



# NOTICE OF MEETING

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## LICENSING SUB-COMMITTEE

TUESDAY, 29 AUGUST 2023 AT 2PM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services 023 9283 4060  
Email: [Democratic@Portsmouthcc.gov.uk](mailto:Democratic@Portsmouthcc.gov.uk)

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

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### Membership

Councillor George Madgwick  
Councillor Benedict Swann  
Councillor Emily Strudwick

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(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](http://www.portsmouth.gov.uk)

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

### AGENDA

- 1 Apologies for absence.
  
- 2 Declarations of Members' Interests.

**3 Licensing Act 2003 - Summary Review Application - Pitch & Vinyl, 2 London Road, Portsmouth, PO2 0LH (Pages 3 - 32)**

Purpose

The purpose of this report is for the committee to consider and determine a summary review application made pursuant to sections 53A - 53D1 of the Licensing Act 2003 ("the Act") by the Chief officer of Police, Hampshire Constabulary and in respect of the following premises:

**Pitch & Vinyl, 2 London Road, Portsmouth, PO2 0LH. Formerly known as the Blue Anchor**

The holder of the premises licence is recorded as Ms Nancy Sarah Maxwell.

**The committee is asked to determine this matter.**

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Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the council's website.

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# Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 29 August 2023

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

**Licensing Act 2003 - Summary Review Application - Pitch & Vinyl, 2 London Road, Portsmouth, PO2 0LH**

## 1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider and determine a summary review application made pursuant to sections 53A - 53D<sup>1</sup> of the Licensing Act 2003 ("the Act") by the Chief officer of Police, Hampshire Constabulary and in respect of the following premises:

**Pitch & Vinyl, 2 London Road, Portsmouth, PO2 0LH. Formerly known as the Blue Anchor**

The holder of the premises licence is recorded as Ms Nancy Sarah Maxwell.

## 2. THE SUMMARY REVIEW APPLICATION

The certificate, review application and grounds for the summary review are attached as **Appendix A** and has been submitted by the Chief officer of Police on the grounds that the premises are associated with serious crime or serious disorder or both.<sup>2</sup>

This follows an altercation that took place in the premises where alcohol was a key factor which later resulted in a further fight outside the venue where a male sustained serious injury. As part of the police investigation into this assault and others that occurred outside, it became apparent that a condition on the premises licence regarding CCTV was not being complied with. There was general lack of control of the premises by management.

The Police are of the opinion that other procedures under the act are inappropriate having regard to the seriousness of the crime and/or disorder and/or the past history of compliance in relation the premises concerned.

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<sup>1</sup> *Violent Crime Reduction Act 2006, section 2. These provisions came into effect on 1 October 2007 and allow a quick process for attaching interim conditions to a licence and a subsequent "fast track licence review" when the police consider that the premises concerned is associated with serious crime or serious disorder (or both). The purpose of the powers is to complement existing procedures in the Licensing Act 2003 for tackling crime and disorder associated with licensed premises. Police and Crime Act 2017 also refers.*

<sup>2</sup> *RIPA 2000, section 81(2). "Serious Crime" is conduct that constitutes an offence for which a person who is 21 or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more.*

### 3. BACKGROUND INFORMATION

The premises at 2 London Road has held various names over the years and is more commonly referred to as the Blue Anchor. There is a history of assaults and incidents at these premises over the years, despite the premises over the last ten years being reduced considerably in size to cater / allow for a separate Pizza outlet franchise to trade.

The existing conditions on the premises licence, reflect the control measures that the police expected as a minimum in order to exercise some degree of control at the premises.

A copy of the current premises licence is attached as **Appendix B**.

In accordance with the act and prescribed regulations, public notice of the summary review application was given at the premises, the Civic Offices and a notice of the review application was also posted on the council website.

The summary review application was also served on the responsible authorities.

### 4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

No further representations have been submitted.

### 5. POLICY AND STATUTORY CONSIDERATIONS

The summary review administrative procedures as contained in the act (as amended) are complimented by the Licensing Act 2003 (Summary review of premises licences) Regulations 2007. This allows for:

- The police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
- The licensing authority to respond by taking interim steps quickly. The licensing authority must give consideration as to whether it is necessary for any interim steps to be taken pending the determination of the review hearing proper. This decision must be made within 48 hours from when the application is given. The decision to impose interim steps can only be made by members of the Licensing Committee. Officers are expressly excluded by the Act from being given delegated authority to make such decisions.

