

Title of meeting: LICENSING COMMITTEE

Date of meeting: 06 OCTOBER 2017

Subject: Prosecutions, Appeals and Enforcement Action – Licensing Matters

Report by: Licensing Manager

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1** To update and advise members of prosecutions, appeals and other targeted enforcement action taken in respect of licensing matters and on behalf of the Licensing Manager and Director of Culture and City Development. It is normal policy to provide details of any prosecutions to the committee for information purposes.

This report follows from a previous update submitted to the committee on 21 November 2014 - (minute 11/2014 refers).

Prosecution files are considered on individual merit and in accordance with the adopted enforcement concordat. Offences that are both serious in nature and satisfy the public interest test are forwarded to Legal Services for consideration.

This report **does not** therefore include pending matters under investigation or the issue of suspensions for vehicle and/or driver licences together with the issue of penalty points, written and verbal warnings given to licence holders by your staff in the normal course of duties.

The respective (and adopted) licensing policy statements for the both hackney carriage/private hire trades and Licensing Act matters state that members “will receive, from time to time, reports from officers on any formal enforcement proceedings”.

2. Recommendation

- 2.1** That the report be noted.

3. Background Information on Individual Prosecution Cases

3.1 Mr S - Bistro Montparnasse - Palmerston Road, Southsea - Licensing Act 2003 offences - Case Officer Ross Lee

On the evening of Friday 04 July 2014, Mr S the premises licence holder and DPS for Bistro Montparnasse, 103 Palmerston Road, Southsea refused to engage with two licensing officers (Kevin Weeks and Ross Lee) who were carrying out lawful and overt inspections of licensed premises in both the Palmerston Road and Osborne Road environs. As a result, he obstructed the staff by refusing to co-operate with lawful enquiries and failed to produce his premises licence, personal licence or to display the licence summary.

A significant number of licensed premises had been subject to visit and inspection by licensing staff as part of a targeted operation in the Palmerston Road and Osborne Road environs. Premises visited ranged from small takeaways to large commercial pubs and clubs. Bistro Montparnasse was visited early in the evening (2030) and was not too busy upon arrival. Some persons were seen seated at tables but other tables were empty.

Mr S became extremely agitated when licensing staff identified themselves and waved them away and turned his back. Kevin Weeks had tried to explain the nature and purpose of this visit but S insisted "his customers came first" and he was "far too busy on a Friday night" to engage with anyone other than his customers. Kevin Weeks found Mr S to be "passively aggressive" in nature and attitude.

The premises licence summary was not displayed and Mr S could neither locate nor confirm if either his personal licence or premises licence were available for inspection. He became more agitated resulting in his own staff asking him to be quiet. Licensing staff left the premises prematurely. The sale of alcohol was taking place at the time of the visit.

The City Solicitor was requested to instigate proceedings against Mr S for multiple offences contrary to the Licensing Act 2003. Mr S appeared at Portsmouth Magistrates' on **08 December 2014** and pleaded guilty to the offences.

He was sentenced as follows:

- For failing to produce the premises licence - **£100 fine**
- For failing to secure that the premises licence summary was prominently displayed - **£100 fine**
- For failing to produce his personal licence - **£100 fine**
- For obstructing Officers Lee and Weeks - **£100 fine**
- Council costs of **£250** awarded
- Victim surcharge of **£20** imposed

The court chose not to forfeit or suspend his personal licence.

3.2 Mr M - Town Police Clauses Act 1847 - Plying For Hire **Case officer Jason Ellam**

On 24 June 2014 Mr M a licensed private hire driver was at Queen Alexandra Hospital. He was driving a licensed private hire vehicle registration number RV60 FFU and bearing plate number 286.

Whilst dropping off at the hospital he accepted a booking and took two passengers to Cosham Railway Station. He was observed on CCTV images obtained from South West Trains arriving at Cosham Railway Station at 14:50 hours. One male and one female were observed getting out of the vehicle. This fare had not been pre-booked in advance through the licensed operator, Citywide.

