

# Appendix D



## Hampshire Constabulary

Licensing & Violent Crime Reduction  
Department  
Core 5, Lower Ground Floor  
Civic Offices  
Portsmouth  
Hampshire  
PO1 2AL

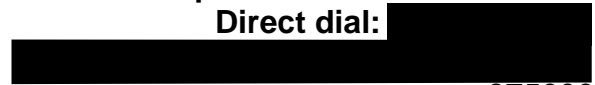
Portsmouth City Councils Licensing  
Service  
Core 5, Lower Ground Floor  
Civic Offices  
Portsmouth  
Hampshire  
PO1 2AL

Our ref:



Telephone: 0845 045 45 45/101

Direct dial:



875000

Email: [force.licensing@hampshire.pnn.police.uk](mailto:force.licensing@hampshire.pnn.police.uk)

22<sup>nd</sup> March 2018

Dear Sir/Madam,

**Re: Licensing Act 2003 – Application for the review of a premises licence Sevendays (formerly Osborne Wines) 37 Osborne Road, Southsea, PO5 3LR**

I refer to the recent application by Trading Standards for the review of a premises licence in respect of the premises known as Sevendays and situated at 37 Osborne Road, Southsea, PO5 3LR.

The Chief Officer of Police makes formal representations in relation to the application on the following grounds:

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

[www.hampshire.police.uk](http://www.hampshire.police.uk)





# Hampshire Constabulary

The review application comprehensively sets out the poor history of management and supervision at the premises. Without wishing to repeat the information contained within the review application the Chief Officer of Police sets out a timeline of problems associated with the premises to evidence the concerns to the committee.

## **14<sup>th</sup> January 2015**

The Chief Officer of Police took the premises (then under the previous ownership) to a review hearing. This followed an extended period of non compliance with the premises licence which continued despite engagement from officers of the Police licensing department and varying partner agencies within the licensing authority.

Following the hearing the licensing committee made the decision to suspend the premises licence and also to impose conditions suggested by the Chief Officer of Police as well as their own onto the premises licence.

## **June 2015**

The current Designated Premises Supervisor and Premises Licence Holder Indrani MIDDE took over the operation of the premises from the previous owners by way of a premises licence holder and DPS transfer.

## **18<sup>th</sup> August 2015**

Police led Test Purchase operation and sale of alcohol to a person under the age of 18 at the premises. MIDDE was the person who sold the alcohol. She was subsequently issued a fixed penalty notice of £90.

## **20<sup>th</sup> August 2015**

MIDDE attended a meeting with PC 21945 Rackham from the Police licensing department. During the meeting MIDDE stated that she was very sorry for her mistake and had no excuses around the failure she had made. MIDDE stated that she had understood the previous history of the premises and was working hard to make the business a success. MIDDE stated that she was new to the alcohol retail business and that this was a steep learning process.

In order to assist MIDDE PC 21945 Rackham went through and provide physical and digital copies of the following documentation to assist her in putting measures in place to ensure that she could not only remain compliant with the conditions of her premises licence but also have due diligence measures in place to prevent a repeat sale of alcohol to a child:

- Licensing Seminar Presentation
- Age Verification Policy
- Authorisation to sell alcohol form
- Documented training records
- Refusal logs



## Hampshire Constabulary

MIDDE stated that she understood the importance of ensuring that she implemented these measures and that failing to adhere to her premises licence conditions could leave her open to prosecution, a review or both. Copies of these documents are provided in **Annex A** of the Police evidence package.

During this meeting MIDDE stated that the business was struggling for trade due to a number of other off licensed premises in the area. MIDDE stated that the condition which referred to having a personal licence holder on site at all times and two members of staff after 22:00 hours was detrimental to the business and she wanted to remove this condition from the premises licence. MIDDE was advised that she could apply for this but the Police would likely object due to the test purchase failure and the need for trained individuals to be on the premises to prevent such sales. It was however mentioned to MIDDE that she was of course free to seek legal advice with regards to this.

