



Appendix C

NOTICE OF MEETING

LICENSING SUB-COMMITTEE

WEDNESDAY, 14 JANUARY 2015 AT 9.30 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Lucy Wingham, 023 9283 4662

Email: lucy.wingham@portsmouthcc.gov.uk

Committee Members Councillors Hannah Hockaday (Chair), Margaret Adair, Ken Ellcome (Vice Chair), Ken Ferrett, Margaret Foster, David Fuller, Frank Jonas, Lee Mason, Stuart Potter, Eleanor Scott, Phil Smith, Les Stevens, Sandra Stockdale, Julie Swan, Gerald Vernon-Jackson.

The panel today consists of : Councillors Ken Ellcome, Les Stevens and Sandra Stockdale
The reserve member is tbc.

(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

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 Declarations of interest**
- 2 Appointment of Chair**
- 3 Licensing Act 2003 – Application for a review of a premises licence
Osborne Wines, 37 Osborne Road, Southsea, PO5 3LR (Pages 1 - 54)**

Purpose

The purpose of this report is for the committee to consider an application by the Chief Officer of Police, Hampshire Constabulary, for the review of a premises licence at Osborne Wines, 37 Osborne Road, Southsea under section 51 of the Licensing Act 2003 ("the Act").

RECOMMENDED that the sub-committee determine this matter.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

Agenda Item 3

REPORT TO:

LICENSING SUB-COMMITTEE

14th January 2015

REPORT BY:

LICENSING MANAGER

REPORT AUTHOR:

DEREK STONE

**Licensing Act 2003 – Application for a review of a premises licence –
Osborne Wines 37 Osborne Road Southsea PO5 3LR**

1. PURPOSE OF REPORT

The purpose of this report is for the Committee to consider an application by the Chief Officer of Police, Hampshire Constabulary, for the review of two premises licence at Osborne Wines and [REDACTED] under section 51 of the Licensing Act 2003 ("the Act").

Both premises licences are held by Mr Bipinkumar Lodhia who is also the Designated Premises Supervisor for both venues.

2. STATUTORY PROVISIONS

The steps set out in the Act for reviewing premises licences and club premises certificates are intended to 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.

At any stage following the grant of a licence or certificate, a responsible authority or any other person may make an application for the review of a licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

3. THE APPLICATION

The applications and grounds for review for each venue are attached as Appendix A to this report and relate to the following licensing objectives:

- Prevention of crime and disorder

The grounds for the review at Osborne Wines are due to the failure of the Premises Licence Holder and Designated Premises supervisor to engage with the Police following a number of breaches of the premises licence at this store.

Police have attempted to engage with the DPS and Premises Licence holder on numerous occasions in person, by telephone, email and by letter, and police have been met with a wall of silence from the Designated Premises Supervisor

It is the view of the Police that these actions raise serious concerns about the ability of the management at the store to support the licensing objectives.

Following on from the review the Director of Public Health for Portsmouth City Council also made a representation against both venues raising concerns in relation to the prevention of crime and disorder, public safety and the protection of children from harm.

4. **BACKGROUND INFORMATION**

The premises are currently licensed for the provision of the following licensable activities:

Osborne Wines

- **Sale by retail of alcohol (for consumption off the premises)**

Monday to Sunday - 07:00 until 02:00

- **Opening hours of the premises**

Monday to Sunday - 07:00 until 02:00

[REDACTED]

■

[REDACTED]

[REDACTED]

■

[REDACTED]

[REDACTED]

A copy of the premises licences are attached as Appendix B with their respective conditions.

In accordance with the procedure laid down in the Licensing Act 2003 ("the Act"), a public notice of the application for the review of the licence was advertised at the premises concerned and also in a prominent position at the Civic Offices. In addition a notice of the application was also posted on the website of Portsmouth City Council together with the grounds for the review. A copy of the application was also served on all of the responsible authorities.

5. **REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS**

This review on behalf of the Chief Officer of Police, Hampshire Constabulary will be presented by PC 21945 Pete Rackham. Representations have also been made by Director of Public Health in support of this review. This representation is attached at Appendix C.

6. **POLICY AND STATUTORY CONSIDERATIONS**

When determining the application for review of the premises licence, 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;
 - Its Statement of Licensing Policy;
 - Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
 - The statutory guidance issued by the Home Secretary in accordance with section 182 of the Act; and
 - The representations, including supporting information, presented by all the parties.
 - The Statutory Guidance (revised in October 2014) provides advice in relation to the consideration of review applications.

In particular, members should have regard to the following advice:

Paragraph 11.1 - *“The proceedings set out in the Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.”*

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

Paragraph 11.10 - *"Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.*

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."*

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 holder of the licence.*

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 stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is 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:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to 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);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

Paragraph 11.20 – “In deciding which of these powers to invoke, it is expected that licensing authorities should so far possible seek to establish the cause or causes of the concerns which 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”.

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 which 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. 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. 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".

7. APPEAL PROVISIONS


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.

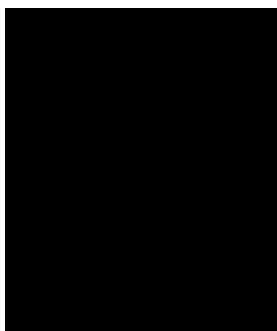
The decision of the Committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

A copy of the Statement of Licensing Policy, 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.

8. APPENDICES

- A. Review applications from Hampshire Constabulary
- B. Copy of the premises licence for Osborne Wines and 
- C. Copy of supporting representation from Public Health

THE COMMITTEE IS REQUESTED TO DETERMINE THE APPLICATION



Principal Licensing Officer



Reference No

		/						/						
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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I ...Police Constable 21945 Rackham.....
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Osborne Wines
37 Osborne Road
Southsea
Hampshire
PO5 3LR

Post town

Southsea

Post code

PO5 3LR

Name of premises licence holder or club holding club premises certificate (if known)

Mr Bipin Lodhia

Number of premises licence or club premises certificate (if known)

unknown

--

This application to review relates to the following licensing objective(s)	
Please tick one or more boxes <input checked="" type="checkbox"/>	
1) the prevention of crime and disorder	<input checked="" type="checkbox"/>
2) public safety	<input type="checkbox"/>
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)
<p>On behalf of the Chief Officer of Police, I would like to formally request a review hearing of Osborne Wines, 37 Osborne Road, Southsea, Hampshire, PO5 3LR. I am requesting the review under the following licensing objectives:</p> <p>The Prevention of Crime and Disorder</p> <p>This is due to the failure of the Premises Licence Holder and Designated Premises Supervisor to engage with the Police following a number of breaches of the premises licence at the store.</p> <p>Police have attempted to engage with the DPS and Premises Licence Holder on numerous occasions in person, by phone, email and by letter and Police have been met with a wall of silence from the Designated Premises Supervisor.</p> <p>This seriously concerns the Police about the ability of the management at the store to support the licensing objectives.</p>

