



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

THURSDAY, 23 APRIL 2020 AT 10.00 AM

*(Seeking adjournment by written agreement of members)

Telephone enquiries to Democratic Services
Email: Democratic@Portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Committee Members Councillors Claire Udy (Chair), Scott Payter-Harris (Vice Chair), Dave Ashmore, Tom Coles, Jason Fazackarley, John Ferrett, George Fielding, Hannah Hockaday, Leo Madden, Lee Mason, Gemma New, Steve Pitt, Benedict Swann, Linda Symes and Gerald Vernon-Jackson.

The panel today consists of: Councillors Dave Ashmore, John Ferrett and Linda Symes.

(NB This agenda should be retained for future reference with the minutes of this meeting).

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

A G E N D A

- 1 **Appointment of Chair**
- 2 **Declarations of Interest**
- 3 **Licensing Act 2003 - Application for variation of a premises licence - Keppels Head Hotel, 24-26 The Hard, Portsmouth, PO1 3DT (Pages 3 - 62)**

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from a responsible authority namely the Chief Officer of Police, Hampshire Constabulary together with three representations from local residents.

RECOMMENDATION:

As a result of Government guidelines in relation to Covid19 and in accordance with the principles of natural justice your reporting officer recommends that this hearing is adjourned for at least 30 days (to a provisional date of 3 June 2020). This adjournment needs to be reviewed and is subject to further adjournments (if necessary) at 30 day intervals until a suitable date can be secured to determine this application.

The applicant and all parties have been informed that an application to adjourn this hearing will be made and the applicant is supportive of this proposal.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 23rd April 2020

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Application for variation of a premises licence - Keppels Head Hotel, 24-26 The Hard, Portsmouth, PO1 3DT

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from a responsible authority namely the Chief Officer of Police, Hampshire Constabulary together with three representations from local residents. Further detail about the representations received is shown at paragraph 4 below.

RECOMMENDATION: As a result of Government guidelines in relation to Covid19 and in accordance with the principles of natural justice your reporting officer recommends that this hearing is adjourned for at least 30 days. This adjournment needs to be reviewed and is subject to further adjournments (if necessary) at 30 day intervals until a suitable date can be secured to determine this application.

The applicant and all parties have been informed that an application to adjourn this hearing will be made and the applicant is supportive of this proposal.

2. THE APPLICATION AND PROPOSED VARIED OPERATING SCHEDULE

The variation application has been submitted on behalf of Holding The Keppel's Head Ltd and relates to premises known as Keppels Head Hotel situated at 24-26 The Hard, Portsmouth, PO1 3DT. Currently the Premises Licence relates to a room in the hotel known as 'Nelsons Bar' This application seeks to introduce an additional bar to be called 'Nuts Bar' in the basement for private functions. The proposed changes to the current authorisation are as follows:

Introduction of Live Music from 11:00 to 02:00 Monday to Sunday.

Recorded Music no change to existing Premises Licence.

Performance of Dance from 11:00 to 02:00 not on existing Premises Licence.

Late Night Refreshment extended from 23:30 on existing Premises Licence to run from 23:00 until 02:00 Monday to Sunday.

Alcohol sales from 11:00 until 02:00 Monday to Sunday. Existing Premises Licence permits Alcohol sales from 00:00 to 23:59 to residents and this will not change.

The hours the premises will open to the public will change to 07:00 to 02:00 Monday to Sunday which on the existing Premises Licence is 10:00 to 23:30 Monday to Saturday and 12:00 to 22:50 Sunday. For residents the hours are from 00:00 to 23:39 daily.

In addition the applicant has requested the removal of conditions 1,3,4 and 5 from their current Premises Licence conditions as they are no longer applicable.

The applicant has detailed in the operating schedule the steps intended to support and promote the licensing objectives. These can be found in the redacted application form attached as **appendix A** together with a plan attached as **appendix B**.

The current licence is attached as **appendix C**.

The updated statutory guidance¹ gives general advice about the steps to promote the licensing objectives as follows:

Paragraph 8.42 *"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand: the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate; any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."*

Paragraph 8.43 *"Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."*

Paragraph 8.44 *"It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."*

Paragraph 8.47 *"Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."*

Paragraph 8.50 *"Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above."*

¹ Revised Statutory Guidance issued by the Home Office

3. BACKGROUND INFORMATION

The provisions relating to the variation of a premises licence are contained within part 3 of the Licensing Act 2003 and associated statutory regulations.

Public notice has been given by way of press notice, a premises notice and local ward councillors have been notified of the application. There are no germane grounds for the committee to reject the application for non-compliance with the prescribed advertising requirements.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

A relevant representation has been received from the Chief Officer of Police, Hampshire Constabulary. This follows a failed test purchase on 16th February 2020 where alcohol was sold to a minor together with a number of failings identified at the premises with regard to general alcohol sales and the controls that should be in place. This includes lack of training around the sale/supply of alcohol. The applicant has failed to engage with the police either in relation to the application or following the failed test purchase.

Three representations have also been received from local residents concerned that noise would be a concern if this application was granted. All representations are attached as **appendix D**.

The statutory guidance states:

***Paragraph 9.11** "Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so."*

***Paragraph 9.12** "Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing".*

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the variation application, the committee must have regard to:

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
- The human rights of all the parties concerned to ensure both a fair and balanced hearing and to consider, if necessary, any public sector equality matters;
- The current statutory guidance² issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

Statement of Licensing Policy

The Statement of Licensing Policy lays down a general approach to the determination of licensing applications and any such application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Committee will have those representations considered on their individual merit.

The Committee should consider the fundamental principles set out in its policy, particularly paragraphs 4.7 and 4.8 which are reproduced below:

- 4.7** *Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.*
- 4.8** *Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the evening and night-time economy in town and city centres.*

² Revised statutory guidance issued by the Home Office

The Committee should also have regard to paragraphs 7.1 to 7.5 in relation to such circumstances where it may be appropriate to consider the imposition of conditions on a premises licence.

Statutory Guidance

The updated statutory guidance issued by the Home Secretary in accordance with section 182 of the Act refers to the consideration of applications for the grant or variation of premises licences in Chapter 9.

Members may wish to consider the following extracts from the statutory guidance when determining this application:

Paragraph 9.37 " As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits".

Paragraph 9.42 "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be."

Paragraph 9.43 "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."

