

Licensing Sub-Committee
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Licensing Service

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Our Ref: 17/03385/LAREVI

Date: 1 August 2017

Dear Licensing Sub-Committee Members

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

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

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

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

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

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

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

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

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

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

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

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

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

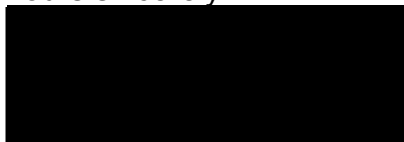
¹ Paragraph 11.30 of the Statutory Guidance.

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

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

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

Yours sincerely



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