The Chief Officer of Police is able to confirm that no form of application to vary a premises licence has been received from MIDDE or anyone acting on behalf of the business.

### 13<sup>th</sup> January 2017

On 13<sup>th</sup> January 2017 at 19:15 PC 21945 Rackham attended the premises to perform a licensing compliance visit. A male named [REDACTED] was at the premises. He spoke extremely poor English and struggled to understand questions such as "ARE YOU THE MANAGER?", "WHERE IS THE BOSS" and "WHERE IS THE PREMISES LICENCE?" It was however ascertained that [REDACTED] was not a personal licence holder and as such one of the conditions of the premises licence was at that time being breached.

At 23:00 hours PC 21945 Rackham returned to the premises and noted a different male was present at the premises and on his own. A compliance check was performed and the following breaches of the premises licence and potential offences were noted:

- No Premises Licence Summary on display – A requirement of Section 57(c) of the Licensing Act 2003
- CCTV did not go back 31 days
- A refusals log did not have the manager signing it on a weekly basis
- A 3 litre bottle of 7.5% ABV cider was available for sale
- No personal licence holder present (on both visits)
- Only one member of staff working after 22:00 hours

Following the visit I emailed Ross Lee from Portsmouth City Councils licensing department to alert him to this matter.

### 28<sup>th</sup> January 2017 23:00 hours

PC 21945 Rackham attends the premises and notes the following breaches of the premises licence:



## Hampshire Constabulary

- Only one staff member at the premises after 22:00 hours
- No personal licence holder on site

### **24<sup>th</sup> February 2017**

PC Jackie Cherry attends the premises and notes the following breaches of the premises licence:

- Only one staff member at the premises after 22:00 hours
- No personal licence holder on site

PC Jackie Cherry notes that the person working at the premises states that the conditions on the premises licence applied only to the last owners. PC Cherry advises otherwise and advises that the premises should stop selling alcohol until the premises licence conditions can be complied with.

### **25<sup>th</sup> February 2017**

PC Cherry attends the premises after 22:00 hours and finds it to be closed.

### **5<sup>th</sup> March 2017**

Police led test purchase operation. Premises refuse the sale of alcohol to a person under 18.

### **20<sup>th</sup> April 2017**

Police led multi agency licensing compliance visits performed in the Palmerston/Osborne Road area. PC Debenham and Tracey Greaves attend the premises and note the following breaches of the premises licence conditions:

- No staff training records
- No refusal logs in operation
- No authorisation in place for staff members to sell alcohol
- No personal licence holder on site
- No age verification policy

Following this Ross Lee from PCC Licensing was emailed with regards to the findings. A decision was made for Portsmouth City Council/Trading standards officers to take primacy with regards to any further work around the premises.

### **17<sup>th</sup> March 2018**

Police led test purchase operation. Premises refuse the sale of alcohol to a person under the age of 18.



## Hampshire Constabulary

In addition to the above information, there has been significant engagement by Police, Council Licensing team and Trading Standards to engage with MIDDE and assist her in operating her premises in a way which complies with the premises licence and legislation around the Licensing Act 2003.

It is of huge concern that there has been a period of test purchasing failures which have gone hand in hand with a consistent lack of compliance. MIDDE has been given many opportunities to rectify this by the Police and licensing authority but the same issues manifest themselves and MIDDE has continued to breach the conditions of her premises licence. This lack of compliance is seriously undermining the licensing objectives at the premises and offences under the Licensing Act 2003 continue to be committed.

As such the Chief Officer of Police respectfully submits that the committee consider the options put forward by the Trading Standards review to deal with this matter. Should the committee not be minded to revoke the premises licence, (which would stop offences under the Licensing Act 2003 being committed over night) then the Chief Officer of Police would request that consideration is given to a suspension of the licence for a period of three months and the removal of MIDDE as the designated premises supervisor. This would allow new management to take over the operation of the premises and allow them to implement the conditions needed in order to achieve a state of compliance.

Yours Sincerely

PC 21945 Pete Rackham  
Force Licensing Team  
Portsmouth