

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: 17/04000/LAREVI

Date: 6 November 2017

Dear Members of the Licensing Sub-Committee

Re: Licensing Act 2003 - Application for the review of a premises licence Mutiny King George V Playing Fields Cosham Portsmouth

I refer to the recent application by the Chief Officer of Police for the review of a premises licence in respect of Mutiny, King George V Playing Fields, Cosham, Portsmouth.

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

- Protection of children from harm

The review application concisely sets out the engagement that has taken place with the licence holder, Police and other responsible authorities since 2014, particularly in respect of concerns relating to the admittance of 16 and 17 year olds to this event.

Despite a number of practices and procedures being put into place by the event organisers in order to prevent persons under the age of 16 gaining entry and to ensure the welfare of children on site, it would appear that those systems have not had the desired effect and as a direct result, children have become victims of crime, including sexual assault.

Whilst it is acknowledged that in all other respects there is a good working relationship with the event organisers, the issue of access to the event by 16 and 17 year olds remains in dispute between the Police, Licensing Authority and the organisers.

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Members attention is drawn to relevant sections of the Statutory Guidance issued in accordance with section 182 of the Act which may be of assistance when determining this application and are set out below:

Legal status - Para 1.9

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must "have regard to" guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

Protection of children from harm

Para 2.22

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

Para 2.23

The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- *adult entertainment is provided;*
- *a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);*
- ***it is known that unaccompanied children have been allowed access;***
- ***there is a known association with drug taking or dealing; or***
- *in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.*

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Para 2.27

Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- *restrictions on the hours when children may be present;*
- *restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;*
- *restrictions on the parts of the premises to which children may have access;*
- **age restrictions (below 18);**
- *restrictions or exclusions when certain activities are taking place;*
- *requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and*
- **full exclusion of people under 18 from the premises when any licensable activities are taking place.**

Para 2.29

Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

Having regard to the serious nature of the incidents involving children that have been identified by the chief officer of Police in the review application and that the licence holder has regrettably been unable to satisfactorily manage the admittance and welfare of children present on site, it is requested that the Licensing Sub-Committee amend the conditions of the current premises licence to restrict entry to the event to over 18s only.

Yours sincerely



Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk