



## NOTIFICATION OF DECISION

### Licensing Act 2003 - Licensing Sub-Committee

PORTSMOUTH CITY COUNCIL as licensing authority in accordance with the Licensing Act 2003 ("the act") and regulations made thereunder, hereby give notice pursuant to section 52 (10) of the act to:

Name: **Mr Bipinkumar Lodhia**

Address: **[REDACTED]**

Status: **Holder**

That a hearing was held on: **14 January 2015**

To consider an application for the **REVIEW of a premises licence** made in accordance with Section 51 of the Act. The details of the licence holder and premises are:

Name of Licence Holder: **Mr Bipinkumar Lodhia**

Premises and address: **Osborne Wines  
37 Osborne Road  
Southsea  
PO5 3LR**

#### Decision of The Licensing Authority:

In determining and considering the application pursuant to section 52 of the act, the Committee had regard to:

- The Licensing Act 2003
- The promotion of the licensing objectives
- The council's adopted statement of licensing policy for the time being in force
- The statutory guidance issued by the Secretary of State for the time being in force
- Any relevant case law
- The representations (including supporting information) presented by all the parties

### Decision:

Suspend

### Reasons For Decision:

The sub-committee carefully considered the application before them, including all written and oral information given. The sub-committee had substantive concerns relating to no training records, no refusal logs, the failure to display the premises licence at one store, high level alcohol available for sale from uncertain origins, failure to work openly and quickly with the Police including failure to respond to letters and calls, non-attendance at training sessions and such like. The Designated Premises Supervisor lives in London and it was clear to the sub-committee that he has limited input and control of the stores. As such the sub-committee removed Mr Lodhia from his position as Designated Premises Supervisor at both stores, suspended each licence for 28 days and imposed the conditions as set out by the Police and the additional conditions listed below;

- 1) Copies of all purchase invoices for alcohol sold in the store to be available for 6 months after purchase from the original source.
- 2) After 2200 hours, seven days a week, two members of staff will be on duty until closure.

### Appeal Provisions:

In accordance with the provisions of Schedule 5 of the Act, appeal provisions exist in respect of applications made to the Licensing Authority. Those provisions are outlined as follows:

Where an application for a review of a premises licence is decided under section 52, an appeal may be made against that decision by:

- **The applicant for the review;**
- **The holder of the premises licence; or**
- **Any other person who made relevant representations in relation to the application**

**Note:** The holder of the licence is to be the respondent in addition to the Licensing Authority in relation to any appeal lodged by the applicant for the review or any other person who made relevant representations in relation to the application.

In accordance with section 52(11) of the Act, a determination under section 52 does not have effect:

- **Until the end of the period given for appealing against the decision, or**
- **If the decision is appealed against, until the appeal is disposed of**

### General Provisions About Appeals:

An appeal must be made to the Magistrates' court for the petty sessions area in which the premises concerned are situated.

An appeal must be commenced by notice of appeal given by the appellant to the designated officer for the Magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.<sup>1</sup>

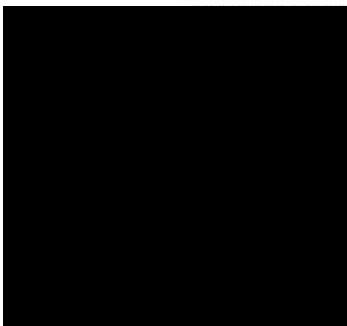
**Action that may be taken by the Magistrates' Court:**

On an appeal against a decision of the Licensing Authority, a Magistrates' court may:

- dismiss the appeal;
- substitute for the decision appealed against, any other decision which could have been made by the Licensing Authority; or
- remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

and may make such order as to costs as it thinks fit.

Date of Notice: **16 January 2015**



Signed on behalf of the Head of Service  
(Authorised Officer)

<sup>1</sup> The period of 21 days will commence from the date on which written notice is given, or in the case of electronic transmission, when the text is received.