Paragraph 9.44 "Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

Paragraph 10.8 *"The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."*

Paragraph 10.9 *"It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."*

Paragraph 10.13 *"The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application."*

Paragraph 10.14 *"Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested."*

Members are reminded about the review provisions contained in chapter 11 of the guidance and, in particular:

Paragraph 11.1 *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."*

Paragraph 11.2 *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."*

Determination of an application

Where an application to vary a premises licence has been made in accordance with section 34 of the Act and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant, each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any,

as it considers appropriate for the promotion of the licensing objectives which are:

- To modify the conditions of the licence
- To reject the whole or part of the application

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In discharging its duty in accordance with the above, the Committee may vary a premises licence so that it has effect subject to different conditions in respect of:

- different parts of the premises concerned;
- different licensable activities.

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

***Paragraph 13.10** "It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."*

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to vary a premises licence.

Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence.

Where a person who made relevant representations in relation to the application contends that:

- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the variation of the premises licence.
- B.** Copy of Plan.
- C.** Copy of existing Premises Licence.
- D.** Copy of the redacted relevant representations received.

THE COMMITTEE IS REQUESTED TO DETERMINE THE VARIATION APPLICATION

A handwritten signature in black ink, appearing to be a stylized 'R' or similar character, positioned above the typed text.

For Licensing Manager
And on behalf of Head of Service

Appendix A

201016 SZ/LAPREM
reps by



[Insert name and address of relevant licensing authority and its reference number (optional)]

Application to vary a premises licence 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 in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We HOLDING THE KEPPEL'S HEAD LTD

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	19/03425/LAPREM
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
24-26 THE HARD PORTSMOUTH			
Post town	PORTSMOUTH	Postcode	PO1 3DT

Telephone number at premises (if any)	02392 833 231
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

No changes to the current licence for Nelson's Bar,
Except 10.7.00 for breakfast.
Variation for private room hire only for the
basement, Nut Bar which is not open to the public.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11:00	02:00			
Tue	11:00	02:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	11:00	02:00			
Thur	11:00	02:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	11:00	02:00			
Sat	11:00	02:00			
Sun	11:00	02:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon	11:00	02:00						
Tue	11:00	02:00						
Wed	11:00	02:00				State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11:00	02:00						
Fri	11:00	02:00				Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11:00	02:00						
Sun	11:00	02:00						

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	02:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	11:00	02:00			
Wed	11:00	02:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	11:00	02:00			
Fri	11:00	02:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11:00	02:00			
Sun	11:00	02:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	02:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	02:00	Please give further details here (please read guidance note 3)		
Wed	11:00	02:00			
Thur	11:00	02:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	11:00	02:00			
Sat	11:00	02:00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	11:00	02:00			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23:00	02:00			
Tue	00:00	02:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23:00	02:00			
Thur	23:00	02:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri	23:00	02:00			
Sat	23:00	02:00			
Sun	23:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) <u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Mon	11:00	02:00			
Tue	11:00	02:00			
Wed	11:00	02:00			
Thur	11:00	02:00			
Fri	11:00	02:00			
Sat	11:00	02:00			
Sun	11:00	02:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish		
Mon	0700	23:00	OPENING TIMES FOR BREAKFAST	
				02:00
Tue	0700	23:00		
				02:00
Wed	0700	23:00		
Thur	0700	23:00		Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	0700	02:00		
Sat	0700	02:00		
Sun	0700	02:00		

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Remove conditions no longer applicable 1, 3, 4, 5.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

CCTVs have been installed.
Consistent staff training are provided to ensure vigilant and professionalism.

c) Public safety

Fire risk assessments have been carried out on the premises to ensure safety measures are in place for any emergency.

d) The prevention of public nuisance

Staff training are provided to ensure no sale of alcohol recklessly. Sound protection measure are in place to prevent any noise from the basement.

e) The protection of children from harm

Staff training are provided to ensure ID is being checked if any suspicious on the age of anyone under 25s.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	[REDACTED]
Date	27/01/2020
Capacity	DIRECTOR

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

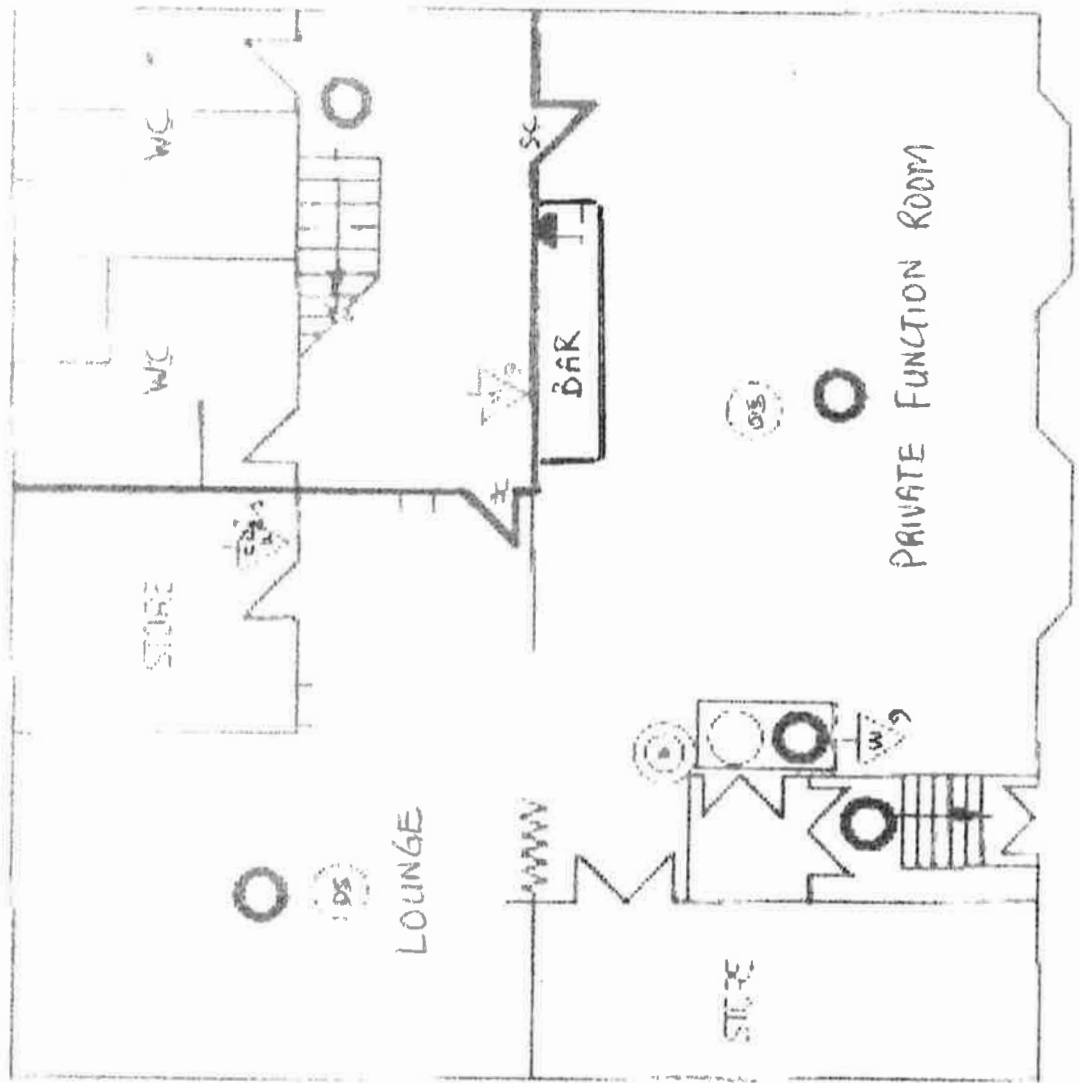
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