Whilst at Cosham Railway Station the same private hire vehicle was then observed by a licensed hackney carriage driver agreeing to take two males and a female to an unknown destination. CCTV images showed the passengers entering the vehicle and the car subsequently left the Station forecourt heading north.

The hackney carriage driver made a formal complaint and asked the council to investigate the offence of plying for hire contrary to section 45 of the Town Police Clauses Act 1847. Mr M was subsequently interviewed under caution and said the passengers were "friends" and he did not charge them.

The matter was heard at Fareham Magistrates' on **22 April 2015** as a not guilty trial. Following a 2 day hearing, the court found Mr M **NOT guilty** of plying for hire and ordered both sides to bear their own costs.

3.3 Mr U - Town Police Clauses Act 1847 - Plying For Hire **Case officer Jason Ellam**

On 30 November 2014, Mr U was seen plying for hire in Commercial Road, Portsmouth. He was driving a licensed private hire vehicle bearing registration number HN63 YYK and plate number 552. Whilst waiting outside the Subway Sandwich Shop in Commercial Road he accepted his own booking and took one male to Waterlooville.

Prior to the incident the same male passenger had approached a waiting hackney carriage driver at the Portsmouth & Southsea Railway Station who took him to the cash point at Santander, Commercial Road.

After getting cash out he then walked across the road and approached Mr U's vehicle. Despite protestations from the taxi driver, Mr U ignored the driver and drove off at speed.

U was interviewed under caution and admitted taking the passenger to Waterlooville. He did not have a valid reason or booking to put him in the area of Commercial Road.

On **18 May 2015** Mr U appeared at Portsmouth Magistrates' and pleaded guilty to two charges of plying for hire and no insurance. He was sentenced as follows:

- For permitting no insurance - **£200 fine and 6 penalty points**

- For plying for hire - **£200 fine**
- Council costs of **£200** awarded
- Victim surcharge of **£20** imposed

3.4 Mr I - Nic Nac's, 29 Highland Road, Southsea Licensing Act 2003 Offences - Case officer Derek Stone

Whilst engaged on visits to local off licence premises in the Southsea area, a Community Safety Officer from Regulatory Services noticed a shop trading as Nic Nac's, 29 Highland Road, Portsmouth. This premises had an 'off licence' sign displayed in the window together with advertising indicating sales of alcohol were taking place at the premises.

On entering the venue it could be seen that alcohol was displayed on shelves and in a cool fridge clearly marked with price labels.

There was no Premises Licence issued to these premises.

The shop proprietor Mr I stated that he was the holder of a personal licence but the venue itself did not hold a premises licence authorised under the Licensing Act for the sale or supply of alcohol or any licensable activity.

As a result, police and Licensing staff attended the premises and secured evidence of an offence and instructed Mr I to cease trading and to remove all alcoholic products from the premises with immediate effect.

Mr I was later interviewed under caution and fully admitted the offence of exposing alcohol for sale by retail as an unauthorised licensable activity. He was of the belief that his personal licence permitted him to sell alcohol and that a premises licence was not required.

During interview Mr I denied making any alcohol sales despite a hand written sales list which suggested sales had taken place and that these items would need to be re-stocked.

A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.

On **19 May 2015** Mr I appeared at Portsmouth Magistrates' and pleaded guilty to exposing alcohol for sale by retail at the premises. He was sentenced as follows:

- For exposing alcohol for sale by retail - **£1000 fine**
- Council costs of **£625.76** awarded
- Victim surcharge of **£100** imposed

The court chose not to forfeit or suspend his personal licence.

**3.5 Mr L - Osborne Wines, 37 Osborne Road, Southsea
Liquor Land, 2/4 Outram Road, Southsea
Licensing Act 2003 Offences - Case officer Jason Ellam**

Mr L was the premises licence holder for two off licence premises trading under the names of Osborne Wines and Liquor Land.

Following a number of visits by Police licensing officers in October 2014 a file was referred to the council for consideration in relation to breaches to the premises licences for both premises as shown below:

- No personal licence holder on duty after 2200
- No refusals log on the premises
- Sale of alcohol below cost price
- No CCTV evident
- No staff training or records evident

Mr L was interviewed under caution and explained that he was responsible for paying bills together with accounting at the stores and ensuring that staff were in place and managed appropriately. However he confirmed that he left it to the staff to operate the stores including the purchasing of stock and ensuring the correct pricings of stock were in place.