Please provide as much information as possible to support the application (please read guidance note 3)
<p>In August 2013 Mr Lodhia submitted an application to transfer the premises licence for Osborne Wines in his name. He also applied to become the Designated Premises Supervisor for the store. This was not opposed at the time as there was no reason to do so and as a result Mr Lodhia became the Designated Premises Supervisor and Premises Licence Holder for the store.</p> <p>In December 2013 Trading Standards sent out a letter to off licensed premises in Portsmouth as a reminder on how to remain compliant with the licensing act 2003 and to ensure that venues knew what measures to put in place if they were not.</p>

On 11th December 2013 PC 21945 Rackham performed a premises licence check to ensure that the venue was compliant with regards to the Licensing Act 2003 and also supporting the licensing objectives. Mr Lodhia was not present at the venue but his employee [REDACTED] was. [REDACTED] stated to Police that he rarely saw the DPS and that he only came down a couple of times a week from his address in London. During this visit the following issues were raised:

Licensed Premises Summary – Was still in the name of the previous owners. Was not the correct details and as such was not the correct Summary. An offence under the Licensing Act 2003.

Store person could not produce the full premises licence that was up to date instead relying on an old one. An offence under the Licensing Act 2003.

No refusals log at the venue

CCTV was centrally controlled by Mr Lodhia from his office in London and as a result staff were unable to access the CCTV quickly and easily in contravention of the premises licence condition. An offence under the Licensing Act 2003.

That day I contacted the DPS by phone and left a voicemail message on his mobile number requesting that he contact me via phone or email urgently.

On the 12th December 2013 the DPS contacted me by phone and arranged to meet me at his store [REDACTED].

I spoke with Mr Lodhia that evening at his [REDACTED]. He was informed fully of the issues I had noted and advised strongly to rectify these issues as failing to do so could leave him open to the review process or prosecution under offences under the licensing act 2003. Mr Lodhia stated that he would rectify these issues as soon as possible. Mr Lodhia was there and then provided refusals log to allow him to put in place a mechanism of due diligence regarding sale of alcohol to children and to drunks. I also raised my concerns that Mr Lodhia's address was in London and not local to Portsmouth and asked him how he could be in day to day control of the store if he lived so far away. Mr Lodhia stated that he attended the store around 4 times a week to deliver stock and check up on paper work so was around a lot and dealt with any issues on his arrival.

Later that evening I sent an email to Mr Lodhia detailing my findings and again reiterating what had been said at the store. This email was sent on 12/12/2014. Again it was reiterated that failing to adhere to the premises licence could be an offence under the licensing act 2003 and lead to prosecution or the review process.

By the 29/01/2014 I had not heard anything back from Mr Lodhia regarding what measures he was putting in place to improve compliance at the store. I sent another email requesting he inform me what he was doing.

On the 31/01/2014 I received an email from Mr Lodhia stating that he was training the staff and was improving the CCTV at both of his stores.

On 16th April 2014 PC Smurthwaite attended Osborne Wines at 13:10 hours in order to perform a licensing compliance check. Again the DPS was not present at the store. Only one member of staff was present. [REDACTED] [REDACTED] stated that he had worked at the store for a few months and only saw the DPS now and then as he spent most of his time in

London. During the check PC Smurthwaite noted the following issues:

No training records – [REDACTED] stated that the only training he received was around the use of the till and keeping the shelves stocked up. He had not been given any documented training around the sale of alcohol to drunks or to children.

No refusals logs in place. PC Smurthwaite noted that the last entry was in December 2014

Again the staff member [REDACTED] was unable to operate the CCTV at all and so access to the system is not quick and easy. A potential offence under Section 136 of the licensing act 2003. He stated that only the DPS Mr Lodhia knew how to work it.

The venue was unable to provide the Full Premises Licence as [REDACTED] stated that it was with Mr Lodhia. An offence under Section 57 of the Licensing Act.

PC Smurthwaite attempted to contact Mr Lodhia but no reply was ever received from him.

In August 2014 a letter was hand delivered to the store inviting Mr Lodhia to attend a best practice seminar around compliance with the licensing act 2003 and also the best way to support the licensing objectives in Portsmouth. This was in preparation for a day of checks a month later. The seminar was delivered by myself and Rob Anderson-Weaver and was attended by representatives of over 90 stores across Portsmouth. Unfortunately Mr Lodhia did not make contact with regards to the seminar and did not attend on the day. Police have not heard from Mr Lodhia since.

In October the Council Licensing Team sent out a letter advising Off Licensed Premises of their requirements under the new mandatory conditions regarding the sale of alcohol below cost price and Value Added Tax. This letter advised that this was now a mandatory condition and that a breach of this could lead to prosecution and or review of the premises licence should stores be selling alcohol below cost price and Value Added Tax.

On the 23rd October 2014 a day of checks were performed across off licences in Portsmouth. Osborne Wines was one of the venues visited.

Council Licensing attended and found the following issues:

No authorisation from the DPS to staff members to sell alcohol in place.

No training records for staff members in place or available.

The attending council officer also noted that Perla Mocna, a Polish lager in a 500ml can at 7.6% ABV was being exposed for sale for £1.00. On checking the home office calculator for products that are being sold under VAT and cost price I found that a lager of 7.6% in a 500ml can should be sold at a minimum price of £1.10. This means that for every can of Perla Mocna that is sold Mr Lodhia has been selling it below VAT and Cost price by 10pence a can. This is in contravention of the mandatory conditions on premises licences and an offence under section 136 of the licensing act 2003.

On the 1st November 2014 I emailed Mr Lodhia informing him of the issues identified and requesting that he attend a voluntary interview under caution to discuss the matters I had identified. I requested that he provide invoices of the beers, lagers and ciders he had in stock for sale in order for me to investigate these suspected offences.

On the 5th of November 2014 I attempted to contact Mr Lodhia by phone. The phone continued to ring with no answer and no voicemail facility. So I sent a letter requesting the same to his address he provided to Police when applying for the change of Premises Licence Holder and DPS.

