

LICENSING SUB-COMMITTEE

MINUTES OF A MEETING of the Licensing Sub-committee held on Friday, 20 August 2021 at 2.30 pm in the Council Chamber, Guildhall, Portsmouth

Present

Councillors Scott Payter-Harris (in the Chair)
 George Madgwick
 Benedict Swann

Also Present

Ben Attrill - Legal Advisor
Derek Stone - Principal Licensing Officer

Peter Rackham - Acting Police Sergeant
Jon Wallsgrove - solicitor representing the licence holder
Mr Norris - intern solicitor
Serkan Yaman - licence holder
Sam Yaman - licence holder
Area Manager for Stonegate Group

33. Appointment of Chair

Councillor Payter-Harris was elected as chair. He welcomed everyone and explained how the meeting would work and the procedure that would be followed. Introductions were made by those present.

34. Declaration of Interests

There were no declarations of members' interests.

35. Licensing Act 2003 - Premises Licence - Application for Summary Review - Duke of Devonshire, 119 Albert Road, Southsea, PO5 2SQ

The Chair advised that the representation from Councillor Kirsty Mellor had been withdrawn therefore the Sub-Committee should not take this into account.

Derek Stone, Principal Licensing Officer, explained on 4 August 2021 an interim steps hearing was held where the outcome was to suspend the premises licence. On 5 August 2021 the premises licence holder and DPS Mr Yaman and his solicitor Mr Wallsgrove, addressed the Sub-Committee to seek a reversal of the suspension and offered a number of conditions for consideration to allow the premises to reopen and operate under tighter control measures. One of the conditions was the introduction of SIA door staff on Friday and Saturday evenings. Acting Police Sergeant (A/PS) was supportive of this and following a joint visit being taken by police and the licensing officer on Monday 9 August 2021 to confirm that all the conditions were in place, the premises was allowed to reopen. A further compliance visit

was undertaken on the evening of Friday 13 August and the venue was fully compliant with all these conditions.

Mr Stone outlined the various options available to the Sub-Committee at the end of the report and the areas that the Sub-Committee must have regard to.

There were no questions for the Licensing Officer from any party.

Responsible Authorities Case

A/PS Rackham said that the concerns about the premises appear to have been managed through the review process. The conditions requested at the last hearing were put in place and the premises has been compliant with those conditions. There have been no further incidents of serious crime and disorder at the premises. It was the view of the police that this has led to a reduction of risk compared to the time the first meeting was held. The police request that the Sub-Committee impose the conditions agreed between the police and the applicant (previously circulated to the panel) with the slight amendment to condition 6, onto the full licence and they will be happy that this will reduce the risks in the future.

There were no questions for the A/PS Rackham from any party.

The Licence Holders case

Mr Wallsgrove said that the licence holder supports the police contention and the conditions were checked on Monday 9th August when the premises re-opened and there had not been any issues since. They endorse the recommendation that the Sub-Committee now deal with the review by imposing conditions on the licence as previously circulated. There had been a slight tweak to condition 6 which came about as on the first weekend the venue re-opened, a number of their local customers were not able to enter as they did not carry photographic ID. The amendment to the condition would mean that if a customer did not have photographic ID, Mr Yaman can admit them by taking their name and address and admit them into the premises if he considers that they look 40 years of age or above.

A number of the letters of representation were from women, many of whom said how safe they feel in the premises. Mr Yaman has suffered huge financial loss during this time and the ladies' darts team have said they will not return to the premises due to what they have read in the local press.

In response to a question from the Chair regarding the revised condition 6, Mr Wallsgrove explained that people will be asked for photographic ID and if they have this it will be scanned. If they do not have it, the door staff will contact Mr and Mrs Yaman who will have discretion to allow them to come in without ID, but they will ask for their details will be recorded in a log. This data will be kept for 7 days.