Mr L was, by his own admission, away from the stores due to living and working as a security consultant in London.

As a result of the above, the licences for both Osborne Wines and Liquor Land were suspended for 28 days by the Licensing Sub-Committee in January 2015. Mr L was also removed from his position as Designated Premises Supervisor at both stores. Further conditions were imposed.

On **16 June 2015** Mr L appeared at Portsmouth Magistrates' following his previous arrest in London. He pleaded guilty to the offences and was sentenced as follows:

- For failing to ensure 2 members of staff were on duty at Liquor Land, Southsea contrary to a licence condition - **£500 fine**
- For failing to ensure that the CCTV system at Liquor Land was recording contrary to a licence condition - **£500 fine**
- For failing to ensure that staff at Liquor Land had been trained contrary to a licence condition - **£500 fine**
- For selling alcohol below cost price at Osborne Wines contrary to a mandatory condition x 2 - **£1500 fine**
- For failing to ensure that the CCTV system at Osborne Wines was recording contrary to a licence condition - **£1000 fine**
- Council costs of **£546.14** awarded
- Victim surcharge of **£120** imposed

3.6 Mr M - Shalimar Restaurant, 239 London Road, North End, Portsmouth - Licensing Act 2003 Offences - Case officer Ross Lee

Mr M is both the premises licence holder and DPS for the Shalimar Indian Takeaway situated at 239 London Road, Portsmouth PO2 9HA.

This ground floor premises is one of only a couple of takeaway style premises in the city with permission to sell alcohol by retail.

On the evening of 02 April 2015 the premises was visited due to non-payment of the annual licensing fee of £180 which was due for payment by no later than 09 January 2015. M had ignored previous invoices and was due to receive a formal suspension notice. However, he paid the debt in cash at the time of this visit.

Whilst at the premises it was noted that Cobra beer was on retail sale but M could not produce his personal licence. Further, the summary was not displayed and the licence proper could not be produced. M was verbally WARNED and advised to attend the council after the bank holiday weekend and to immediately pay for new licences - he failed to do so.

On 22 May 2015 M was again on the premises when visited and again failed to have any documentation available. He was cautioned and advised that he would be reported for the offences.

On **27 July 2015** Mr M appeared at Portsmouth Magistrates' and pleaded guilty to the offences. He was sentenced as follows:

- For failing to produce the premises licence - **£200 fine**
- For failing to secure that the premises licence summary was prominently displayed - **£200 fine**
- For failing to produce his personal licence - **£200 fine**
- Council costs of **£290** awarded
- Victim surcharge of **£20** imposed

The court chose not to forfeit or suspend his personal licence.

3.7 Mr B - Town Police Clauses Act 1847 - Plying For Hire Case officer Kevin Weeks

On 16 January 2015, Mr B a licensed private hire driver was seen plying for hire in Commercial Road, Portsmouth. He was the driver of licensed private hire vehicle 497 bearing registration number HK59 AHN. He accepted his own booking and took 2 males to Gosport Marina.

The incident was witnessed by hackney driver who made a formal complaint to the council. CCTV footage was obtained showing this incident and Mr B was interviewed under caution.

During interview he admitted that sometimes when he finished work his friends would phone him up and ask to be taken home and he only did this when he had "logged off". B stated that this was probably what happened on this occasion. He was asked to obtain all phone records from his mobile telephone

provider to check whether he did receive a telephone call from a person at approximately 0430 on Friday 16 January 2015 but could not do so.

He had no valid reason to be in Commercial Road and he had no booking to put him in the area.