On the 6/11/2014 Police received an email from the DPS stating that he was unable to call PC Rackham on the number provided and requesting contact. PC Rackham contacted him and received no answer so left a voice mail message. Further attempts to contact this number have proved fruitless.

On the 07/11/2014 Police received a further email stating that within 2 weeks all would be completed. Making no mention of the request for assistance in the matter by providing CCTV evidence of potential offences under the licensing act 2003, invoices regarding proof of sale of items being sold below VAT and cost price and also attendance for a voluntary interview as if avoiding the request in the hope that Police would not take the matter further.

On the 11/11/2014 a request was made to Mr Lodhia for clarification on the matter.

At the time of writing Mr Lodhia has made it exceedingly difficult to investigate any alleged offences at his store. It is the Polices position that Mr Lodhia is deliberately avoiding the matter and as a result is obstructing Police with regards to investigating offences at his stores. Mr Lodhia is the only person at the store that can operate the CCTV, provide police with invoices and speak with the Police about issues affecting his stores. This has left the Police in a position where it is very difficult to work with Mr Lodhia around the breaches of his Premises Licence. In any case it appears that Mr Lodhia is running his venue breaching his licence conditions and as a result has been breaking the law in doing so. This is not only in flagrant disregard to the Licensing Act and the Licensing Objectives but also to the Licensing Committee. Mr Lodhia is clearly not adhering to the condition placed on the licence by yourselves.

Through not replying to Police concerns it has also made it very difficult to investigate the offences under the licensing act 2003. Mr Lodhia is aware of what the Police require from him and that Police are investigating criminal offences under the Licensing Act 2003. Mr Lodhia is also aware that as a DPS and Premises Licence Holder he is duty bound to provide Police with the information they have requested in the store. He has chosen not to and the Polices position that this is also an offence under the Licensing Act 2003.

It is the Polices position that Mr Lodhia has a disregard to the Licensing objectives. Police have offered advice in person and via email and the licensing authority in the way of council licensing and trading standards have also provided him with advice. Mr Lodhia has continued to operate his business other than in accordance with this advice. This is despite being offered numerous opportunities to do the right thing. Including a joint Police and council seminar to provide Mr Lodhia or a representative with the tools to be compliant. A year down the line and Mr Lodhia is still breaching his licence conditions.

Police have considered what would be proportionate in this instance and feel that the only real option here is to revoke the premises licence for the store. Mr Lodhia despite advice from Council Licensing, the Police, trading standards and health continues to trade breaching his licence conditions. Police feel that placing further conditions on the premises licence will only lead to further opportunities for Mr Lodhia to breach the premises licence as he has shown that he has been unable to comply with the simple ones he currently has. Changing the DPS wont change the management structure as Mr Lodhia would still be the Premises Licence

Holder and responsible for the store.

However should the Committee not be minded to revoke the premises licence then Police would request that the attached conditions are placed on to the Premises Licence.

Please tick <input checked="" type="checkbox"/> yes							
Have you made an application for review relating to the premises before?							no
If yes, please state the date of that application							
		Day		Month		Year	

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

None previously

Please tick <input checked="" type="checkbox"/> yes	
<ul style="list-style-type: none">I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	x
<ul style="list-style-type: none">I understand that if I do not comply with the above requirements my application will be rejected.	x
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION	
Part 3 – Signatures (please read guidance note 4)	
Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 5). If signing on behalf of the applicant please state in what capacity.	
Signature	PC 21945 Rackham
Date	11/11/2014
Capacity	Police Licensing Team

Contact name (where not previously given) and postal address for correspondence

associated with this application (please read guidance note 6)

[REDACTED]

[REDACTED] town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by email, your email address (optional)
Email

Notes for Guidance

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



Hampshire Constabulary

Chief Constable Andy Marsh

Civic Offices
Guildhall Square
Portsmouth
Hampshire

PO1 2PQ

Telephone: 101

Direct dial: 101

Fax number:
023 9289 1890
Minicom TextRelay:18001 101

Email: [REDACTED]

Our ref: Police Off Licence Action Day
Your ref:

August 11, 2014

Dear DPS/Store Manager

I am writing to formally invite you to a best practice seminar at the Portsmouth Civic Offices to discuss how best you can operate your store in line with best practice and the Licensing Act 2003.

This is an opportunity we are offering you to liaise with the Police Licensing Team and other responsible authorities, to not only remain compliant with the sale of alcohol but also to discuss the issues that affect your stores. This seminar shall ensure that you have the tools that you need to operate your store lawfully.

This is in preparation for Police Off Licence Action Day which shall be in the near future. This is a day when the Police Licensing Unit and partner agencies shall be visiting your stores in the Portsmouth area in order to check compliance with your licences.

This follows a number of Test Purchase operations in the Portsmouth area in which numerous stores failed. During the course of these failures Police also uncovered a large amount of non compliance at stores in relation to the Licensing Act 2003.

The whole purpose of this seminar shall be to discuss how you as the Designated Premises Supervisor or Store Manager can ensure that you are compliant with legislation, that you are doing what is required by law and as such can rectify anything wrong prior to the day.

We understand the stresses and constraints put upon you through working in the retail trade and as such provide you with a number of different timed seminars on Monday 22nd September 2014 at the Portsmouth Civic Offices in conference room B, Floor 2.



Hampshire Constabulary

Chief Constable Andy Marsh

The seminars will be held at the following times in Conference Room B, Floor 2:

1 – 11:00 hours

2 – 13:00 hours

3 – 15:00 hours

4 – 18:00 hours

I look forward to seeing you at any of these times. Please let us know which session you are able to attend in advance as soon as possible.

You can contact me via email at [REDACTED]
Alternatively you can phone or text me on [REDACTED]

We advise you to attend the seminar or send a representative from your store as we want to put you in the best possible position to comply with the licensing objectives. This will assist you in avoiding any action you may liable for, should you be found to be non compliant.

Yours Sincerely

PC 21945 Rackham – Violent Crime Reduction and Licensing, Hampshire Constabulary.

Robert Anderson-Weaver – Community Safety Officer, Department of Public Health, Portsmouth City Council.