In response to a further question from the Sub-Committee, Mr Wallsgrove said the licence holder could not be sure that a person had not given false

details however this is a community pub and Mr Yaman knows most of the people who visit. Mr Yaman previously had to turn away several regular customers who he knew, as they did not have photographic ID. This group of people are not the risk, it is the younger generation. There is CCTV in place so the police would be able to identify anyone on the premises. Acceptable forms of ID would be drivers licence, passport or military ID.

In response to a question from the Chair about the letters of support, Mr Wallsgrove said that the letters of support were unsolicited and Mr Yaman had not asked regular customers to write to the Licensing Officer. The notices on the door were clear to say if anyone had any comments they should write or email the Licensing Officer. The fact that most of the letters were handwritten perhaps shows the age group of the people using the premises.

Mr Attrill, Licensing Solicitor suggested two minor amendments to make to condition 5 as indicated in bold below:

"There shall be a minimum of 2 SIA licensed door supervisors **on duty at the premises** on Friday and Saturday evenings from 1800 until close".

All parties were happy with this slight amendment.

Mr Stone also pointed out that at the hearing on 5 August, the Sub Committee added a bit onto condition 3 that training documents and records shall be retained at the premises for at least 12 months from completion. Mr Wallsgrove apologised for this oversight.

There were no further questions to the licence holder from any parties.

Summing up

No parties had anything further to add.

The meeting ended at 14:50pm and the Sub-Committee went into exempt session to consider the representations.

The Sub-Committee resumed at 15:30pm.

Decision

The Sub Committee has carefully considered the application for review of the premises licence and relevant representations submitted in writing and given orally, the Licensing Act 2003 and statutory guidance (including the non-statutory summary review guidance issued by the Home Office), the adopted statement of licensing policy, the licensing objectives, the Human Rights Act and the Equality Act.

It was noted that the representation of Councillor Kirsty Mellor was formally withdrawn prior to the hearing and accordingly this was not taken into consideration.

Amended conditions, agreed between the police and premises licence holder, were submitted to the Sub Committee.

DECISION

In consideration of all of the above and all of the options available in accordance with section 53C (3) of the Act, the Sub Committee has determined to impose the conditions agreed between the parties to the premises licence subject to the following minor amendment:

The following wording to be added to condition 3:

"Training documents and records shall be retained at the premises for at least 12 months from completion"

Condition 5 to be replaced with the following wording:

There shall be a minimum of 2 SIA door supervisors on duty at the premises on Friday and Saturday evenings from 1800 until close.

REASONS

The matter has been brought before the Licensing Sub Committee as a result of a certificate from the chief officer of police confirming that the premises are associated with serious crime, serious disorder or both.

Two interim steps hearings were held as a result on 4th and 5th August 2021 with the premises licence initially having been suspended and then reinstated on the basis of conditions being implemented at the premises by 9th August 2021. The detail of the issues is clearly set out in the papers and need not be recited at length here. The Sub Committee noted what it felt was misreporting of the previous hearings in the press - which had relied on papers for the hearings rather than the facts as discussed during the hearings.

The incidents of concern relate to alleged drug misuse, underage alcohol consumption, assault and violence at the premises on 30th and 31st July 2021. Clearly, these are very serious issues and are of deep concern to the Sub Committee. However, the Sub Committee has heard from the police that the conditions which were initially implemented following the interim steps hearings have been successfully adopted and that concerns have been managed by the process. No further incidents of concern have been reported to the police and they are satisfied that the conditions, if permanently adopted, will reduce the risk of further serious incident. Checks at the premises have shown the conditions have been implemented successfully. Significant support for the premises has been shown through representations from regular customers. It was also stressed, for the premises, that women have indicated feeling safe at the premises and that the bad press has resulted in a loss of trade.

A strong warning must, however, be issued to the premises licence holder - it is anticipated that the conditions imposed will be adhered to and not allowed to slip moving forward. Further steps can be taken in future if the premises is brought back for review and this warning shall be taken into account.

There is a right of appeal for all parties against the decision, which must be made within 21 days to the Magistrates' Court

The meeting concluded at 3.33 pm.

Chair