The steps that must be considered are:

- **Modifying** the conditions of the premises licence;
- **Excluding** the sale of alcohol by retail from the scope of the licence;
- **Removing** the designated premises supervisor from the licence;
- **Suspending** the licence.

It is not necessary for the premises licence holder to be present at any initial interim steps hearing (or indeed to submit representations) although your reporting staff will always try to alert interested parties to accord with the rules of natural justice.

If interim steps are imposed, then the decision will take effect immediately or as soon after that as the Committee direct. The licence holder will be given immediate verbal and subsequent written notification of any interim steps measures imposed.

For the purposes of this review application, **an interim steps hearing** was held on **4 August 2023** and the following decision(s) made:

### **Licence Suspended pending review hearing plus removal of DPS**

In cases where interim steps are imposed and the premises licence holder has not previously been given the opportunity to make representations, they may make representations against the imposed interim steps. The licensing authority must hold another hearing within 48 working hours from receiving representations from the premises licence holder.

There is no right of appeal to the Magistrates' against the licensing authority's decision at this stage.

**Officer note: At the time of the interim steps hearing, although the premises licence showed Enrico Lobina as the DPS, he had not worked at the venue for at least a year. On the 25<sup>th</sup> July 2023 a change of DPS was submitted and the new DPS for the venue became Paul Killen.**

After the consideration of any interim steps, the Licensing Authority must review the premises licence at a subsequent meeting and reach a decision within 28 days of the review application being received. The meeting cannot be adjourned or put back as is the case with other prescribed hearings under the act. It also cannot be avoided by way of negotiation or withdrawal of representation.

At the review hearing it is recommended that the committee adopt a "staged" approach and:

- Consider the application for the review and any relevant representations;
- Consider and take such steps (if any) as considered appropriate for the promotion of the licensing objectives; and
- Consider whether any of the interim steps (if previously imposed) shall cease to have effect or should remain in place.

The committee can take the following steps:

1. **The modification** of the conditions of the premises licence;<sup>3</sup>
2. **The exclusion** of a licensable activity from the scope of the licence;
3. **The removal** of the designated premises supervisor from the licence;
4. **The suspension** of the licence for a period not exceeding three months;  
or
5. **The revocation** of the licence

Members should also be aware that the Act provides that where a decision is reached either to modify the conditions of a premises licence or to exclude a licensable activity from the scope of the licence, the committee **may provide** that such modification or exclusion is to have effect only for a specified period not exceeding three months.

When determining the summary review 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;
- Judgments of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance issued by the Home Secretary in accordance with section 182 of the Act including the supplementary Summary Review Guidance document.
- The representations, including supporting information, presented by all the parties; and
- The human rights of all the parties concerned to ensure both a fair and balanced hearing
- The public sector equality duty requiring public bodies to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share protected characteristic and people who do not share it; and

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<sup>3</sup> Subject to the imposition of any relevant mandatory conditions as required by section 19 - 21 of the act

- Foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are as follows:
- i) age, ii) disability, iii) gender reassignment, iv) pregnancy and maternity v) race
  - this includes ethnic or national origins, colour or nationality, vi) religion or belief
  - this includes lack of belief, vii) sex and viii) sexual orientation.

The amended Statutory Guidance<sup>4</sup> now gives advice in relation to the consideration of summary review applications generally although this is more concentrated on both the administrative and timescale periods to deal with this fast track procedure.

However, the following **general provisions** about the review procedure may assist members:

**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 11.16** - *"The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives."*

In reaching a decision upon a review application, the guidance offers *general assistance* to the licensing authority as follows:

**Paragraph 11.17** - *"The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder."*

**Paragraph 11.18** - *"However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."*

In cases where the Licensing Authority considers that action under its statutory powers are appropriate:

**Paragraph 11.19** - *"Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing*

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<sup>4</sup> Statutory Guidance issued by the Home Office



condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence."

**Paragraph 11.20** - *"In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.*

**Paragraph 11.21** - *"For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual."*

**Paragraph 11.22** - *"Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives."*

**Paragraph 11.23** - *"Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."*



**Paragraph 11.24** - "A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective."

**Paragraph 11.25** - "Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them."

**Paragraph 11.26** - "Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder."

Members are also referred to Part 5 (starting at page 8 of 15) of the Summary Review Guidance for commentary on determination of the review.

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**

An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a Magistrates' court. An appeal may be made by:

- The Chief Officer of Police;
- the holder of the premises licence; or
- any other person who made relevant representations in relation to the application.

The decision of the committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

***Any previously imposed interim steps having effect which are retained in the review decision proper will however remain in place, although the licence holder or Chief Officer of Police may appeal separately to the Magistrates' concerning the review of the interim steps and such appeal must be heard within 28 days.<sup>5</sup>***

## **7. APPENDICES**

- A.** Copy of the redacted summary review application together with any supporting documents
- B.** Copy of the current premises licence authorisation to include location plan
- C.** Copies of any other relevant representations received (only if applicable)

**THE COMMITTEE IS REQUESTED TO DETERMINE THE SUMMARY REVIEW APPLICATION**

For Licensing Manager  
And on behalf of Head of Service

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<sup>5</sup> See *R (93 Feet East Ltd) -v- Tower Hamlets LBC 2013*, *Policing & Crime Act 2017* and as also advised by the *Statutory Guidance issued by the Home Office*

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Portsmouth City Council  
Guildhall Square  
Portsmouth  
PO1 2AL

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

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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 the 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.**

I PC 21451 Peter-James Vincent [on behalf of] the chief officer of police for the Hampshire Constabulary police 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 or not known, ordnance survey map reference or description:

**The Blue Anchor  
2 London Road**

Post town: Portsmouth

Post code (if known): **PO2 0LH**

**2. Premises licence details:**

Name of premises licence holder (if known): Nancy Maxwell

Number of premises licence holder (if known): 19/04357/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)

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

**This summary review is being sought under the grounds of serious crime for the offences of GBH with Intent.**

**On Sunday 30th July 2023 (Saturday evening in to Sunday morning), between 00.45hrs and 01.30hrs an altercation has taken place inside the Blue Anchor PH London Rd Portsmouth (RMS 44230305979). Two males were involved in the altercation, one of the males was removed from the premises and taken outside by staff at the venue due to his heavily intoxicated state. A short time later the second male has been allowed to leave the premises and has gone outside. At this point both males have begun fighting which has led to one male being punched and knocked unconscious. The male has sustained serious injuries as a result of the fight and at the time of writing is still in hospital and being continuously medically assessed.**

**Police were called by SIA door staff a short time later. On Police attendance their appeared to be a lack of control by the management at the venue.**

**There were a number of people that had left the premises and there were arguments taking place all around the attending officers. While the injured person was in the ambulance another fight has started between two groups who we believe had been in the pub prior to the incident. The persons involved all appeared heavily intoxicated.**

**The victim was conveyed to Queen Alexandra Hospital and then on to Southampton General Hospital specialist trauma unit. The Ambulance crew stated that due to the level of intoxication it was extremely difficult to assess the injured party and he was not responding as he should.**

**The Police licensing team have been awaiting updates on the investigation and on 01/08/23 were notified by the OIC that contact had been made with management at the premises who advised that CCTV was not in operation on the night of this serious incident.**

**Staff at the premises have been unable to provide access to the CCTV footage upon initial request. Staff were unaware of how to operate the CCTV system and the access was password protected. The staff did not have the access password. When police were finally able to view the CCTV they were advised that it was not working as it was not linked to the internet.**

**The conditions on the licence are clear on the responsibilities of the premises to maintain the system regularly, to provide access when requested and to ensure all operators are trained to use the system.**

**A number of reasons have been given for the failure of the CCTV system but it seems to centre around a disagreement between the previous and current management teams and a clear lack of training.**

**The premises has clear and robust CCTV conditioned on its licence which have been breached. It does now appear that some CCTV may be recoverable but this has not yet been secured and may require specialist IT professionals to produce it.**

**Making contact with the DPS at the premises has been extremely difficult. We have been advised that the PLH lives in London and has not been to the**

premises for some time. We have also been advised that this is the first time that the premises has opened in some time. At this time it appears that neither the DPS nor the PLH were in attendance at the Blue Anchor on 30/07/23.

