to Saturday

10:00 until 23:30

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: Mrs Bernice Margaret Rosina Gofton

Address:

The Painters Arms 18 Lake Road

Portsmouth PO1 4HA

Telephone:

Email:

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

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

Name:

Mrs Bernice Margaret Rosina Gofton

Address:

The Painters Arms

18 Lake Road Portsmouth

Hants PO1 4HA 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:

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:

17 October 2005

Date last amended:

9 September 2014

Type:

Transfer





Signed on behalf of the Head of Service

PORTSMOUTH CITY COUNCIL, Licensing Service, Civic Offices, Guildhall Square, Portsmouth PO1 2AL

Telephone (023 9283 4607/023 9268 8367) Fax 023 9283 4811 Email Licensing@portsmouthcc.gov.uk





(Authorised Officer)



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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children:
- (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (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;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;

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- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can be reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 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 shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 06 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

- 07 The responsible person shall ensure that:
- (a) where any of the following alcoholic drinks is sold and 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 35ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.
- 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,

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- (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) 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 Alcohol shall not be sold or supplied on Good Friday and Christmas Day except during permitted hours. In this condition permitted hours means:

Good Friday from 12:00 until 22:30 hours;

Christmas Day from 12:00 until 15:00 and 19:00 until 22:30 hours.

02 The permitted hours for the provision of licensable activities as authorised by this licence are:

on New Year's Eve, except on a Sunday from 10:00 until 23:00 hours or on New Year's Eve on a Sunday from 12:00 until 22:30 hours and;

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day, which would be 10:00 hours if New Year's Day falls on a weekday or 12:00 hours on a Sunday.

03 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.
- 04 The permitted hours restrictions do not prohibit during the first twenty minutes after the cessation of the sale or supply of alcohol, the consumption of the alcohol on the premises.
- 05 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).



-- END --



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

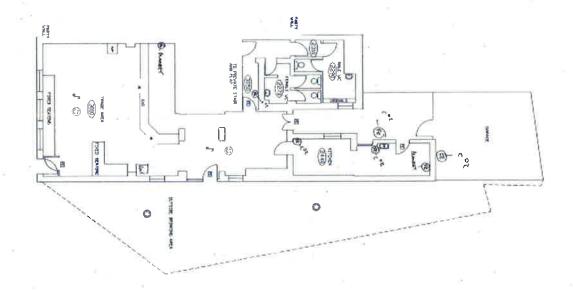
-- END --



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: 18 Lake Road Portsmouth



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Appendix C



BY FIRST CLASS POST AND EMAIL Licensing Authority Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL

Please ask for: Richard Taylor Direct Tel: Our ref:

Email: rjt@gosschalks.co.uk

Your ref: Derek Stone Date: 05 October 2017

Dear Sir

Re: Licensing Act 2003 – Review Proceedings Painters Arms, 18 Lake Road, Portsmouth, PO1 4HA

We act on behalf of EI Group (formerly Enterprise Inns PLC), the freehold owner of these premises. We have received a copy of the application for review of the premises licence issued by Hampshire Constabulary.

We would be grateful if you would accept this letter as a formal representation on behalf of our client. Our client owns around 4500 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our clients premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Painters Arms is currently the subject of a lease agreement in favour of Bernice Gofton, the current premise licence holder and the DPS. Ms Gofton has been operating the premises since March 2009.

Please note that we take a wholly neutral stance with regards to the allegations raised in the Our client's regional manager has been made aware of the issues at the application for review. premises and as landlord has clearly reiterated to Ms Gofton that she must comply with the terms of the licence and do everything she can to promote the licensing objectives.

We note that the police indicate that the grounds for the review are "a recent increase in instances of violence at the premises, the premises being open for trade beyond its permitted hours and an inability by staff to be able to operate the CCTV following these incidents"

It is clear, therefore, that it is the recent management of the premises here that is the cause of the issues that have given rise to review. The Home Office guidance is clear (at paragraph 11.20) that when considering action to take on review, a licensing authority "should so far as possible seek to establish the cause or causes of the concerns that the representations identified. 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." It is common ground that the Painters Arms has been a public house for a number of years and it is only recently that these issues have surfaced. In the circumstances, we would respectfully submit that revocation of the premises licence is not an appropriate and proportionate response.

A proportionate and appropriate response would, in our respectful submission, involve the removal of the DPS and the imposition of enforceable conditions.

Our client agrees that a change of management here is appropriate and in order to ensure this happens, Ms Gofton's lease needs to be brought to an end. Our client is currently involved in negotiations with Ms Gofton to determine whether she is prepared to surrender her lease. If she agrees then she will leave the premises, the licence will be transferred to Ei Group Plc and our client will deal with the review as premises licence holder. If she refuses to surrender the lease, then a court order will be required to remove Ms Gofton from the premises. It will not be possible for the County Court to deal with possession proceedings prior to the hearing of the review and if Ms Gofton is still in occupation of the premises when the committee hears the review, then we would respectfully submit that in addition to the removal of the DPS and the imposition of enforceable conditions, the licence should be suspended pending her departure.

At this stage, we would be grateful if you would acknowledge receipt of this representation and advise us as to the date of the hearing as our client may seek to expand upon the issues raised within this letter of representation.

| ours faithfully | | | |
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| OSSCHALKS | | | |

We look forward to hearing from you.





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: 17/03880/LAREVI Date: 10 October 2017

Dear Members of the Licensing Sub-Committee

Re: Licensing Act 2003 - Application for the review of a premises licence Painters Arms 18 Lake Road Portsmouth PO1 4HA

I refer to the recent application by the Chief Officer of Police for the review of a premises licence in respect of the premises known as the Painters Arms and situated at 18 Lake Road, Portsmouth, PO1 4HA.

On behalf of the Licensing Authority, I would wish to make formal representations in relation to the application on the following grounds:

Prevention of crime and disorder

The Licensing Authority has grave concerns relating to the lack of overall management and supervision of these premises by Ms Bernice Gofton, the current premises licence holder and designated premises supervisor which have, as a consequence, had a negative impact on the promotion of the licensing objectives relating to the prevention of crime and disorder.

Ms Gofton has been the designated premises supervisor at these premises since 2009 and subsequently took over these premises by way of transfer of the premises licence in September 2014. Prior to this the licence was held by Enterprise Inns.

The review application comprehensively sets out the number of incidents that have given rise to the application. It is quite apparent that there has been a deterioration in control by Ms Gofton, both in her role as premises licence holder and designated premises supervisor.

Continued/.....

Reference is drawn to paragraph 24.10 of the Council's statement of licensing policy which states:

"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".

The review application clearly shows that the Police Licensing Team have engaged with Ms Gofton repeatedly since 2014 but, despite this, there has been no improvement in compliance with conditions on the licence relating to CCTV and incidences of selling alcohol beyond the authorised times. Of greater concern however, is the recent incidents of violence at the premises and the lack of control and supervision being exercised by the current licence holder and DPS.

Given the extent of the problems evidenced by the Police in the review application and the subsequent detrimental impact on the prevention of crime and disorder licensing objective, I would concur with the recommendation that the most appropriate course of action for the sub-committee to take would be to revoke the premises licence in respect of these premises.

Yours sincerely

Nickii Humphreys Licensing Manager

Email: licensing@portsmouthcc.gov.uk