Hampshire Constabulary

Chief Constable Andy Marsh

Portsmouth Central
Police Station
Winston Churchill
Avenue
Portsmouth
Hampshire

PO1 2DG

Mr Bipin Lodhia



Telephone: 101

Direct dial: 101

Fax number:
023 9289 1890
Minicom TextRelay:18001 101


Email: 


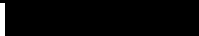
Our ref: 44080240389

Your ref:

November 05, 2014

Dear Mr Lodhia,

I am writing to you regarding issues I have noted at your store in  and Osborne Road, Southsea (Osborne Wines). I note that you are both Designated Premises Supervisor and Premises Licence Holder for both of these stores.

I have attempted to contact you via email on  but have received no reply. I have also attempted to contact you via  but no one has answered. Hence I am writing to you to request that you make contact with me.

In August 2014 I hand delivered to your two stores a letter inviting you to a best practice seminar at Portsmouth Civic Offices in September 2014. This would have provided you with knowledge of how to remain compliant with the Licensing Act 2003 and also how to fully support the licensing objectives in Portsmouth. The seminar was well attended with representatives from over 90 stores attending. Unfortunately I did not see you at the seminar and neither did I hear from you after the event.

On the 23rd October 2014 as part of a day of licensing checks across the city a representative of the Licensing Authority attended Osborne Wines, Osborne Road, Southsea and noted the following:

- There were no training records at the store for staff members.



Hampshire Constabulary

Chief Constable Andy Marsh

- You were selling high strength alcohol below cost and VAT in breach of the mandatory conditions of your Premises Licence. An offence under Section 136 of the Licensing Act 2003.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

All of these breaches are potential offences under the Licensing Act 2003 that I need to investigate. As a result I would like to invite you to a voluntary Police And Criminal Evidence Act interview at a Police station in Portsmouth. The interview is voluntary and should you so wish a free and independent legal representative can be provided to you for the interview. You can of course arrange your own or not have one at all. The choice is completely yours. During the interview you shall be free to leave at any time.

To assist with the investigation I require you to provide me with recent invoices of beers, lagers and ciders that you have purchased. I also require CCTV footag [REDACTED]

Once I have investigated the matter I shall be able to consider the most appropriate outcome for it.



Hampshire Constabulary

Chief Constable Andy Marsh

I must advise you that currently I am considering all possible outcomes for my findings. Should you make the decision not to reply or make contact with me I shall have no other option but to strongly consider utilising the review process with your stores in Portsmouth.

Should you have any issues or questions then please do not hesitate to contact me.

Yours Sincerely

Pete

PC 21945 Rackham
Violent Crime Reduction and Licensing Team

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 11/11/2014 15:12 by 21945

Occurrence: **44080240389 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 12/12/2013 23:19

Entered by: #21945 RACKHAM, P.

Entered time: 12/12/2013 23:19

Remarks:

Email to DPS raising issues and discussion with him today

Report:

Bipin

Thankyou for listening to myself and Rob this evening at your store in [REDACTED]

Just to re-cap reference the issues that were identified with both stores:

No staff training documentation implemented for any staff. This needs to be rectified asap. You need to show your staff are trained with regards to their obligations under the Licensing Act 2003 and also the Licensing Objectives. This is so that should there be any issue with a staff member selling alcohol to someone underage or to a drunk person you will be able to show that you have acted responsibly and trained your staff member under the licensing act. Get them to sign the training document to state they understand it and keep this for your records. I would also expect that this training is refreshed every 6 months to ensure that they don't forget. This is also a requirement under your premises licence so should be done to prevent you committing any offences under the licensing act 2003.

No Refusals Logs - This has been rectified today by ourselves providing you with them. Ensure your staff fill them in every time someone is refused service. It will show that you are meeting the licensing objectives and acting responsibly as a retailer.

CCTV - Currently none of your staff know how to use it or where it is. Your licence states that someone should be on the premises to operate the system. Currently this is not being adhered to. Please train your staff how to use it so that not only will you comply with your licence but should there be an incident the Police are able to investigate the matter straight away. To cover yourself ensure that you include this in the training and get them to sign to understand they know how to work the CCTV. Keep this record.

Ensure that the correct licence summary is on display and the full premises licence is kept safe where staff can access it easily should they wish to look at it and also should they need to provide it to the Police on request. Failure to do so is an offence under the licensing act.

Please could you ensure that this is done as soon as possible and reply to me with a time frame of when these issues will be rectified.

With regards to the Reducing the Strength Campaign we spoke at length about the campaign and how you can assist the Police and your local community in supporting the campaign. I understand that you will be able to come on board at the Osborne Wines store in mid January 2014 but it will take slightly longer for your [REDACTED] store as you run down stock and replace them with less strong products. Please could you confirm that this is correct.

Should you wish to discuss anything with me please do not hesitate to contact me via the below means and I will be happy to discuss any matters with you.

RESTRICTED

Kind Regards

Pete

Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department

|Tel: DD: [REDACTED]

(Portsmouth City Council, Community Safety, Civic Centre),

[REDACTED]

Portsmouth.licensing@hampshire.pnn.police.uk

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 11/11/2014 15:12 by 21945

Occurrence: **44080240389 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 29/01/2014 16:04

Entered by: #21945 RACKHAM, P.

Entered time: 29/01/2014 16:04

Remarks:

Email sent 29/01/2014 to DPS

Report:

Bipin

I am writing with regards to my email sent to you on 12/12/2013 after I visited your stores in Osborne Road and [REDACTED] and raised issues with regards to the running of the stores in accordance with the Premises Licence of the stores.

Since sending my email and speaking with you at length on the 12/12/2013 I have not heard from you regarding what measures you have or are intending to put in place to rectify these issues.

Please could you email me as a matter of urgency explaining what you will be doing reference the stores to rectify these issues.

Kind Regards

Pete

Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department

|Tel: DD: [REDACTED]

(Portsmouth City Council, Community Safety, Civic Centre),

[REDACTED]
Portsmouth.licensing@hampshire.pnn.police.uk

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 11/11/2014 15:12 by 21945

Occurrence: **44080240389 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 31/01/2014 11:02

Entered by: #21945 RACKHAM, P.

Entered time: 31/01/2014 11:02

Remarks:

Reply from the DPS

Report:

Hi Mr Pete

I am working on it and have been training the staff ,

We are waiting for the cctv engineer to visit our site to re site the cctv system to the front

Counter so that the staff can operate easily form the front of the shop.

Thanks

bipin

From:

Sent: 29 January 2014 16:06

To:

Subject: FAO Mr Lodhia reference Osborne Wines and Portsmouth

Bipin

RESTRICTED

RESTRICTED

I am writing with regards to my email sent to you on 12/12/2013 after I visited your stores in Osborne Road and [REDACTED] and raised issues with regards to the running of the stores in accordance with the Premises Licence of the stores.