On further investigation there are numerous breaches of the premises licence. During a police licensing visit on 01/08/23 staff training records were requested. These were not available and the reason provided was that the staff had been trained at another premises prior to their employment. The police have serious concerns about the management of this premises and their lack of responsibility to customers and staff. There are clear breaches of the premises licence and serious crime and disorder at the premises. There are clear 136 Licensing offences being committed at the premises.

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

Existing measures to promote the licensing objectives have been insufficient to prevent this serious crime. The current premises licence conditions are not being adhered to. Additional measures need to be implemented to ensure the licence holder can prevent any further incidents of serious crime and effectively promote the Licensing Objectives.

**Proposed interim steps for consideration by the Licensing Authority:**

**To suspend the premises licence with immediate effect until the review hearing.**

Signature of applicant:

Date:

Capacity:

**Contact details for matters concerning this application:**

Address:

**PC 21451 Peter-James Vincent  
Licensing & Alcohol Harm Reduction Team  
Portsmouth Civic Offices**

**Portsmouth  
Hampshire  
PO1 2AL**

Telephone number(s):

Email: peter-james.vincent@hampshire.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

**Hampshire Constabulary**, Licensing and Alcohol Harm Reduction Team,  
Licensing Office, Portsmouth City Council, Civic Offices, Guildhall Square,  
Portsmouth, Hants PO1 2AL

## **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 disorder<sup>1</sup>.

**Premises<sup>2</sup>:**

Blue Anchor  
2, London Road

<b>Post town</b>	Portsmouth	<b>Post code</b>	PO2 0LH
<b>Premises licence number (if known):</b>		<b>19/0437/LAPREM</b>	
<b>Name of premises supervisor (if known):</b>		Nancy Maxwell	

I am a	<sup>3</sup> <b>Superintendent</b>	in the	Hampshire Constabulary & IOW	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, because<sup>4</sup>:

Following an incident of serious crime around 00:49 on 30<sup>th</sup> July, namely an assault causing GBH level injury with potentially life changing consequences, this premises has been found not complying with their licence conditions whilst conducting licensable activity.

They have served alcohol to customers beyond the point of drunkenness and this has fuelled this serious incident and an affray which followed, involving multiple customers from the pub.

There is a significant lack of management control. As such, a standard review is not appropriate. This takes up to 28 days and there is a risk of further serious crime if permitted to operate without compliance and necessary prevention measures.

Engagement has been attempted and this has highlighted offences under the LA03. The DPS at the time of the incident appears not to work at the premises, making engagement a challenge. The PLH is based in London and does not work at the business.

<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

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

<sup>4</sup> 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.



There is a need for summary review to request that interim steps are applied in advance of the review hearing.

Police are asking for Interim Steps to be applied, to suspend the licence until such time as the licence holder can demonstrate compliance with conditions and promotion of the licensing objectives or the main review hearing.

Signature	Supt. Mark Lewis
Date	02/08/2023



# PREMISES LICENCE

## Licensing Act 2003

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
<b>Address:</b> Pitch & Vinyl 2 London Road Portsmouth PO2 0LH	<b>Map Ref (E) :</b> 464922 <b>Map Ref (N):</b> 101911 <b>UPRN:</b> 001775103780
<b>Telephone</b>	

Where the licence is time limited the dates
This licence is <b>NOT</b> time limited

Licensable activities authorised by the licence
<ul style="list-style-type: none"> <li>▶ Sale by retail of alcohol</li> <li>▶ Late night refreshment</li> <li>▶ Performance of live music</li> <li>▶ Playing of recorded music</li> <li>▶ Other similar music or dance Entertainment</li> </ul>

The times the licence authorises the carrying out of licensable activities	
▶ Sale by retail of alcohol	
Sunday to Wednesday	10:00 until 00:00
Thursday to Saturday	10:00 until 01:00
▶ Performance of live music	
Sunday to Wednesday	10:00 until 00:00
Thursday to Saturday	10:00 until 01:00
▶ Playing of recorded music	
Sunday to Wednesday	10:00 until 00:00
Thursday to Saturday	10:00 until 01:00
▶ Other similar music or dance Entertainment	
Sunday to Wednesday	10:00 until 00:00
Thursday to Saturday	10:00 until 01:00
▶ Late night refreshment	
Sunday to Wednesday	23:00 until 01:00
Thursday to Saturday	23:00 until 02:00

**Non standard timing - Sale by retail of alcohol**

Friday, Saturday, Sunday and Monday of Bank Holidays, Thursday before Good Friday, Christmas Eve, Event Days, St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, an extra hour. These non-standard timings shall also apply to the hours of opening and closing.

