



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: [REDACTED]
Email: rjt@gosschalks.co.uk
Our ref: [REDACTED]
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 application for review. Our client's regional manager has been made aware of the issues at the 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.

We look forward to hearing from you.

Yours faithfully,



GOSSCHALKS