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

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of

Appendix B



NUT BAR

BASEMENT

KEPPEL'S HEAD HOTEL

24-26 THE HARD

PORTSMOUTH

POI 3DT

YUK WEE LIM (DIRECTOR)

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Appendix C

Premises Licence Number
19/03425/LAPREM



PREMISES LICENCE Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Address: Keppels Head Hotel 24 - 26 The Hard Portsmouth PO1 3DT	Map Ref (E) : 463111 Map Ref (N): 100190 UPRN: 001775034795
Telephone	

Where the licence is time limited the dates
This licence is NOT time limited

Licensable activities authorised by the licence
<ul style="list-style-type: none">▶ Sale by retail of alcohol▶ Late night refreshment▶ Playing of recorded music

The times the licence authorises the carrying out of licensable activities	
▶ Sale by retail of alcohol	
Monday to Sunday	00:00 until 23:59
The above hours apply to the residential use of the premises.	
Monday to Saturday	10:00 until 23:00
Sunday	12:00 until 22:30
▶ Playing of recorded music	
Monday to Sunday	11:00 until 02:00
▶ Late night refreshment	
Monday to Saturday	23:00 until 23:30

The opening hours of the premises	
▶ Monday to Sunday	00:00 until 23:59
The above hours apply to the residential use of the premises	
▶ Monday to Saturday	10:00 until 23:30
▶ Sunday	12:00 until 22:50

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Name: Holding The Keppel's Head Ltd

Address: 24 - 26 The Hard
Portsmouth
PO1 3DT

Telephone: [REDACTED]

Email:

Registered number of holder, for example company number, charity number (where applicable)

11788054

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Name: Ms Thuc Tring Tang

Address: [REDACTED]
[REDACTED]

Telephone: [REDACTED]

Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence No: [REDACTED]

Issuing Authority: Portsmouth City Council

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder

Date Licence granted: 3 May 2006

Date last amended: 13 August 2019

Type: Transfer



[REDACTED]
Signed on behalf of the Head of Service
(Authorised Officer)

Portsmouth City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders. For further information about how the Council collects and uses personal information please visit our website: <https://www.portsmouth.gov.uk/ext/the-council/data-protection-privacy-notice>

PORTSMOUTH CITY COUNCIL, Licensing Service,
Civic Offices, Guildhall Square, Portsmouth PO1 2AL

Telephone (023 9283 4607/023 9268 8367) Fax 023 9283 4811 Email Licensing@portsmouthcc.gov.uk

Annex 1 – Mandatory Conditions

01 No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

02 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

03 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

04 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

05 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

06 The responsible person must ensure that:

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

07 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --

Annex 2 – Conditions consistent with the operating schedule

01 Alcohol shall not be sold or supplied on Good Friday and Christmas Day except during permitted hours. In this condition permitted hours means:

Good Friday from 12:00 until 22:30 hours;

Christmas Day from 12:00 until 15:00 and 19:00 until 22:30 hours.

02 The permitted hours for the provision of licensable activities as authorised by this licence are:

on New Year's Eve, except on a Sunday from 10:00 until 23:00 hours or on New Year's Eve on a Sunday from 12:00 until 22:30 hours and;

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day, which would be 10:00 hours if New Year's Day falls on a weekday or 12:00 hours on a Sunday.

03 The permitted hours restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or
- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

04 The permitted hours restrictions do not prohibit during the first twenty minutes after the cessation of the sale or supply of alcohol, the consumption of the alcohol on the premises.

05 In accordance with paragraphs 6(8) and 18 (5) of Schedule 8 of the Licensing Act 2003, the licence holder shall have regard to the statutory provisions contained within the Children and Young Persons Act 1933 (as amended).