**Non standard timing - Performance of live music**

Friday, Saturday, Sunday and Monday of Bank Holidays, Thursday before Good Friday, Christmas Eve, Event Days, St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, an extra hour.

**Non standard timing - Playing of recorded music**

Friday, Saturday, Sunday and Monday of Bank Holidays, Thursday before Good Friday, Christmas Eve, Event Days, St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, an extra hour.

**Non standard timing - Other similar music or dance Entertainment**

Friday, Saturday, Sunday and Monday of Bank Holidays, Thursday before Good Friday, Christmas Eve, Event Days, St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, an extra hour.

**Non standard timing - Late night refreshment**

Friday, Saturday, Sunday and Monday of Bank Holidays, Thursday before Good Friday, Christmas Eve, Event Days, St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, an extra hour.

**The opening hours of the premises**

- ▶ Thursday to Saturday 09:00 until 02:00
- ▶ Sunday to Wednesday 09:00 until 01:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption both **on** and **off** the premises

**Part 2**

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

**Name:** Ms Nancy Sarah Maxwell

**Address:** 8 High Street  
Hunsdon  
Wear  
SG12 8NZ

**Telephone:**

**Email:**

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

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

**Name:** Mr Enrico Lobina

**Address:** [REDACTED]

**Telephone:** [REDACTED]

**Email:** [REDACTED]

**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 August 2005

**Date last amended:** 13 December 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>*



**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 During events held outside of the standard licenising hours, there will be a ratio of 2 SIA licensed door supervisors for the first 100 customers and then 1 per 100 thereafter will be employed at the premises. Where a premise employs door supervisors both within the venue and for the purpose of monitoring access and egress, those staff should wear a fluorescent and/or reflective orange tabard clearly marked 'Door Supervisor. The tabard should also be fitted with a clear plastic window on the chest area in which to satisfactorily display the licence issued to the door supervisor by the SIA. This condition may be relaxed at the discretion of the police. At least one female SIA licensed door supervisor should be available if female customers are to be the subject of searches. Door supervisors to assist in managing customers leaving the venue and those remaining in the vicinity.

02 A zero tolerance towards illegal substances will be enforced at all times.

03 The licence holder may provide Event Days subject to the following conditions:

- 1) a limit of 12 extensions per premises per year;
- 2) an operating plan to be prepared by the licence holder for each extension covering the additional measures to be taken to manage crime and disorder;
- 3) seven days notice to be given in writing to the police at the Licensing Department, Kingston Crescent Police Station, Kingston Crescent Portsmouth and the Licensing Authority;
- 4) an absolute veto for the police in respect of any of the occasions.

04 The licence holder shall comply with the following requirements concerning the use of CCTV at the premises.

#### Operation and Storage.

The CCTV system must be fully operational whilst the venue is open to the public. The recording equipment should be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. A record should be kept of any access made to information held on the system.

The system should be regularly maintained and serviced.

The system clock should be checked regularly for accuracy taking account of GMT and BST. Tapes should be changed daily and kept for 31 days before being re used. Tapes should be replaced after 12 usages i.e. annually.

Digital systems should have sufficient storage capacity for 31 days good quality pictures.

#### Access

It is important that the Police are able to access data from the systems quickly and easily and therefore provision should be made for someone to have access to the secure area and also be able to operate the equipment.

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems).

05 During events outside of the standard licensing hours there will be a wind down period. From one hour before proposed closing time there will be no supply of alcohol and any further admissions or readmissions. This applies even when due to a dynamic management on the night, a premise prepares to close earlier than the licence conditions allow. In addition, 30 minutes before closing time there will be no consumption of alcohol, wind down music and increased lighting will be utilised and the supply of non alcoholic drinks and food should continue until closing time.