Since sending my email and speaking with you at length on the 12/12/2013 I have not heard from you regarding what measures you have or are intending to put in place to rectify these issues.

Please could you email me as a matter of urgency explaining what you will be doing reference the stores to rectify these issues.

Kind Regards

Pete

Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department

|Tel: DD: [REDACTED]

(Portsmouth City Council, Community Safety, Civic Centre),

[REDACTED]

Portsmouth.licensing@hampshire.pnn.police.uk

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Supplementary Occurrence Report

Hampshire Constabulary

Printed: 11/11/2014 15:14 by 21945

Occurrence: **44080240389 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 11/11/2014 14:34

Entered by: #21945 RACKHAM, P.

Entered time: 11/11/2014 14:34

Remarks:

Email sent 25/09/2014 after POLAD and hand delievering letter inviting in august 2014

Report:

Bipin

I hope you are well?

Last month I hand delivered letters to your stores in Portsmouth inviting you to a licensing seminar to be held at Portsmouth Civic Offices. The purpose of the seminar was to assist you in being fully compliant with the Licensing Act 2003 and fully supportive of the licensing objectives in preparation for a day of licensing checks over the next month.

Unfortunately I did not see you at the event which was held on Monday.

I would like to meet with you at the Civic Offices in order to go through the presentation and put you in the best possible position prior to the day of checks. Please can you contact me as soon as possible to let me know when you are free.

I look forward to hearing from you

Many Thanks

Pete

Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department

|Tel: DD: 0 [REDACTED]

(Portsmouth City Council, Community Safety, Civic Centre),

[REDACTED]
Portsmouth.licensing@hampshire.pnn.police.uk

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 11/11/2014 15:13 by 21945

Occurrence: **44080240389 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 01/11/2014 04:31

Entered by: #21945 RACKHAM, P.

Entered time: 01/11/2014 04:31

Remarks:

Email sent to the DPS - To IV for suspected offences under the licensing act

Report:

Dear Bipin

I am writing to you with regards to issues I have noted at your store in [REDACTED] and Osborne Road, Southsea. I note that you are both the Designated Premises Supervisor and the Premises Licence Holder for both [REDACTED] and Osborne Wines, Osborne Road.

Back in August 2014 I hand delivered letters to you to both of these stores inviting you to a best practice seminar which was to be held on the 22/09/2014. Representatives from around 90 stores attended the event over the course of the day. Unfortunately I did not recall seeing you there.

On the 23rd October 2014 the majority of off licenced premises were visited including your store in Osborne Road, Southsea. As a result of the check there it was noted that:

There were no training records at the store for staff members

You were selling high strength alcohol below cost and VAT price in breach of the governments mandatory conditions on the premises licence. An offence under Section 136 of the Licensing Act 2003.

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All of these breaches are potential offences under the licensing act 2003 that I need to investigate. As a result I would like to invite you to a formal Police And Criminal Evidence Act interview at a Police station in Portsmouth. The interview is voluntary and should you so wish a free and independent legal advisor can be provided to you for the interview. You can of course if you wish provide your own or not have one at all. The choice is completely yours. You shall be free to leave at any time.

To assist with the investigation I require you to provide me with recent invoices of beers, lagers and ciders that you have purchased. [REDACTED]

Once I have investigated the matter I shall be able to consider the most appropriate outcome for it.

Should you have any issues then please do not hesitate to contact me via the below means. I am off until Wednesday 5th November 2014 but shall be happy to make contact with you then if you are happy to do so.

I look forward to hearing from you.

Kind Regards

Pete

Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department

|Tel: DD: 0 [REDACTED]

(Portsmouth City Council, Community Safety, Civic Centre),

A [REDACTED]

Portsmouth.licensing@hampshire.pnn.police.uk

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Supplementary Occurrence Report

Hampshire Constabulary

Printed: 11/11/2014 15:14 by 21945

Occurrence: **44080240389 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 11/11/2014 14:35

Entered by: #21945 RACKHAM, P.

Entered time: 11/11/2014 14:35

Remarks:

Reply to post polad email attempted phone left voicemail as no reply

Report:

Hi peter

I tried to call you several times on the number below but it only rings once and disengages

I would like to have a meeting with you regarding improvements that you mentioned ,if you can call me on [REDACTED]

Thanks Sir

bipin

From: [REDACTED]

Sent: 01 November 2014 04:33

To: [REDACTED]

Cc: [REDACTED]

Subject: Issues raised by Police at Osborne Wines and [REDACTED] Portsmouth. Invite to voluntary interview to assist in investigation into offences under the Licensing Act 2003

Dear Bipin

I am writing to you with regards to issues I have noted at your store in [REDACTED] and Osborne