On **03 August 2015** Mr B appeared at Portsmouth Magistrates' and pleaded guilty to two charges of plying for hire and no insurance. He was sentenced as follows:

- For permitting no insurance - **£200 fine and 6 penalty points**
- For plying for hire - **no separate penalty**
- Council costs of **£250** awarded
- Victim surcharge of **£20** imposed

3.8 Mr M - Kassia, 135-137 Havant Road, Drayton, Portsmouth - Licensing Act 2003 Offences - Case officer Derek Stone

Mr M is the Premises Licence holder and Designated Premises Supervisor for Kassia situated at 135-137 Havant Road, Drayton, Portsmouth.

The premises was granted a licence in December 2014 to operate as a bar/restaurant style business notwithstanding the receipt of several representations from local residents who were concerned predominantly about the potential for noise that this venue might create. The Licensing Sub Committee had imposed a number of conditions including a condition stating "no entry or re-entry after 2300 including those leaving the premises to smoke".

During May 2015 police and licensing staff made various late night visits to Kassia following concern that the last entry condition was being breached. Both the duty management team and Mr M received verbal and written advice about compliance with the licence conditions. Further breaches were observed and Mr M was subsequently interviewed under caution.

Mr M accepted that there had been a failure to comply with the condition placed upon the licence with regard to customers re-entering the premises after 23:00. Mr M stated that his staff had failed to ensure compliance and acknowledged that a qualified door supervisor was needed to take control of the front door area and to prevent any further breaches.

On **07 December 2015** Mr M appeared at Portsmouth Magistrates' and pleaded guilty to offences of knowingly carrying on a licensable activity at Kassia otherwise than in accordance with the premises licence. He was sentenced as follows:

- For allowing patrons to re-enter the premises after 2300 contrary to the condition imposed on the premises licence - **12 months Conditional Discharge on each offence to run concurrently**
- Council costs of **£395.74** awarded
- Criminal Courts Charge of **£150** imposed
- Victim surcharge of **£20** imposed

The court chose not to forfeit or suspend his personal licence.

3.9 Mr A - Local Government (Miscellaneous Provisions) Act 1976 - North End Cars - Obstruction and other offences - Case officer Les Matthewson

Mr A was the former licensed operator of North End Cars situated at London Road, Portsmouth. The first operator licence was granted in 2013.

Mr A had a lawful duty to provide details of both bookings received and vehicles working under the auspices of his operator licence but failed to do so despite a number of officer requests during 2015.

This information was requested in person on numerous occasions throughout February and March 2015. Officers attended North End Cars on 20 April 2015 and Mr A was again unable to provide details of bookings on the dates requested and could only provide a rough guess as to the numbers of licensed drivers and vehicles working for North End Cars. He was unable to provide booking records for dates that had been requested.

It is important that operators keep good and precise records of bookings for a minimum period of 12 months to assist both police and licensing officers in dealing with complaints associated with any bookings received and accepted by the operator.

On **18 December 2015** Mr A appeared at Portsmouth Magistrates' and pleaded guilty to two charges of failing to provide information by way of booking records and details of drivers/vehicles operated by North End Cars. He was sentenced as follows:

- For failing to provide information and obstructing an authorised officer x 2 - **£810 fine**
- Council costs of **£1194** awarded
- Criminal Court surcharge of **£150** imposed
- Victim surcharge of **£40** imposed

Mr A's respective operator, vehicle and driver licences were subsequently revoked by the Licensing Sub Committee in January 2016.

3.10 Mr B - Town Police Clauses Act 1847 - Plying For Hire Case officer Jason Ellam

On 29 December 2015 Mr B was plying for hire in Commercial Road, Portsmouth whilst driving a licensed private hire vehicle bearing registration number KP12 YGR and plate number 719.

Whilst waiting outside Ken's Fried Chicken Restaurant he accepted his own booking and took a group of four people (two males and two females) to four separate addresses. First drop off point - Lee-on-Solent, second drop off - Stubbington, third drop off - Gosport and the final address was Bittern Close, Leigh Park.

Prior to the incident the group of four had left a club and walked to the main station and then to Commercial Road. CCTV footage showed the group walking to the parked private hire vehicle and to engage the driver in conversation. There was no booking to support the vehicle being in this area.

Mr B was interviewed under caution and initially denied the allegation claiming that he never picked up any passengers. The passengers were subsequently traced and provided evidence to the council about the journey and the fare paid of £60.