-- END --



Annex 3 – Conditions attached after a hearing by the licensing authority

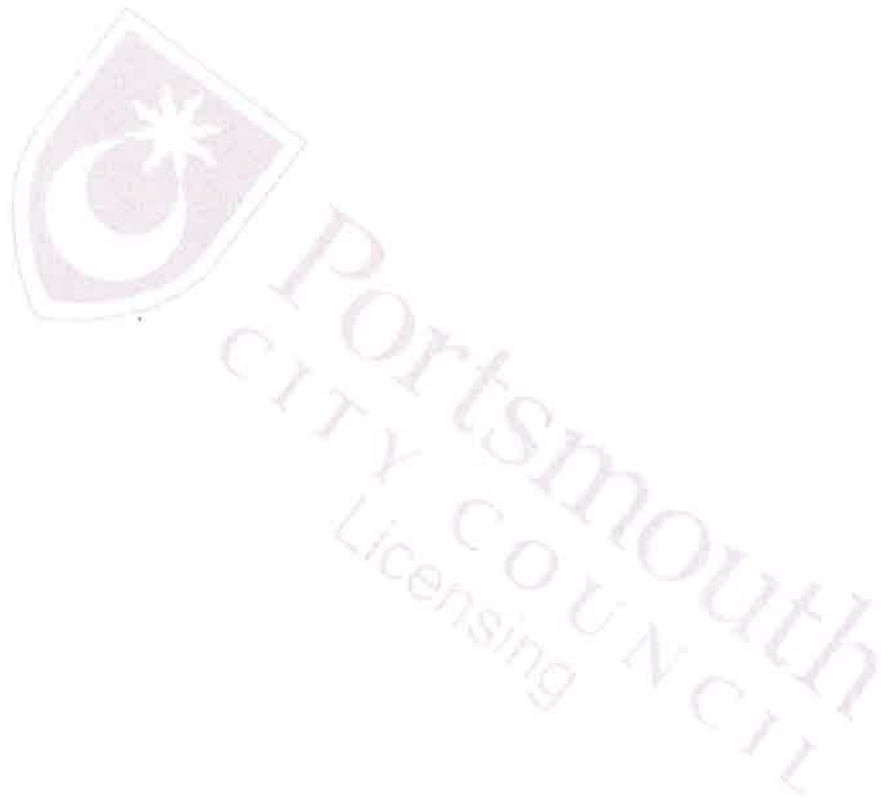
-- END --



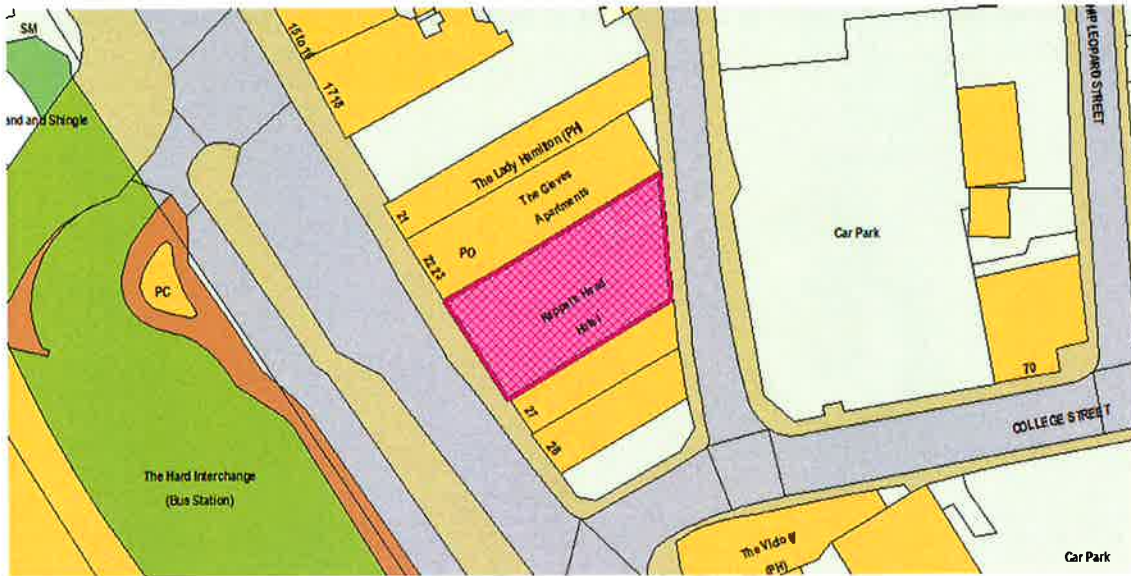
Annex 4 – Premises and location plan

Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



Location Plan: 24 - 26 The Hard Portsmouth



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. LICENCE AGREEMENT NUMBER LA100019671- PORTSMOUTH CITY COUNCIL

Form for representations/objections from Hampshire Constabulary

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

Hampshire Constabulary is a responsible authority and wish to make a -representation- under the Licensing Act 2003, regarding the:

<input type="checkbox"/>	.1: New Premises licence/club prem certificate	Representation within 28 days
<input checked="" type="checkbox"/>	.2: Variation of premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	3: Minor variation of premises licence/club prem certificate	Representation within 10 days
<input type="checkbox"/>	4: Variation of DPS	Object within 14 days
<input type="checkbox"/>	5: Transfer of premises licence	Object within 14 days
<input type="checkbox"/>	6: Standard temporary event notice	Object within 3 working days
<input type="checkbox"/>	7: Late temporary event notice	Object with 3 working days
<input type="checkbox"/>	8: Application for a personal licence	Object within 14 days
<input type="checkbox"/>	9: Provisional statement	Representation within 28 days
<input type="checkbox"/>	10: Ancillary sales notice	Object within 3 working days
<input type="checkbox"/>	11: Interim authority notice	Object within 2 working days

Name of Applicant:	Holding the Keppel's Head Ltd
Name of Proposed DPS:	N/A

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	The Keppels Head Hotel 24-26 The Hard Portsmouth Hampshire
Postcode:	PO1 3DT

Details of responsible authority applicant

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title / Rank:	Police Constable
Surname:	Rackham	First Names:	Pete		
Current postal address :	Licensing and Alcohol Harm Reduction Team Lower Ground Floor Core 5 Civic Offices Portsmouth Hampshire				
Postcode:	PO1 2AL				
Daytime telephone number:	02392 688314				
E-mail address: (optional)	licensing@hampshire.pnn.police.uk				

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

Form for representations/objections from Hampshire Constabulary

This application to object relates to the following licensing objective(s)

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

Please state the ground(s) for -representation-:

The Chief Officer of Police makes representations against the application for the variation of a premises licence at Nut Bar, The Keppels Head Hotel, The Hard, Portsmouth.

This follows concerns around the operation of the premises which calls into question the ability of the licence holder to operate the premises in a way which promotes the licensing objectives. This stems from a lack of communication around the application and also a Juvenile Test Purchase operation in which the sale of alcohol was made at the premises to a 15 year old.

On 3rd February 2020 the Chief Officer of Police received an application to vary the premises licence at the Keppels Head Hotel. The application detailed the implementation of a new bar at the premises open until 02:00 hours and the removal of conditions perceived to now be non relevant. The application detailed that the new bar would be for "Private room hire only" and "not open to the public".

Within the application the application advised that the following would be in place at the premises:

- CCTV
- Staff training mentioned three times within the document as follows "consistent staff training are provided to ensure vigilant and professionalism" and "to ensure no sale of alcohol recklessly" and "to ensure ID is being checked if any suspicious on the age of anyone under 25s"
- Fire Risk assessments

The Chief Officer of Police upon receiving the application noted its contents and wrote to the applicant on 4th February 2020 to request that they consider proposed conditions. These conditions reflected those proposed by the applicant to state how they will promote the licensing objectives. This email is contained within Annex A of the Police evidence bundle.