06 All instances of crime and disorder will be kept in an incident log book and reported to the police.

07 The licence holder shall participate in any local scheme utilising text/radio pagers. Such equipment shall be kept in working order at all times; any pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public; any police instructions/directions must be complied with whenever given and all instances of crime and disorder are reported via the text/radio pager by the designated premises supervisor or a responsible member of staff to an agreed contact point.

08 Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

09 Live music shall be limited to a maximum of two entertainers.

10 Free drinking water will be available at all times.

11 The licence holder shall ensure that regular noise surveys are undertaken internally and externally to prevent public nuisance when regulated entertainment is taking place..

12 Children under 16 years of age must be supervised by the accompanying adult at all times.

13 A no smoking area will be provided and soft and non-alcoholic drinks will be available.

14 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Such identification may include photo-driving licence, passport, PASS (Proof of Age Standards Scheme).

15 Under 18 year olds will not be allowed to play on Section 34 permitted AWP machines.

16 Children will not be allowed in the area immediately adjacent to the bar servery.

17 In respect of New Year's Eve, the permitted hours shall continue from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

18 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.

19 The licence holder shall ensure that existing operating procedures and policies are maintained.

**-- END --**

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

**-- END --**

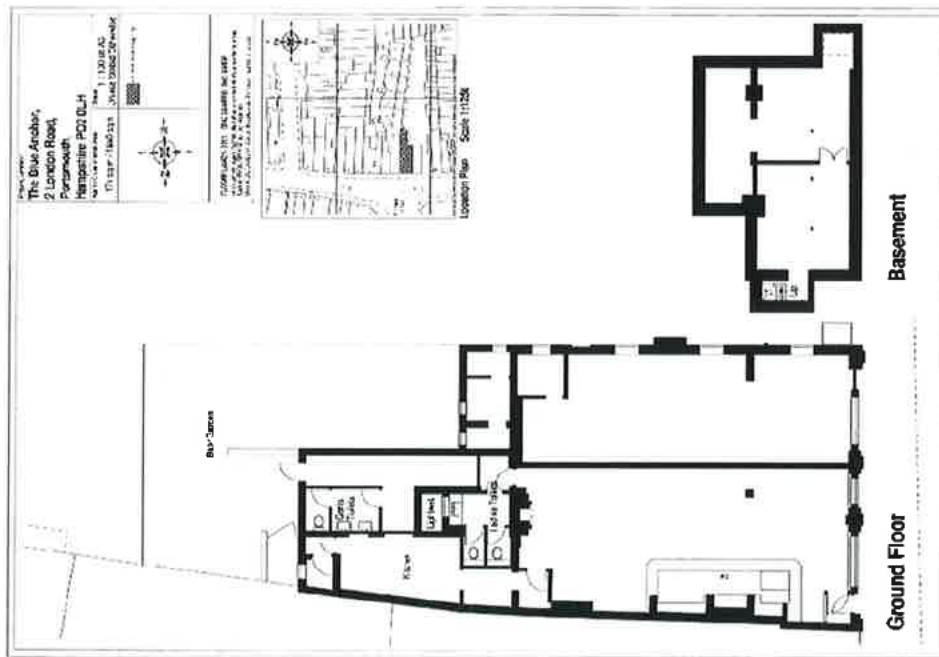




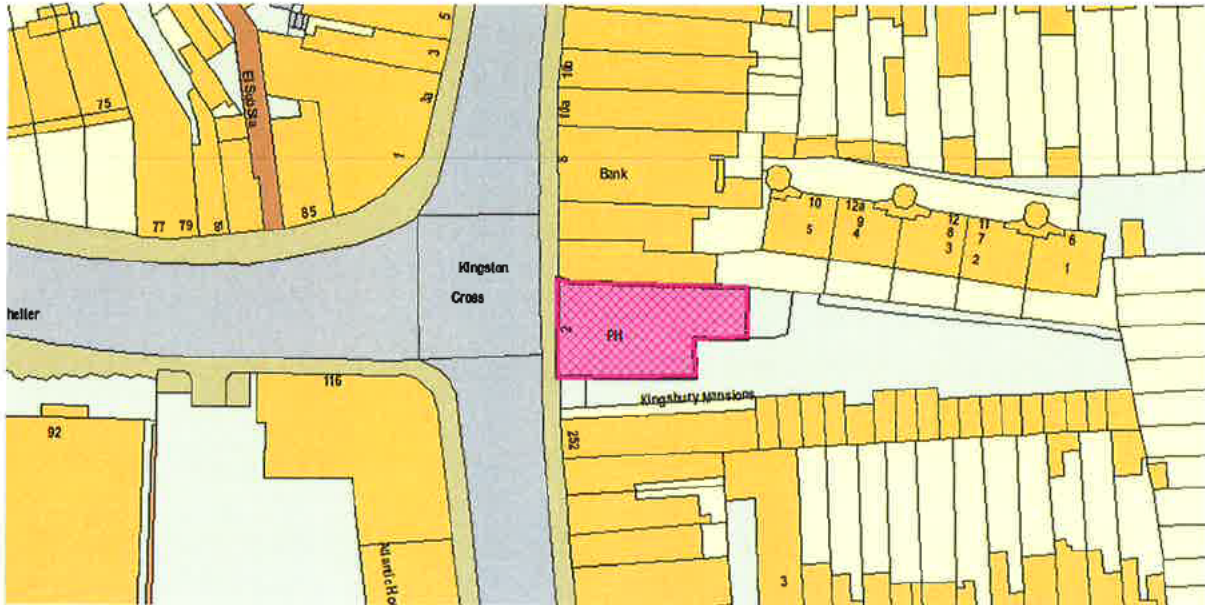
**Annex 4 – Premises and location plan**

**Premises Plan(s)**

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



**Location Plan: 2 London Road 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

Portsmouth  
CITY COUNCIL  
Licensing

## APPENDIX C



Ms Nancy Sarah Maxwell



Via Email:



**Hard copy delivered to:**

Pitch & Vinyl  
2 London Road  
Portsmouth  
PO2 0LH

Dear Ms Maxwell

**APPLICATION FOR A SUMMARY REVIEW - PITCH & VINYL (FORMERLY KNOWN AS THE BLUE ANCHOR) 2 LONDON ROAD PORTSMOUTH PO2 0LH - 23/02658/LAPRSR - IMPOSITION OF INTERIM STEPS**

This letter is addressed to the holder of a premises licence issued by Portsmouth City Council ("the council") under our reference 23/02658/LAPRSR.