On **26 April 2016** Mr B appeared at Portsmouth Magistrates' and pleaded guilty to two charges of plying for hire and no insurance. He was sentenced as follows:

- For permitting no insurance - **£120 fine and 6 penalty points**
- For plying for hire - **£80 fine**
- Council costs of **£100** awarded
- Victim surcharge of **£20** imposed

3.11 Mr S - Oxygen, 3 Portsmouth Road, Cosham, Portsmouth - Licensing Act 2003 Offences - Case officer Ross Lee

Mr S is both the premises licence holder and designated premises supervisor for an off licence trading as "Oxygen" and situated at 3 Portsmouth Road, Cosham, Portsmouth PO6 2SG. He was granted this licence in June 2015.

A number of visits were made to the premises in March and April 2016 which revealed breaches to the Licensing Act, the conditions of licence for the premises and also fire safety defects which were passed to the Fire Service for investigation.

Mr S was given both verbal and written advice but follow up visits revealed little evidence of compliance with the staff on duty noted as being no more than "casual hired help" with little interest or competency noted.

On **21 November 2016** Mr S appeared at Portsmouth Magistrates' and pleaded guilty to a number of offences as follows:

- For failing to ensure that staff had received training (and further training in respect of the CCTV) and failing to ensure that supplies of alcohol were made or authorised by a person who holds a personal licence - **£300 fine**
- Council costs of **£100** awarded
- Victim surcharge of **£15** imposed

The court chose not to forfeit or suspend his personal licence.

3.12 Mr M - Town Police Clauses Act 1847 - Byelaw Breach Case officer Jason Ellam

The Licensing Service has historically received numerous complaints from members of the public concerning hackney carriage vehicles illegally ranked up at Fratton Railway Station. Fratton Station has a designated 3 car taxi rank that is operational 24 hours a day.

Although the taxi stand itself is located on railway property, the rank is immediately adjacent to a public street (Selbourne Terrace) where both vehicular and pedestrian traffic is high.

Taxi drivers are reminded of their legal obligations imposed under the byelaws made pursuant to Section 68 of the Town Police Clauses Act 1847 which state that if a rank is full, the driver must pull away and not park up or stand for hire indiscriminately. Every hackney carriage vehicle is required to have a copy of the byelaws in the vehicle at all times.

Fratton Railway Station has been subject to many visits by licensing staff and numerous drivers have been requested to move when found to be illegally ranking. Drivers have also been previously issued with verbal and written warnings together with penalty points.

On 04 August 2016 Mr M was the driver of licensed taxi number 145 and was twice warned by separate officers for illegally ranking and causing an obstruction in the station approach road.

He was interviewed under caution and admitted being aware of the byelaws and ignoring two separate requests from authorised officers to comply with the byelaws.

On **28 November 2016** Mr M appeared at Portsmouth Magistrates' and pleaded guilty to the byelaw breach. He was sentenced as follows:

- For breaching the byelaws by illegally ranking - **£80 fine**
- Council costs of **£100** awarded
- Victim surcharge of **£30** imposed

3.13 Mr M - Local Government (Miscellaneous Provisions) Act 1982 - Street Trading - Case officer Ross Lee

Mr M held a Pedlar certificate issued by Wiltshire Police and was in attendance with a number of other persons at the annual Gunwharf Quays Christmas lights/Firework display on 10 November 2016.

Licensing staff were on site at the request of Gunwharf Quays staff as the event, by nature, attracts traders from far and wide and has been the cause of complaint to the council, as the local licensing authority, for some years.

Pedlars can lawfully "trade as they travel" rather than setting up static pitches which would otherwise require the grant of a street trading consent.

Mr M was verbally advised, warned and ultimately cautioned for trading in one particular spot with no intention of moving until he had sold nearly all his trading stock of Christmas paraphernalia. No officers saw him "going to customers" and his trading location at the old Vernon gate caused a significant "bottleneck" and obstruction with thousands of persons in the area at the time.

Other pedlars had moved on at the request of officers.