Following the email the Chief Officer of Police received no response from the applicant.

On 16th February 2020 Police performed a Juvenile Test Purchase Operation at the premises. A 15 year old approached the bar and a plain clothed officer observed a staff member sell alcohol to the 15 year old (an offence under S146 Licensing Act 2003). Following the sale the staff member was issued a Community Resolution requiring them to undertake documented Challenge 25 training.

On site at the premises was the DPS – Tring Lim. She advised that there was nothing in place with regards to due diligence at the premises. Police requested the following items from the DPS:

- Documented staff training logs around the age verification policy

Form for representations/objections from Hampshire Constabulary

- Refusals logs
- Age Verification Policy
- Authorisation from the DPS for the staff member to sell alcohol
- Age Verification Posters/Signage

The DPS stated that none of the above was in place at the premises. A discussion was had with the DPS where it was impressed upon them, that they needed to implement the above and the concerns that they were selling alcohol without any measures in place to prevent the sale of alcohol to children.

On 18th February 2020 the DPS and the applicant were sent an email detailing the Test Purchase failure and advising of the concerns raised in person and what measures needed to be implemented in order to promote the protection of children from harm licensing objective. The Police also directed the applicant and DPS towards a website which provided them with the due diligence documents needed to resolve these issues. This email is contained within Annex B of the Police evidence bundle.

No response has been received from the applicant or the DPS with regards to the concerns raised within the Annex B email.

The Chief Officer of Police would also like to raise that the area in which the application is submitted is close to Gunwharf Quays and is a main thoroughfare for persons seeking to use public/private transport in the early hours of the morning. As such this area can become an area where violent criminal incidents can occur. Police records show a breakdown of incidents within the vicinity of the premises over a 12 month period as follows:

- 14 Incidents of Assault with Injury (incidents which are crimed as 13 ABH- 1 GBH)
- 3 Incidents of Assault without Injury (incidents which are Crimed as Common Assault)
- 2 Incidents of Public Order
- 1 Incident of Sexual Assault
- 1 Incident of Drug offences

These incidents are all incidents which have occurred in the vicinity of the premises between 19:00 – 05:00 hours each day. All of which involved alcohol as some form of contributory factor.

As such the Police have concerns around how this application will promote the licensing objections if granted and at present do not believe that the granting of this application will promote the licensing objectives. The concerns laid out are as follows:

Application is not consistent with the current operation of the premises and failings have led directly to the sale of alcohol to a child

The applicant has emphasised three times within the application that they provide training to staff members in order to:

- Be "vigilant" and show "professionalism"
- Ensure the sale of alcohol is not "reckless"
- Ensure "ID is being checked"

The reality of this is that there is no training in place whatsoever at the premises for staff members and the statements made within the application do not match the stark reality. The circumstances of



Form for representations/objections from Hampshire Constabulary

the sale of alcohol to a 15 year old at the premises show that the reality of staff at the premises is that they are not "vigilant", they have been "reckless", and with regards to "ID is being checked", it simply is not.

There is also a huge concern around the lack of due diligence in place at the premises. Again there is none whatsoever. The lack of such documentation, of any coherent training plan has directly led to the sale of alcohol at the premises to children.

This severely undermines the promotion of the protection of children from harm licensing objective at the premises and moving forward does not provide confidence to the Police that this application would promote the licensing objectives if granted.

Potential of crime and disorder

The Police have identified that the area the application sits within is one which sees a high level of footfall in the early hours of the morning which does result in alcohol related crime and disorder. The premises wishes to remain open until 02:00 hours for private events. This will see customers leave the premises at similar times to other persons using the area and this is more than likely to result in an increase in crime and disorder. The applicant has at no point detailed what measures they will take to mitigate this risk and as such this calls into question as to whether this application will promote the licensing objectives.

The disparity between what is stated on the application and what is actually in place also gives the Police cause for concern around the statement on the application with regards to the premises being for private events only and not open to the public. The applicant has not detailed what measures they will implement to promote the licensing objectives during these private events. Again this calls into question the likelihood as to whether this application will promote the licensing objectives.

As such the main police concerns are as follows:

- Premises has no due diligence in place and this has directly led to the sale of alcohol to a child
- The applicant has stated training is in place for staff within the application, this is not accurate and no training is in place for staff
- The applicant has not indicated how they will promote the licensing objectives given the late terminal hour and the premises position in an area in which crime and disorder linked to alcohol occurs
- The Chief officer of Police has no confidence in the ability of the applicant to adhere to what they have submitted as part of their application. Whilst in theory private parties will mitigate risk around the prevention of crime and disorder there is currently nothing to stop the applicant opening the premises as a late night premises with the ability to have live and recorded music until the early hours, effectively creating a night club with limited measures in place.



Form for representations/objections from Hampshire Constabulary

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

The Chief officer of Police respectfully recommends that this application is not granted.

However if the committee members were minded to grant the application then the Chief Officer of Police would request that the below conditions are applied in order to ensure that the premises is operated in a way which would mitigate the Police concerns and also ensure that the premises is managed in a way which does promote the licensing objectives.

However it should be noted that given the inability of the applicant to adhere to their own operating schedule, that the Police have no confidence that the applicant would be able to adhere to any imposed conditions to promote the licensing objectives.

1 - The CCTV system must be fully operational whilst the venue is open to the public.
The recording equipment shall be stored and operated in a secure environment with limited access.
The system shall be regularly maintained and serviced.
The system clock shall be checked regularly for accuracy taking account of GMT and BST.
Digital systems shall have sufficient storage capacity for 30 days good quality pictures.
The images produced will be date and time stamped.

Access

At all times that the premises is open for trade a person shall be on site that is able to work the CCTV system and provide a viewable digital copy of any footage to the Police or officers of the Licensing Authority on request.

CCTV shall cover the full licensable area including the entrance to the premises.

2 - All staff must receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training.
Training shall cover:

Sale of alcohol to persons under 18
Challenge 25 and acceptable forms of Identification
Signs of Drunkenness
Refusal register and when/how to use
The Licensing Objectives
Identifying Child Sexual Exploitation

This training shall be documented and records kept on the premises. Police and the Licensing Authority shall have access to an individual's training records upon request.

3 - Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance.