RESTRICTED

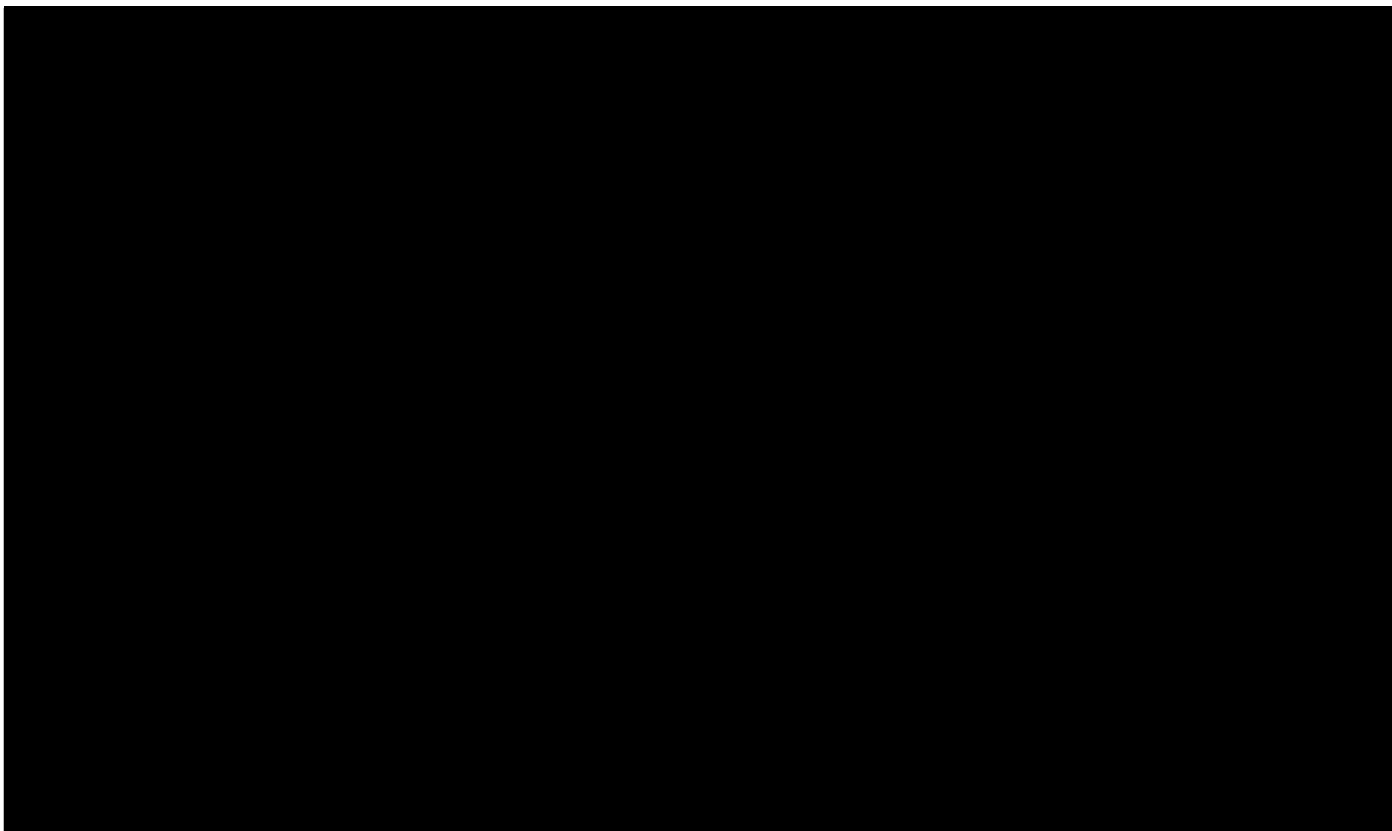
RESTRICTED

Road, Southsea. I note that you are both the Designated Premises Supervisor and the Premises Licence Holder for both [REDACTED] and Osborne Wines, Osborne Road.

Back in August 2014 I hand delivered letters to you to both of these stores inviting you to a best practice seminar which was to be held on the 22/09/2014. Representatives from around 90 stores attended the event over the course of the day. Unfortunately I did not recall seeing you there.

On the 23rd October 2014 the majority of off licenced premises were visited including your store in Osborne Road, Southsea. As a result of the check there it was noted that:

- There were no training records at the store for staff members
- You were selling high strength alcohol below cost and VAT price in breach of the governments mandatory conditions on the premises licence. An offence under Section 136 of the Licensing Act 2003.



f these breaches are potential offences under the licensing act 2003 that I need to investigate. As a result I would like to invite you to a formal Police And Criminal Evidence Act interview at a Police station in Portsmouth. The interview is voluntary and should you so wish a free and independent legal advisor can be provided to you for the interview. You can of course if you wish provide your own or not have one at all. The choice is completely yours. You shall be free to leave at any time.

RESTRICTED

assist with the investigation I require you to provide me with recent invoices of beers, lagers and ciders that you have purchased. [REDACTED]

When I have investigated the matter I shall be able to consider the most appropriate outcome for it.

If you have any issues then please do not hesitate to contact me via the below means. I am off until Wednesday 5th November 2014 but shall be happy to make contact with you then if you are happy to do so.

Look forward to hearing from you.

Yours faithfully,
Pete Rackham

Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department

Tel: DD: [REDACTED]

(Portsmouth City Council, Community Safety, Civic Centre),
[REDACTED]

Portsmouth.licensing@hampshire.pnn.police.uk

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of it.

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Supplementary Occurrence Report

Hampshire Constabulary

Printed: 11/11/2014 15:15 by 21945

Occurrence: **44080240389 Z Prem Licence (Management Occurrence)**

Author: #21945 RACKHAM, P.

Report time: 11/11/2014 14:36

Entered by: #21945 RACKHAM, P.

Entered time: 11/11/2014 14:36

Remarks:

Further reply to email making no mention of CCTV or interview or invoices and Police reply

Report:

Bipin

Thankyou for the email.

I note that you have made no mention of my requests:

- For CCTV for the 30/10/2014 between 22:00 - 23:00 hours and 31/10/2014 between 22:00 - 23:00
- For invoices regarding beers, lagers and ciders sold at the store
- To attend a voluntary Interview

Are you able to confirm that you shall not be providing these things I have requested or attending any voluntary interview I have requested you attend.

Providing the above will assist me with my investigation.

Many Thanks

Pete

Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department

|Tel: DD: [REDACTED]

(Portsmouth City Council, Community Safety, Civic Centre),

Portsmouth.licensing@hampshire.pnn.police.uk

From: bipin [mailto:[REDACTED]]

Sent: 07 November 2014 12:00

To: Rackham, Peter

Subject: RE: Issues raised by Police at Osborne Wines [REDACTED] Portsmouth. Invite to voluntary interview to assist in investigation into offences under the Licensing Act 2003

Thank you for the email.

I am working on it , and within 2 weeks all will be completed ,

RESTRICTED

I will update you on it

Thanks

bipin

From: [REDACTED]
Sent: 01 November 2014 04:33
To: [REDACTED]
Cc: [REDACTED]
Subject: Issues raised by Police at Osborne Wines and [REDACTED] Portsmouth. Invite to voluntary interview to assist in investigation into offences under the Licensing Act 2003

Dear Bipin

I am writing to you with regards to issues I have noted at your store in [REDACTED] and Osborne Road, Southsea. I note that you are both the Designated Premises Supervisor and the Premises Licence Holder for both [REDACTED] and Osborne Wines, Osborne Road.

Back in August 2014 I hand delivered letters to you to both of these stores inviting you to a best practice seminar which was to be held on the 22/09/2014. Representatives from around 90 stores attended the event over the course of the day. Unfortunately I did not recall seeing you there.

On the 23rd October 2014 the majority of off licenced premises were visited including your store in Osborne Road, Southsea. As a result of the check there it was noted that:

- There were no training records at the store for staff members
- You were selling high strength alcohol below cost and VAT price in breach of the governments mandatory conditions on the premises licence. An offence under Section 136 of the Licensing Act 2003.