On **22 February 2017** Mr M was convicted, in his absence, at Portsmouth Magistrates' of street trading in a consent street (St Georges Road) without being authorised to do so. He was sentenced as follows:

- For street trading in a consent street without a consent - **£250 fine**
- Council costs of **£374.62** awarded
- Victim surcharge of **£30** imposed

3.14 Mr A, Ken's Kebabs, 35 Guildhall Walk, Portsmouth - Licensing Act 2003 Offences - Case officer Derek Stone

Mr A was the holder of the premises licence for Ken's Kebabs in Guildhall Walk. He has been involved, in partnership, in the ownership and management of a number of fast food outlets in Portsmouth.

The premises are licensed to provide late night refreshment Monday to Sunday from the hours of 23:00 until 03:00 with opening hours daily from 11:00 until 03:00.

On 22 November 2016 the Chief Officer of Police for Hampshire Constabulary applied for a review of the premises licence under section 51 of the Licensing Act 2003 in relation to the prevention of crime and disorder, public safety and the prevention of public nuisance following breaches of the licence conditions at this venue.

As part of the review, the police presented evidence that the venue has traded beyond the permitted 03:00 finish time. CCTV showed that, on some occasions, the premises was open until 05:00 in the morning with over a hundred plus persons being served between 03:00 and 05:00. Evidence of assaults was also apparent.

Evidence from 5 specified dates (28 August, 2 October, 5, 6 and 13 November 2016) was obtained and A admitted all offences and submitted a prepared statement under caution to that effect. By way of admission, he stated that as a result of extension to trading hours at two nearby licensed premises until 04:00 - customers were now arriving at his venue much later and that was his reason for opening and trading later than permitted.

On **22 March 2017** Mr A appeared at Portsmouth Magistrates' and pleaded guilty to carrying on a licensable activity on premises otherwise than in accordance with an authorisation. He was sentenced as follows:

- For carrying on a licensable activity at Ken's Kebabs on 5 occasions - **£3350 fine**
- Council costs of **£395** awarded
- Victim surcharge of **£67** imposed

4. Appeals to Portsmouth Magistrates' Court - Various Matters

4.1 The council has been the respondent to a number of appeals to the Magistrates' in respect of both driver and Licensing Act matters. A short synopsis of each appeal decision is shown below:

4.2 Mr W - Case officer Les Matthewson

In July 2014 the Licensing Manager suspended Mr W's private hire driver licence following receipt of a "road rage" incident with a female motorcyclist. The allegation was that Mr W assaulted the female.

On 12 December 2014 his appeal to Portsmouth Magistrates' was dismissed and Mr W was ordered to pay council costs of £1350.

4.3 Mr L & Mr A - Case officers Jason Ellam and Kevin Weeks

On 29 October 2014 the Licensing sub-committee suspended Mr L's private hire driver licence and revoked Mr A's private hire driver licence.

Both drivers had been implicated in an incident in Elm Grove in May 2014 whereby CCTV showed a group of drivers fighting in the road with a male passenger. The passenger had been drinking and had apparently threatened another driver leading to other drivers attending the scene.

On **28 January 2015** Messrs L and A appeared at Portsmouth Magistrates' to appeal against the decisions of the committee. **Their respective appeals were upheld.**

4.4 Mrs P - Best One Express - Case officer Derek Stone

On 17 October 2014 the sub-committee revoked the premises licence previously granted to Mrs P and in respect of an off licence premises trading as Best One Express, 6 Highbury Buildings, Portsmouth Road, Cosham, Portsmouth.

This decision followed a review application submitted by the chief officer of police.

On 06 March 2015 Mrs P's appeal to Portsmouth Magistrates' was dismissed and she was ordered to pay council costs of £725.76

4.5 Mr A & Mr K - Case officer Les Matthewson

On 24 April 2015 the Licensing Sub-committee revoked the respective hackney carriage drivers licences previously granted to Mr A and Mr K with immediate effect.

