



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

THURSDAY, 5 AUGUST 2021 AT 6.00 PM

COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to Democratic Services - Tel 023 9283 4870
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.

Information with regard to public access due to Covid precautions

- Attendees will be requested to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting.
- If symptomatic you must not attend and self-isolate following the stay at home guidance issued by Public Health England.
- All attendees are required to wear a face covering while moving around within the Guildhall (requirement of the venue)
- Attendees will be required to take a temperature check on arrival (requirement of the venue)
- Although it will no longer be a requirement attendees may choose to keep a social distance and take opportunities to prevent the spread of infection
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall and are requested to follow the one way system in place.
- Attendees are encouraged book in to the venue (QR code). An NHS test and trace log will be retained and maintained for 21 days for those that cannot or have not downloaded the app.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link

Committee Members Councillors Claire Udy (Chair), Scott Payter-Harris (Vice Chair), Dave Ashmore, Kimberly Barrett, Stuart Brown, Tom Coles, Jason Fazackarley, Charlotte Gerada, Hannah Hockaday, Ian Holder, George Madgwick, Lee Mason, Robert New, Benedict Swann and Daniel Wemyss.

The panel today consists of: Councillors Scott Payter-Harris, George Madgwick and Benedict Swann

(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 **Declaration of interests**

- 3 **Licensing Act 2003 - Premises Licence - Application for Summary Review - Duke of Devonshire, 119 Albert Road, Southsea, PO5 2SQ**
(Pages 3 - 16)

The purpose of the meeting is for the committee to consider representations made by the licence holder in response to the imposition of interim steps pursuant to section 53B(6) of the Licensing Act 2003.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.



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Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. **Use additional sheets if necessary.**

I	Pete Rackham		[on behalf of] the chief officer of police	
for the Portsmouth area apply for the review of a premises licence under section 53A of the Licensing Act 2003.				
1. Premises details:				
Postal address of premises or, if none, ordnance survey map reference or description				
The Duke of Devonshire Public House, 119 Albert Road				
Post town	Southsea		Post code	PO5 2SQ
2. Premises licence details:				
Name of premises licence holder or club holding club premises certificate (if known) Mr Serkan YAMAN				
Number of premises licence or club premises certificate (if known) 18/04073/LAPREM				
3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1].				
I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.				
(Please tick the box to confirm)				<input checked="" type="checkbox"/>

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

(B) DETAILS OF OTHER APPLICANT
Name and address
Telephone number (if any)
Email address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
A/PS 21945 Pete Rackham (Hampshire Constabulary)
Force Licensing and Alcohol Harm Reduction Team
Lower Ground Floor, Core 5
Civic Offices
Portsmouth
Hampshire
PO1 2AL

Telephone number (if any)

E-mail address (optional)

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

Please tick one or more boxes

1) the prevention of crime and disorder	<input checked="" type="checkbox"/>
2) public safety	<input checked="" type="checkbox"/>
3) the prevention of public nuisance	<input checked="" type="checkbox"/>
4) the protection of children from harm	<input checked="" type="checkbox"/>

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

On the weekend of the 30th and 31st July 2021 the Police have received a number of reports of serious crime and disorder emanating from the premises which has resulted in the following:

- **A 17 year old female being sexually assaulted and forced to consume a substance believed to be cocaine**
- **A 37 Year old female being sexually assaulted**
- **A large fight at the premises where around 10 persons were observed fighting inside and out of the premises and 5 persons received injuries of ABH level**

This seriously undermines the licensing objectives and provides concerns to the Chief Officer of Police that serious crime and disorder is manifesting at the premises.

It is felt that the summary review process will prevent further serious crime and disorder occurring at the premises.

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

The premises is a community pub situated within the busy Night Time Economy area of Albert Road, Southsea, Portsmouth.

This weekend has seen a number of incidents, which have been brought to the attention of the Police. These are as follows:

Sexual Assault of a person under the age of 18 – 44210303709 30/07/2021 19:45 hours

Report from a 17-year-old female that she was able to enter the premises, consume alcohol without challenge. Whilst at the premises an older male has sat next to her, groped her over her clothing prior to putting his hand under her skirt and groped her bottom. The male has then attempted to kiss the 17-year-old female, she has moved away and stated to him that she does not wish to be touched by or kissed by him. The male then produced a key containing what is suspected to be cocaine and has forced this under the nose of the 17-year-old female.

The 17-year-old female then states that she was asked to leave the premises by staff, which she did. The male followed her out into the street and the 17-year-old female has got a taxi away from the area.

The investigation into this incident is ongoing.

Sexual Assault of a person over the age of 18 – 44210304588 - 31/07/2021 19:28

This is the trigger incident for a large public order incident at the premises whereby five males were arrested on suspicion of assault occasioning ABH and one male arrested on suspicion of possession of a class A drug.

A male is reported to have placed his hand up a 37 year old female's skirt, groping her. This has resulted in a large fight involving around 10 males at the premises.

Assault Occasioning Actual Bodily Harm/Violent Disorder – 44210304203 – 44210304580 – 44210304615 – 44210304592 – 44210304608 - 31/07/2021 19:28

At the premises a number of persons have begun fighting within the premises, punches can be seen on CCTV from a number of males who are seen clearly using violence against each other. The DPS can be seen to detain one male and take him outside the premises.

Whilst outside another fight can be seen to take place from those involved in the fight inside the premises. Again, punches and kicks can be seen to be thrown by those involved. One male is punched and kicked to the floor and bangs his head against the pavement curb.

Police attend and arrest around five males involved in the disorder. One of the males has to be tasered on Police arrival.

One male is found to be in possession of what is believed to be cocaine – **44210304358** refers

The investigation into this matter is ongoing. The five males have been released under investigation whilst the Police investigation continues.

Police have significant concerns about the operation of the premises and have previously discussed with the DPS how to combat these concerns. Visits during the Covid 19 Pandemic saw a lack of management of the premises and this resulted in the DPS receiving a Fixed Penalty Notice for breaching business regulations.

It is also noted that following these incidents there are again significant concerns with how the premises is managed.

About the Sexual assault on a 17 year old female. Premises management have not noticed the incident and their method of dealing with the 17 year old was to eject her from the premises leaving a victim of a sexual assault extremely vulnerable. The premises have been provided with training packages around Ask for Angela and Welfare And Vulnerability Engagement training in order to empower staff and management in identifying vulnerability and safeguarding vulnerable people. It is clear that this is not been implemented at the premises.

About the violence at the premises on the 31st July 2021. It is unclear what measures were in place to promote the licensing objectives at the premises. No door staff were in place to support staff in managing customer's behaviour at the premises. Staff did not notice the fight until it had been ongoing for a while. It is not believed that anyone contacted the Police to alert them to the incident until the incident moved to the street. All of the males arrested were identified as drunk whilst booking into custody indicating that alcohol has played a significant part in their behaviour.

In view of the serious risk of harm arising from these incidents at the premises and the concerns around how the premises are currently managed and how these incidents have significantly undermined the licensing objectives. Hampshire Constabulary request that the licensing committee consider the interim step of suspending the premises licence pending a full review hearing. This will allow the licence holder to assess and implement all necessary urgent improvements.

Hampshire Constabulary intend to propose a full revocation of the premises licence.

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

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

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature	P.Rackham
Date	02/08/2021
Capacity	Police Licensing Sergeant

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

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

Notes for Guidance

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

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime/serious disorder/both serious crime and serious disorder¹.

Premises²:

Duke of Devonshire, 119 Albert Road,

Post town	Southsea	Post code	PO5 2SQ
Premises licence number (if known):		18/04073/LAPREM	
Name of premises supervisor (if known):		Mr Serkan YAMAN	

I am a	³ Superintendent	in the	Hampshire Constabulary	Police force.
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I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

Following a number of incidents at the premises over the weekend of 30th and 31st July 2021 it is clear that the operation of the premises has fallen short of the required standard in order to fully support the licensing objectives at the premises.

The risk of further incidents causing harm to women using the premises and becoming the victim of further sexual assaults is unacceptable. The risk of further incidents of violence is also unacceptable.

Other powers available to the Police to manage this risk have been considered. However the use of a review under S53A of the Licensing Act 2003 is believed to be the most appropriate in the circumstances.

It is the view of the Chief Officer of Police that immediate action is required to prevent further serious incidents of crime and disorder, harm to the Public and to implement a comprehensive review of the current operating practices used at the premises. I have

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be Superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

concerns that unless immediate interim steps are taken, serious crime and disorder will continue and members of the public will continue to be at risk of serious harm.

Signature

CHARE JENKINS 600 Sup't.

Date

2/8/21.

Mr Serkan Yaman
119 Albert Road
Southsea
Portsmouth
PO5 2SQ

Licensing Service
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9268 8462
Our Ref: 18/04073/LAPREM
Date: 4th August 2021

Dear Mr Yaman

**LICENSING ACT 2003 - PREMISES LICENCE - APPLICATION FOR SUMMARY
REVIEW DUKE of DEVONSHIRE PUBLIC HOUSE 119 ALBERT ROAD SOUTHSEA**

This letter is addressed to the holder of a premises licence issued by Portsmouth City Council ("the council") under our reference 18/04073/LAPREM.

Further to my visit to the above premises on the 2nd August 2021 where a copy of the summary review application was left with the designated premises supervisor Serkan Yaman, and further to our conversation regarding the holding of a meeting of the Licensing Sub Committee on the 4th August 2021 please take note of the following.

The Licensing Sub Committee was convened to determine whether any interim steps should be taken to address those problems of serious crime & disorder evidenced by the chief officer of police.

DECISION and REASONS

On 02 August 2021, an application was made by Hampshire Constabulary under s.53A of the Licensing Act 2003 for a summary review of the premises licence for the Devonshire Arms public house, 119 Albert Road, Southsea, PO5 2SQ. The application was accompanied by a signed Certificate by a senior member of Hampshire Constabulary which states that in the officer's opinion, the Devonshire Arms is associated with serious crime or serious disorder or both.

Within 48 hours of receiving a summary review application, under s.53B of the Licensing Act 2003, the licensing sub-committee must consider whether it is necessary to take interim steps pending the full review of the premises of the licence.

The Licensing Sub-Committee met today to consider whether such interim steps are necessary.

The Sub-Committee heard today from Acting Police Sergeant Rackham together with the Licensing Officer and were able to ask questions.

The sub-committee were made aware of the interim steps that a licensing authority must consider taking. These are:

- The modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol by retail from the scope of the licence;
- The removal of the designated premises supervisor from the licence; and
- The suspension of the licence.

At all times, the Licensing Sub-Committee reminded itself that it must carry out its functions under the 2003 Licensing Act with a view to promoting the licensing objectives.

The licensing objectives engaged are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In determining this matter, the sub-committee has taken into account the oral and written evidence available to it, and considered the Council's statement of licensing policy, the relevant sections of the Licensing Act 2003 and Regulations made thereunder, the Guidance issued by the Secretary of State under s.182 of the Act including the specific guidance issued in relation to s.53A and the licensing objectives, the Human Rights Act and the Equality Act.

The sub-committee was satisfied on the evidence available to it that there was evidence of incidents on the premises on 30th and 31st July 2021 as detailed in the application. The sub-committee makes no findings in respect of whether criminal activities have been proven and its focus remains on ensuring the promotion of the licensing objectives. The sub-committee were satisfied that the incidents on these dates have shown significant concerns as to how the premises are being managed and the sub-committee considered that it was necessary and proportionate, in order to promote the licensing objectives, to take an interim step pending determination of a review of the premises licence.

The sub-committee considered all available options and concluded that the appropriate interim step in this matter was that the premises licence be suspended pending a full review of the premises licence (to be within 28 days after the day of receipt of the s.53A application) and that the suspension should take effect immediately and remain in force until the determination of the review.

The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s.53B, the licensing authority must within 48 hours of the receipt of any such representations hold a hearing to consider those.

It is understood that you wish to make representations against the interim steps taken by the council and a further meeting will be held on **Thursday 5th August at 17:30** hours in the Civic Offices Guildhall Square Portsmouth.

The effect of this decision is that it is unlawful for any person to carry out any licensable activities at the premises involving the sale of alcohol. There are serious penalties at law for contravening the provisions of the Licensing Act 2003 and you should seek your own legal advice on this matter.

The Licensing Sub Committee will consider the review proper on a date and time to be fixed prior to 30th August 2021.

You are invited to attend the hearing and may be represented accordingly. A formal notice of hearing will be sent to all parties in due course.

Yours sincerely



Email: @portsmouthcc.gov.uk

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