**Form for representations/objections
from Hampshire Constabulary**

4 A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local authority.

5 The premises shall operate a challenge 25 policy. Challenge 25 signage shall be visible to customers at the point of sale.

6 - The Licence Holder shall 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. These checks are to be undertaken by a third party/independent organisation such as "Serve Legal".

b) These records must contain details of the date and time of the check and the outcome

c) A copy of these records shall be provided on request to the Police and Licensing Authority and copies must be kept for 2 years

d) In the event of any failure the Police and Licensing Authority shall be notified in writing within 48 hours of the failure being notified to the premises licence holder

7 - The Licence Holder shall ensure that the till system used at the premises employs a digital challenge 25 warning to the sales assistant prior to any sale.

8 The area of the premises currently identified as "Nut Bar" in the basement area of the premises shall not be open to members of the public. It shall only be used for pre booked, private functions.

9 When the premises uses the area of the premises currently identified as "Nut Bar" in the basement area of the premises for a pre booked, private function and the function includes live or recorded music as entertainment then the premises shall employ a minimum of two SIA registered door supervisors for the entirety of the event.

10 When SIA registered door supervisors are utilised at the premises these door supervisors shall each be in possession of body worn cameras. The Police and Licensing authority shall be provided with footage in a viewable format upon request

11 The premises licence holder shall ensure that the following written policies are implemented and adhered to by staff:

- Age Verification Policy
- Ejection Policy
- Child Sexual Exploitation Prevention Policy

The Licence holder shall provide copies of these policies to the Police and Licensing Authority upon request.

Signature of Officer Completing _____

Name PC Rackham

Collar Number: 21945



RESTRICTED

G89
Page 7 of 7

**Form for representations/objections
from Hampshire Constabulary**

Signature: P.Rackham Date: 19/02/2020

Signature of Authorising Officer

Name PS Ainsworth Collar Number: 1878
Signature: J.Ainsworth Date: 19/02/2020

Annex A

Occurrence enquiry log entry report

Version ba1ee10546b59b12842f37c6d2ea07fb7f24d34b (2018/06/16)

Hampshire Constabulary

Occurrence: 44080314370 Z Prem Licence (Management Occurrence) ***MASTER LICENSING RECORD Keppels Head Hotel*** See reports tab page for copy of Premises Licence. Premises Licence number 489. Visits should be recorded on a working sheet the reports tab. All other incidents should be raised on a new occurrence and linked to master record.

Task status: All

Log type: All

Valid as of 19/02/2020 12:28:48
Printed by #21945 RACKHAM, P.

Occurrence	Ref #	Type	Entry time	Event time	Author	Link	Task
44080314370	1	Enquiry log	04/02/2020 11:43		#21945 RACKHAM, P.	No	

From: Rackham, Peter **Sent:** 04 February 2020 11:42**To:** 'yukweelim [REDACTED]' **Subject:** Variation Application - Police Licensing - Keppels Head Hotel

Dear Sir/Madam

I can confirm that the Chief Officer of Police has received the application for the variation of a premises licence at the Keppels Head Hotel in Portsmouth.

Having noted the contents of the application the Police propose the following conditions to be placed on the licence should the variation be granted:

1 - The CCTV system must be fully operational whilst the venue is open to the public. The recording equipment shall be stored and operated in a secure environment with limited access. The system shall be regularly maintained and serviced. The system clock shall be checked regularly for accuracy taking account of GMT and BST. Digital systems shall have sufficient storage capacity for 30 days good quality pictures. The images produced will be date and time stamped.

Access

At all times that the premises is open for trade a person shall be on site that is able to work the CCTV system and provide a viewable digital copy of any footage to the Police or officers of the Licensing Authority on request.

CCTV shall cover the full licensable area including the entrance to the premises.

2 - All staff must receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training. Training shall cover:

Sale of alcohol to persons under 18
Challenge 25 and acceptable forms of identification
Signs of Drunkenness
Refusal register and when/how to use
The Licensing Objectives
Identifying Child Sexual Exploitation

This training shall be documented and records kept on the premises. Police and the Licensing Authority shall have access to an individual's training records upon request.

3 - Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance.

4 A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local authority.

5 The premises shall operate a challenge 25 policy. Challenge 25 signage shall be visible to customers at the point of sale.

Please advise me if you are willing, in the event that the variation is granted to have the above conditions placed onto the premises licence

Kind Regards

Pete
PC 21945 Rackham Force Licensing and Alcohol Harm Reduction Team
Portsmouth

Log entry:

Annex B

Occurrence enquiry log entry report

Version ba1ee10546b59b12842f37c6d2ea07fb7f24d34b (2018/06/16)

Hampshire Constabulary

Occurrence: 44080314370 Z Prem Licence (Management Occurrence) ***MASTER LICENSING RECORD Keppels Head Hotel*** See reports tab page for copy of Premises Licence. Premises Licence number 489. Visits should be recorded on a working sheet the reports tab. All other incidents should be raised on a new occurrence and linked to master record.

Task status: All

Log type: All

Valid as of 19/02/2020 12:30:27
Printed by #21945 RACKHAM, P.

Occurrence	Ref #	Type	Entry time	Event time	Author	Link	Task
44080314370	2	Enquiry log	18/02/2020 13:56		#21945 RACKHAM, P.	No	T2000196237 Follow up New

From: Rackham, Peter **Sent:** 18 February 2020 13:56 **To:** 'tringlim [REDACTED]' **Cc:** 'yukweelim [REDACTED]' **Subject:** Test Purchase Operation Failure - Keppels Head Hotel - Police Licensing Contact

Dear Tring

Thank you for speaking with me on Sunday following the Juvenile Test Purchase Failure at the Keppels Head Hotel, The Hard.

You are aware that on 16th February 2020 the Police performed a Test Purchase Operation at the premises and a plain clothed officer observed alcohol being sold to a 15 year old Test Purchase operative. This is an offence under S146 Licensing Act 2003. The seller was identified as [REDACTED] who received a community resolution to undertake documented training around the sale of alcohol.