[REDACTED]

[REDACTED]

f these breaches are potential offences under the licensing act 2003 that I need to investigate. As a result I would like to invite you to a formal Police And Criminal Evidence Act interview at a Police station in Portsmouth. The interview is voluntary and should you so wish a free and independent legal advisor can be provided to you for the interview. You can of course if you wish provide your own or not have one at all. The choice is completely yours. You shall be free to leave at any time.

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[REDACTED]

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uld you have any issues then please do not hesitate to contact me via the below means. I am off untill Wednesday 5th November 2014 but shall be happy to make contact with you then if you are happy to do so.

k forward to hearing from you.

I Regards

Pete Rackham PC 21945 Violent Crime Reduction and Licensing Department

|Tel: DD: [REDACTED]

(Portsmouth City Council, Community Safety, Civic Centre),

[REDACTED]
Portsmouth.licensing@hampshire.pnn.police.uk

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LICENSING ACT 2003

PREMISES LICENCE

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

Premises Licence Number:	13/04285/LAPREM
---------------------------------	-----------------

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description:
--

Osborne Wines 37 Osborne Road Southsea PO5 3LR

Telephone Number: 9281 9438

Where the licence is time limited, the dates:

Licensable activities authorised by the licence:

Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities:
--

Sale by retail of alcohol

Monday to Sunday:	07:00 until 02:00
-------------------	-------------------

The opening hours of the premises:

Monday to Sunday:	07:00 until 02:00
-------------------	-------------------

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
--

Alcohol is supplied for consumption off the premises
--

LICENSING ACT 2003

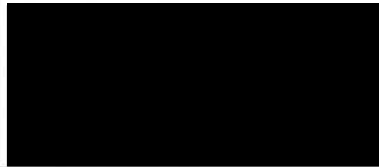
PREMISES LICENCE

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

Part 2

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

Mr Bipinkumar Lodhia



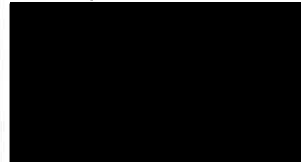
Telephone number:

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:

Mr Bipinkumar Lodhia



Telephone Number:

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 Number:

Issuing licensing authority: Brent London Borough Council

LICENSING ACT 2003

PREMISES LICENCE

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

Date Licence Granted: 20.10.2005

Authorised Officer
Licensing Section



Date last Amended: 18 September 2013
Type: Transfer

LICENSING ACT 2003

PREMISES LICENCE

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

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. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

LICENSING ACT 2003

PREMISES LICENCE

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

Annex 2 - Conditions consistent with the Operating Schedule

01. 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) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) 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;

02. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

LICENSING ACT 2003

PREMISES LICENCE

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

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

01. 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).

LICENSING ACT 2003

PREMISES LICENCE

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

Annex 4 - Plans

See attached.

LICENSING ACT 2003

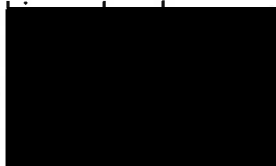
PREMISES LICENCE

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

Premises Licence Number:	13/04299/LAPREM
---------------------------------	-----------------

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description:
--



Telephone Number:

Where the licence is time limited, the dates:
--

Licensable activities authorised by the licence:

Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities:
--

Sale by retail of alcohol

Monday to Sunday:	08:00 until 01:00
-------------------	-------------------

The opening hours of the premises:

Monday to Sunday:	08:00 until 01:00
-------------------	-------------------

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
--

Alcohol is supplied for consumption off the premises
--

LICENSING ACT 2003

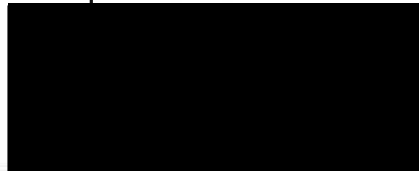
PREMISES LICENCE

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

Part 2

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

Mr Bipinkumar Lodhia



Telephone number: 02392 6436

Email: [Redacted]

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:

Mr Bipinkumar Lodhia



Telephone Number:

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 Number: [Redacted]

Issuing licensing authority: Brent London Borough Council

LICENSING ACT 2003

PREMISES LICENCE

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

Date Licence Granted: 28.05.2010

Authorised Officer
Licensing Section



Date last Amended: 19 September 2013
Type: Transfer

LICENSING ACT 2003

PREMISES LICENCE

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

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. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

LICENSING ACT 2003

PREMISES LICENCE

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

Annex 2 - Conditions consistent with the Operating Schedule

01. The licence holder will comply with the following requirements concerning the use of CCTV at the premises.

Operation and Storage.

- The CCTV system will be installed and fully operational whilst the venue is open to the public.
- The recording equipment will 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 will be kept of any access made to information held on the system.
- The system will be regularly maintained and serviced.
- The system clock will be checked regularly for accuracy taking account of GMT and BST.
- Digital systems will have sufficient storage capacity for 31 days good quality pictures.
- Images produced will be date and time stamped.

Access

- It is important that the Police are able to access data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also be able to operate the equipment.
- All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.
- A simple operator's manual will be available to assist in replaying and exporting data (particularly important with digital systems).

02. This premises licence will not come into effect until the CCTV System has been approved by the Police.

LICENSING ACT 2003

PREMISES LICENCE

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

- 03. The licence holder must ensure that all staff selling alcohol have received adequate training, which must incorporate a process of assessment and refresher training to a recognised national standard on the law with regard to age restricted alcohol sales and that this has been properly documented and records kept. This will also include a yearly refresher.
- 04. The venue will operate the Challenge 25 Scheme, window and counter display.
- 05. The store will operate the Proxy Watch Scheme.
- 06. An up to date refusal log will be kept including date, time, description of all refusals, drunk purchase attempts, anti social behaviour and proxy sales.

LICENSING ACT 2003

PREMISES LICENCE

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

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

01. After 2200 hours, seven days a week, two members of staff will be on duty, one of whom must be a personal licence holder.

LICENSING ACT 2003

PREMISES LICENCE

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

Annex 4 - Plans

See attached.

