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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I PC 21945 Rackham

.....
(Insert name of applicant)

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

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

<p>Name of premises licence holder or club holding club premises certificate (if known)</p> <p>Caroline Sanders</p>

<p>Number of premises licence or club premises certificate (if known)</p>

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

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

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

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

Telephone number (if any)

E-mail address (optional)

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

1) the prevention of crime and disorder

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

x

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

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

- Protection of Children from Harm

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

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

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

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

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

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

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

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

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

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

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

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

in place the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Please tick <input type="checkbox"/> yes	
<ul style="list-style-type: none">I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	<input type="checkbox"/>
<ul style="list-style-type: none">I understand that if I do not comply with the above requirements my application will be rejected.	<input type="checkbox"/>

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

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

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

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

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

Notes for Guidance

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