CCTV and first hand witness evidence showed them fighting with a passenger at the taxi stand situated at Gunwharf Quays as a result of a heated altercation with a group of males. It was accepted that both drivers had been verbally abused by the group and a male had been detained by Gunwharf security. However, the two drivers were seen to punch a male after being asked to vacate the area. The committee heard no remorse from the drivers.

On **06 November 2015** Messrs A and K appeared at Portsmouth Magistrates' following a part heard hearing from 21 October 2015 to conclude their co-joined appeals against the decisions of the committee. **Their respective appeals were dismissed with the Magistrates' commenting that the "appellants behaviour exasperated the situation". Council costs of £1604 were awarded.**

4.6 Mr T - Case officer Les Matthewson

On 03 September 2015 the Licensing Sub-committee suspended hackney carriage driver's licence previously issued to Mr T. The suspension period was for 2 weeks following evidence of previous poor driving and a failure of the Blue Lamp driver assessment course.

On 18 November 2015 Mr T's appeal to Portsmouth Magistrates' was dismissed and he was ordered to pay council costs of £450.

4.7 Mr A - Case officer Les Matthewson

On 03 September 2015 the Licensing Sub-committee refused to renew a hackney carriage driver licence previously issued to Mr A due to evidenced poor driving skills.

On 16 December 2015 Mr A's appeal to Portsmouth Magistrates' was dismissed and he was ordered to pay council costs of £200

4.8 Mr J - Victory Pub, 32 The Hard, Portsea, Portsmouth Case officer Derek Stone

On 04 August 2015 the sub-committee revoked the premises licence previously granted to Mr J and in respect of the Victory pub situated at The Hard.

This decision followed a summary review application submitted by the chief officer of police.

On 20 January 2016 Mr J's appeal to Portsmouth Magistrates' was dismissed and he was ordered to pay council costs of £2165.

4.9 Mr A - Case officer Les Matthewson

On 27 January 2016 the Licensing Sub Committee refused to renew the respective operator, vehicle and driver licences previously issued to Mr A and trading under the name North End Cars.

On 11 May 2016 Mr A's appeal to Portsmouth Magistrates' (against the decision to revoke his driver licence) was dismissed and he was ordered to pay council costs of £1168.

4.10 Mr L - Case officer Les Matthewson

On 07 July 2016 the Licensing Sub-committee revoked a private hire driver licence previously issued to Mr L due to an evidenced conviction for fraud. He received a term of imprisonment for 21 months suspended for 2 years at the Crown Court on 29 April 2016.

On 31 October 2016 Mr L's appeal to Portsmouth Magistrates' was dismissed and he was ordered to pay council costs of £750.

4.11 Mr E - Case officer Jason Ellam

On 22 September 2016 the Licensing Sub-committee revoked a hackney carriage driver licence previously issued to Mr E due to evidenced complaints of overcharging vulnerable passengers and prolonging the journeys.

On 12 December 2016 Mr E's appeal to Portsmouth Magistrates' was dismissed and he was ordered to pay council costs of £400.

**4.12 Mr A - Ken's Kebab House, 35 Guildhall Walk, Portsmouth
Case officer Derek Stone**

On 18 January 2017 the sub-committee revoked the premises licence previously granted to Mr A and in respect of Ken's Kebabs situated in the cumulative impact area of Guildhall Walk.

This decision followed a review application submitted by the chief officer of police.

The matter was listed for hearing at Portsmouth Magistrates' on 11 April 2017 by way of appeal against the sub-committee's decision. However, following discussion between the respective legal parties, the appeal was withdrawn following the grant of a new premises licence in favour of Mr Usman Ahmed.

4.13 The Licensing Manager recognises the work of both licensing and legal services staff in preparing for, and defending, the respective appeals to the Magistrates'.

5. Reasons for recommendations

5.1 To comply with the requirements of the adopted Hackney Carriage/Private hire and Licensing Act 2003 policies requiring the reporting to the committee of formal enforcement proceedings against licence holders and other persons.

6. Equality impact assessment

6.1 Not applicable to this information report.

7. Legal implications

7.1 Not applicable to this information report.

8. Director of Finance's comments

8.1 Not applicable to this information report.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Nil	Nil

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: