



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

Page 1 of 9

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

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

Apply for the review of a premises licence.

Apply for the review of a club premises certificate.

(*Select as applicable*)

Make a representation about a premises licence/club premises certificate

**Premises or Club Premises details**

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

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

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

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



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

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

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

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

- Prevention of Crime and Disorder
- Public Safety

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

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

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

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

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

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

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



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Public Order - 44

– 17/10/2014 22:31 hours

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

ABH - 44                      03/01/2016 23:15

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

GBH - 44                      06/03/2016 23:30

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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GBH - 44

26/05/2016 23:43

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

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

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

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

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

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

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

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

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

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



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injuries.

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

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

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

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

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

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

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

If yes please state the date of that  
application:

    /    /      
*Day  Month  Year*

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

N/A

**Please tick**

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





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City Council

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

Signature of Officer Completing

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

Signature of Authorising Officer (Inspector or above)

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