Licensed Premises inspection summary



Portsmouth
CITY COUNCIL

Premises trading name OSBOURNE VINES

Premises address OSBOURNE ROAD

Time & date of inspection 110 15.6.14

Staff name ANITESH

Officer's name PA WEAVER 07969661013

Premises licence summary displayed
(legal requirement - 2003 licensing act) YES ☒ NO ☐

Is a copy of the full premises licence available on site
(legal requirement - 2003 licensing act) YES ☒ NO ☒

Is the premises licence holder on the licence still the business operator? YES ☒ NO ☒

Is the designated premises supervisor on the licence correct and are they
still employed at the premises? (legal requirement - 2003 licensing act) YES ☐ NO ☒

Does the premises have the following notice displayed in a prominent position:
it is illegal to sell tobacco products to anyone under the age of 18?
(legal requirement) YES ☒ NO ☐

Challenge 18/21/25 poster visible (do they currently operate
an age verification policy - mandatory condition) YES ☒ NO ☒

Does the premises operate proxy watch - (off sales only) YES ☒ NO ☐

Does the premises operate a refusals log NOT USED YES ☒ NO ☐

Can staff at the premises demonstrate under age sales training
(Portsmouth licensing policy requirement) YES ☐ NO ☒

Can the staff member converse regarding the 4 licensing objectives YES ☐ NO ☒

If no, please give opinion below as to why this was

How do you feel about the quality of service offered to you by trading standards?
Poor ☐ Average ☐ Good ☐ Excellent ☐ N/A ☐

Trading Standards can be contacted at

023 9283 4689 or trading.standards@portsmouthcc.gov.uk

www.portsmouth.gov.uk

Document Ref: 14354_License Premises Inspection Books

Rob Anderson-Weaver
Safer Portsmouth Partnership
Portsmouth City Council
Civic Offices, Guildhall Square
Floor 2 Core 3-4

08/12/14

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**Representation in support of the Police request for review and revocation of the
Premises licence for [REDACTED] Hampshire PO5 1QU**

Dear Committee Members

This representation is made on behalf of the director of Public Health for Portsmouth City Council and focuses on the licensing objectives

- Prevention of Crime and Disorder
- Public Safety
- Protection of Children from Harm

It is my belief that the Premises Licence Holder and Designated Premises Supervisor Mr Bipin Lodhia, has been consistently in breach of conditions attached to his licence and has failed to support the licensing objectives stated above despite support and guidance given to him by the Police, Department of Public Health and Trading Standards.

Engagement in 2013

Since October 2013 I have worked closely with the Police Licensing Unit to improve standards of best practice and promote responsible retailing of alcohol with all of the City's off-licence premises.

This work has involved visits to all of these retailers individually to raise awareness of obligations to the Act and Portsmouth's statement of licensing policy. During these visits assistance was given to retailers with signage, policy documents and in some cases action plans for improvement. This year of work culminated in a day of seminars stating the Police and Councils minimum expectations followed by a day of inspections a month later to monitor its effect.

In November 2013 I visited both of Mr Lodhia's stores in Portsmouth to discuss 'Reducing the Strength' but was alarmed to find that both stores were failing to comply with both mandatory and imposed licensing conditions attached to the stores licence. In both stores there were similar issues.

[REDACTED]

[REDACTED]

[REDACTED] November 2013 we pointed out these issues to a staff member, gave him a refusals register to use and left contact details for Mr Lodhia to get in touch in order to work with us to address the other issues.

Mr Lodhia did not make contact until after PC Rackham and I encountered him in [REDACTED] [REDACTED] (12/12/13) and pointed out the fact that both his stores were failing to support the licensing objectives.

Needless to say it took Mr Lodhia until 29/1/14 to respond with a pledge to improve standards as detailed in PC Rackham's representation.

It is worth noting that In December 2013 Trading Standards sent an advisory letter to the City's Off licence trade advising them of minimum expectations when operating, ahead of inspections planned for the following year.

Engagement in 2014

On the 16th of April 2014 I revisited the store as part of this ongoing work and conducted a licensed premises inspection which is attached to this representation. This inspection shows that despite guidance given by the Police, Trading Standards and the Department of Public Health the store was still far from compliant. Mr Lodhia was still not displaying a premises licence summary. The refusal register I had given the previous member of staff was unused and the staff member 'Anil' was untrained and had no record of any previous training (A requirement of Portsmouth's statement of licensing policy) In addition the store had no tobacco signage (legal requirement) or Proxywatch posters despite me giving them to the store on my previous visit.

PC Rackham continued to engage with Mr Lodhia around my findings at [REDACTED] and Osbourne Wines but again received little or no commitment to improve.

Off Licence Surgery and POLAD

On the 22nd of September 2014, a day of seminars was held as part of ongoing work mentioned earlier in this representation. All of Portsmouth's 180+ Off licences were hand delivered a invite for the attention of the DPS or Premises Licence Holder (25/09/14). The letter explained the planned surgery, stating the outcomes of the day and urging compliance ahead of a day of inspections in the coming months.

Needless to say no representative attended from Osbourne Wine's or [REDACTED].

A month later during the inspections mentioned earlier in this representation (25/10/14) the store was closed.

As mentioned in PC Rackham's representation the store was inspected on the 31st of October where the following offences were revealed

- No authorisation from the DPS to staff members to sell alcohol in place or personal licence holder present on site (Condition on licence)
- No training records/training for staff members in place or available.
- Insufficient CCTV access
- Sale of Alcohol below Cost+VAT (Section 136)

Following the inspection Mr Lodhia was then contacted by PC Rackham as detailed in his request for review, and an action plan created to assist with compliance. Once again this attempt at clemency was not capitalized on as further reinforced by PC Rackham's review.

Conclusion

Sadly Mr Lodhia has failed to engage with Portsmouth City Council, Trading Standards or Police to address the problems raised at either of his stores in Portsmouth despite the best efforts of all officers.

It is my belief that in his position as DPS and PLH for both the stores, he has failed repeatedly and consistently to support the licensing objectives for over a year.

Mr Lodhia's [REDACTED] store is in an area that has been plagued by street drinkers historically, who actively target stores that sell high strength alcohol at the cheapest price, a fact he has been made aware of several times.

I believe that the high strength lager that breaches section 136 of the Act, Is a veiled attempt to capitalize on problem drinkers who reside in near by accommodation and frequent the Albert Road area, causing disruption to businesses and local residents.

As the Premises Licence Holder and DPS for the store, Mr Lodhia is the main point of accountability for its failings and responsible for its breaches in licence conditions, removing Mr Lodhia as DPS would still leave him in ownership of the stores premises licence.

It is because of this I would ask the Committee to use its power to revoke the licence and prevent further breaches or risk to the public.

Yours Sincerely

Rob Anderson Weaver (Community Safety Officer PCC)

On Behalf of

[REDACTED]

Doctor Janet Maxwell (Director of Public Health PCC)