On discussing the incident it became apparent that you have no due diligence measures in place to prevent the sale of alcohol to children at the premises and the following was noted:

There was no documented training in place for any member of staff, including [REDACTED]
There was no recorded age verification policy in place at the premises you could talk of. This is potentially a breach of the mandatory licence conditions applied to every premises licence issued and potentially an offence under S136 of the licensing act 2003

No refusals logs in place which enable you to demonstrate that you are as a business conducting it in a way which promotes the licensing objectives
No signage around your age verification policy

These lack of measures have directly led to the sale of alcohol to a child. Had the above measures been in place I have no doubt that the 15 year old would have been asked for ID and being unable to produce any would have been refused the sale of alcohol. As such I have huge concerns around the measures in place to prevent sales of alcohol to children at the premises.

Log entry:

I write to make you aware that there will be a further Test Purchase conducted at the premises within the next three months. Should you fail a further Test Purchase then this would be deemed as the persistent sale of alcohol to children and the Police would be forced to consider:

Prosecution of the licence holder for the offence of the persistent sale of alcohol to children
In lieu of prosecution the issuing of a closure notice which would prevent the sale of alcohol at the premises for a period between 48 hours and 14 days
A review of the premises licence where the Home Office guidance is that any licensing panel should consider revocation of the premises licence in the first instance

As such, as the DPS you must ensure that you put the correct measures in place to prevent any further repeat. I provide you with the following link:

<https://www.pbcpr.com/advice.php>

This link will provide you with training logs and also information around due diligence. If this is something which is not making sense to you then I would make you aware that there are companies who can support you and also solicitors who offer similar advice and support. The onus on the licence holder and yourself is to ensure that these measures are in place and that the premises operates in a way which promotes the licensing objectives.

I am aware that currently you have an application to vary the premises licence and have created a new bar. I am currently concerned to the extent that I wish to advise you that I will be making representations in relation to the application. You will receive the documentation for this shortly to understand the Police position.

Kind Regards

Pete

Gallacher, Lisa

From: Rackham, Peter (Police)
Sent: 06 March 2020 08:41
To: Stone, Derek
Cc: Humphreys, Nickii; Robson, Debra
Subject: Keppels Head response
Attachments: new doc 2020-03-05 17.06.09-20200305170725.pdf

Hi Rocky

Got this through from Keppels Head

My reps still stand but thought you may like to see that they have performed some limited "training" following the failure.

No mention of any of the other concerns which have been raised via the documentation sent or my email following the TP Failure

Kind Regards

Pete

PC 21945 Rackham
Force Licensing and Alcohol Harm Reduction Team
Portsmouth
07944302200

From: Yuk Wee Lim [mailto:yukweelim@googlemail.com]
Sent: 05 March 2020 17:10
To: Rackham, Peter <peter.rackham@hampshire.pnn.police.uk>
Cc: Tring <tringlim@gmail.com>
Subject: Re: Request for smaller attachment - Police Licensing

Dear Pete

Thank you for your email.

Please find the attached compressed file as requested.

Best regards,
Ivan

On Thu, Mar 5, 2020 at 4:34 PM <peter.rackham@hampshire.pnn.police.uk> wrote:

Dear Sir

I am unable to receive the attached document you have provided. Could you please make the attachment smaller so that our firewall will accept the attachment.

Kind Regards

Pete

PC 21945 Rackham
Force Licensing and Alcohol Harm Reduction Team

Portsmouth

07944302200

From: EmailAdministrator@hampshire.pnn.police.uk [mailto:EmailAdministrator@hampshire.pnn.police.uk]
Sent: 05 March 2020 12:15
To: Rackham, Peter <peter.rackham@hampshire.pnn.police.uk>
Subject: An email sent to you cannot be delivered.

An email sent to you cannot be delivered as the attachment is too large, the details of the email are:

Sender: yukweelim@googlemail.com

Recipient(s): peter.rackham@hampshire.pnn.police.uk

Message Area: Oversize

Subject: Re: Test Purchase Operation Failure - Keppels Head Hotel - Police Licensing Contact

Date sent: Thu, 5 Mar 2020 12:13:04 +0000

Unfortunately oversized emails cannot be released as any attachments over 18MB are currently too large to be delivered. Please contact the sender to break it down into smaller sized attachments or discuss alternative ways to provide the information required.

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Hampshire Constabulary currently use the Microsoft Office 2013 suite of applications. Please be aware of this if you intend to include an attachment with your email. This communication contains information which is confidential and may also be privileged. Any views or opinions expressed are those of the originator and not necessarily those of Hampshire Constabulary. It is for the exclusive use of the addressee(s). If you are not the intended recipient(s) please note that any form of distribution, copying or use of this communication or the information in it is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to: informationsecurity@thamesvalley.pnn.police.uk and to the sender. Please then delete the e-mail and destroy any copies of it. Thank you.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

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Age Verification policy

'All premises licensed for the sale or supply of alcohol shall operate an age verification policy to assist in establishing a buyers age, before any such sale of alcohol takes place'
(Mandatory Licensing Condition)

Premises Name and Address:

KEPPEL'S HEAD HOTEL

24-26 THE HARD, PORTSMOUTH PO1 3DT

Designated Premises Supervisor:

TRINH THUC TANG

Premises Licence Holder:

HOLDING THE KEPPEL'S HEAD LTD

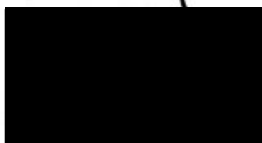
Whilst it is understood that alcohol or tobacco can be sold to a person over the age of 18, this premises operates an 'age verification policy' which means that any person who appears to be under the age of 25 must be asked for acceptable proof of age before any sale of alcohol takes place.

Acceptable Identification:

PASSPORT

DRIVING LICENCE

Anyone involved in the sale or supply of alcohol at these premises must adhere to the above policy at all times, failure to comply will be considered gross misconduct and could lead to a disciplinary or dismissal from employment.



DPS Signature:

Date:

26/02/2020

Please insure that DPS details remain correct at all times

Name - Hugh .


Date - 26/2/2020

Areas we covered -

Bar - Sprints	✓
Perfect pour - Beer	✓
Restaurant floor skills .	✓
Till	✓
Bar Health & Safety	✓
Cellar management	✓
Stock Rotation	✓
Barrel change	✓
Refusal log .	✓
Wines	✓

Trained by -

Kayleigh Cooper.

Sign - 

Keeper

Name - Elena.

Date - 26/02/2020

Areas we covered.

Bar - Spirits	✓
Perfect Pour - Beer	✓
Restaurant floor skills	✓
Till	✓
Bar Health & Safety	✓
Cellar management	✓
Stock Rotation	✓
Barrel change.	✓
Refusal log.	✓
Wines.	✓

Trained by -

Kayleigh Cooper

Sign -

[Redacted signature]

[Redacted signature]

Name - Kelly .