As advised in my previous email to you yesterday, the Licensing Sub-Committee was convened this morning to determine whether any interim steps should be taken to address those problems of serious crime and disorder evidenced by the Chief Officer of Police in the application for a summary review.

### **DECISION AND REASONS**

On 3 August 2023, an application was made by Hampshire Constabulary under section 53A of the Licensing Act 2003 for a summary review of the premises licence for Pitch & Vinyl (aka The Blue Anchor) situated at 2 London Road, Portsmouth, Hants, PO2 0LH. The application was accompanied by a signed Certificate by a senior officer of Hampshire Constabulary which states that, in the officer's opinion, these premises are associated with serious crime or serious order or both.

Within 48 hours of receiving a summary review application, under section 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 licence.

**Culture, Leisure and  
Regulatory Services**

Licensing Service  
Civic Offices  
Guildhall Square  
Portsmouth  
PO1 2AL

Phone: 023 9283 4604

Our Ref: 23/02658/LAPRSR

Date: 4 August 2023



The Licensing Sub-Committee met today to consider whether such interim steps are necessary. Councillors heard from PC Vincent and Mr Colin Pollard from Hampshire Constabulary and myself as Licensing Manager 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 Licensing Act 2003 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 section 182 of the Act, including the specific guidance issued in relation to section 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 connected to the premises on Sunday 30 July 2023 (Saturday evening into Sunday morning) 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 this date 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 interim steps pending determination of the review of the premises licence.

The sub-committee considered all available options and concluded that the appropriate interim steps 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.

In addition it also determined that it would be appropriate, in the circumstance to remove the current designated premises supervisor from the licence

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.

**The effect of this decision is that it is unlawful for any person to carry out any licensable activities at the premises including 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 to be fixed. You will be 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



**Nickii Humphreys  
Licensing Manager**

Email: 



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