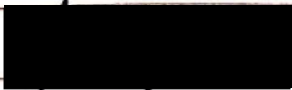
Date - 02/03/20 .

Areas we covered .

Bar - Spirits	✓
Perfect pour - Beer	✓
Restaurant floor Skills	✓
Till	✓
Bar Health & Safety	✓
Cellar management	✓
Stock Rotation	✓
Barrel Change	✓
Refusal log	✓
Wines	✓

Trained by -
Kayleigh Cooper

Sign -



Name - Kirsty

Date - 3/3/20.

Areas we covered:-

Bar - Spirits ✓

Perfect Pour - Beer ✓

Restaurant floor skills. ✓

Till ✓

Bar Health & Safety ✓

Cellar management ✓

Stock Rotation ✓


Barrel Change ✓

Refusal log ✓

Wines ✓

Trained by -

Kayleigh Cooper

Sign - 

Name - Tanya.

Date - 26/2/2020

Areas we covered -

Bar - Spirits	✓
Perfect pour - Beer	✓
Restaurant floor skills	✓
Till	✓
Bar Health & Safety	✓
Cellar management	✓
Stock Rotation	✓
Barrel Change.	✓
Refusal log.	✓
Wines	✓

Trained by -

Kayleigh Cooper

Sign -



Name - Ivan

Date - 26/02/2020

Areas we covered.

Bar - Spirits ✓

Perfect pour - Beer ✓

Restaurant floor Skills ✓

Till ✓

Bar Health & Safety ✓

Cellar management ✓

Stock Rotation ✓

Barrel Change ✓

Refusal log ✓

Wines ✓

Trained by -

Kayleigh Cooper

Sign -

[Redacted Signature]

[Redacted Signature]

Name - Liam

Date - 02/03/2020

Areas we covered -

Bar - spirits ✓

Perfect pour - Beer ✓

Restaurant floor skills. ✓

Till ✓

Bar Health & Safety ✓

Cellar management ✓

Stock Rotation ✓


Barrel change. ✓

Refusal log. ✓

Wines ✓

Trained by -

Kayleigh Cooper

Sign - 

Appendix D

Stone, Derek

From: [REDACTED]
Sent: 28 February 2020 18:50
To: Licensing Shared Email
Subject: Keppel's Head pub

Dear Sir or Madam

My wife (and I) own flat 2 Gieves Apartments at 23 the Hard. We would be very concerned if an extended licence was granted to the Keppel's Head pub as the front windows of our flat would bear the brunt of increased noise late at night and the main bedroom has its windows at the front of the flat as does our living room. We currently rent the flat as it is highly likely that extra noise would mean that our tenants would be upset and that could lead to us losing them and being out of pocket having to find new tenants and having our flat empty.

We would say that one of the benefits of the new (or not so now) bus terminal is that the small eateries which were there late at night were noisy and caused us a problem it would be really unfortunate for us (our tenants) to have to put up with noisy pub goes late at night again.

I would like to object to any extended licence for the Keppel's Head in the strongest terms.

Thank you

Neil

Prof Neil Greenberg
[REDACTED]

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Appendix D

Stone, Derek

From: Nigel Powell [REDACTED]
Sent: 29 February 2020 08:51
To: Licensing Shared Email; [REDACTED]
Subject: Keppel's Head Licence Extension

Dear Sir or Madam,

My wife and I live at Flat 4, The Gieves Apartments, 23 The Hard. Our property is next door to the Keppel's Head hotel and our lounge and bedroom are at the front of the property.

We are concerned that a licence extension would result in increased noise levels into the early hours of the morning.

We live in between the Keppel's Head and The Lady Hamilton. There are often evenings when there is a lot of noise generated by people who have gone outside to smoke and drink. This isn't an issue as we know that the venues close at 1100 and then things to quieten down. Allowing this to go on later would be invasive.

My wife and I are in full time employment and getting a good nights sleep is vital.

On that basis I would like to object to any licence extension at the Keppel's Head.

--

Best regards,

Nigel
[REDACTED]

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Appendix D

Stone, Derek

From: Robson, Debra
Sent: 02 March 2020 13:23
To: Robson, Debra
Subject: FW: Application ref. 20/01652/LAPREM

Importance: High

-----Original Message-----

From: Ben Sharpe [REDACTED]
Sent: 01 March 2020 21:45
To: Licensing Shared Email [REDACTED]
Subject: Application ref. 20/01652/LAPREM

To Whom it may concern and FAO. Ms Debra Robson,

I write to you with my strongest objections to the Keppel's Head Hotel's application to increase the length of time for playing live/recorded music and selling alcohol from 2300 to 0200 everyday of the week.

I live at 23 The Hard and as a result share a wall and courtyard area with the hotel. Being a doctor working at Queen Alexandra Hospital I frequently start work at 0715 during the week and at weekends. The idea of being subject to live music until 0200 prior to a shift is a concerning prospect and has potentially serious ramifications towards patient safety.

On Valentine's Day this year the hotel hosted live music. Due to the proximity of my flat I was able to hear every word while trying to sleep (as working the next day). Having phoned the hotel they assured me it would stop at 2300 (as per their licence I now note) however the music didn't finish till past 2315. I feel that this is a clear indication of the lack of attention they already pay to their current licence.

On a final note the Hard already has four bars with many more bars and clubs in Gunwharf. There is currently the frequent attendance of the police dealing with drunken violence and petty crime in the area and I don't see how adding another late night venue would help with that. Frequently when my partner comes to stay after late finishing shifts at the hospital she is subject to a barrage of abuse from drunk patrons of the establishments already open, she doesn't need another. With a licence till 0200 the hotel will be the end point of the night for many and focus potential violence and trouble right next to my front door. Secondly with the proximity of the entrance to Keppel's Head being just by the bus stop customers loitering outside smoking will likely not only obstruct the already bottlenecked footpath forcing people to walk into the road but also force the smell of smoke up into the residential properties above.

I'd be grateful for your serious review of my concerns and the complete misery that this application has the potential to cause. I'd welcome any further discussion you require and can be contacted via this email or by my mobile which I have noted in the signature block.

Yours sincerely,

Dr Benjamin Sharpe
Flat 5 - The Gieves Apartments
23 The Hard
[REDACTED]

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