

27/3/2018

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

Dear Licensing Manager

This representation is made in support of the license review application made by Portsmouth City Council Trading Standards service in regards to **Sevenday's (Premier) convenience store, 37 Osborne Road Portsmouth, Southsea PO53LR.**

The representation focuses on the licensing objectives: **Protection of Children from Harm** and the **Prevention of Crime and Disorder** and is made on behalf of the Director for Public Health at Portsmouth City Council in his role as a responsible authority under the Licensing Act 2003

As detailed in Mrs Greaves review application, Sevenday's and its Designated Premises Supervisor Miss Indrani Midde have failed to comply with conditions on its license and failed several test purchases for alcohol over the past 18 months. The many breaches and offences referenced in Mrs Greaves review occurred after a previous period of noncompliance - it is my belief that the store has failed to uphold conditions on its license since December 2016 - although this might not even cover the full time and extent of noncompliance.

## Historical Interaction from Public Health & Police Licensing Unit

On Friday the 13th of January 2017, I accompanied Police Licensing Officer PC Peter Rackham on visits to licensed premises in the Palmerstone Road area of Portsmouth. During this time we visited several venues before finally attending Osborne Road. Whilst in the road PC Rackham and I decided to visit Sevenday's as it had clearly seen recent refurbishment and we were keen to see a new, nice and clean set up after the business had been ran down during our previous visit in December 2016

We entered the store around 19:30 hours and were greeted by a member of staff who could not converse with us regarding a series of issues that were instantly apparent. We asked if the manager of the store was available and the staff member said that he would be in store and available at 22:00. We agreed to come back after 22:00 to speak with him and left the store

We returned to the store at 23:18 after conducting visits in other areas of the City. When we returned the previous staff member was gone and a new lone worker was in store. The worker was neither the DPS nor a Personal License holder so we asked if the manager was available, the worker explained that she (Miss Midde) was not - no contact details were available despite our request for them.

Whilst in store we noticed that there was;

- **No Premises License summary on display (legal requirement)**
- **Cider over 6.5% on sale in 3 liters plastic bottles despite the store having a condition stating otherwise,**
- **No second member of staff despite having a condition that requires one after 22:00 seven days a week,**
- **No Personal License holder present despite having a condition that requires one on site at all times that alcohol is for sale,**
- **CCTV only went back 28 days instead of the required 31,**
- **No Proxy Watch materials in window or at till point despite a condition,**
- **Refusals registers rarely used and predominantly for tobacco.**

We pointed out these issues with the store and asked the staff member to relay a message to the DPS to contact PC Rackham and address the issues we had identified with haste. We left the store at around 23:30

**On Friday the 27th of January at 23:13** we returned to Sevenday's to check that changes had been made and breaches in compliance addressed. When entered the store we were greeted by the same lone staff member from our previous visit. He confirmed he was alone and still was not a Personal License holder. Several of the other issues from our previous visit had been rectified, but the store continued to make sales of alcohol after 22:00 hours without a Personal License holder present or a second member of staff - both of these being conditions on the license

Once again we pointed out these issues to the member of staff, but he seemed to lack the understanding that these conditions applied to him and the store - Once again PC Rackham asked the staff member to insist that the DPS for the store made contact and addressed the issues raised. We left the store at around 23:30

**On Friday the 24th of February at 22:31** I returned to Sevenday's with PC Jackie Cherry (also a Police Licensing Officer) to see how the store was getting on, expecting issues from my previous visits to have been addressed. We were greeted by the same lone staff member from our previous visit. He confirmed he was alone and still was not a Personal License holder. At this point it was obvious that the store continued to make sales of alcohol after 22:00hours without a Personal License holder present or a second member of staff - both of these being conditions on the license.

Pc Cherry pointed these issues out to the member of staff and asked him to stop selling alcohol that evening unless the conditions were met. The staff member said he would comply but remain open. Once again the message was relayed that the DPS (Miss Midde) needed to address these issues - to this the staff member replied 'That the rules were for the old business' We corrected him on this and pointed out that the Premises License including conditions had been transferred over from the old business and that the rules still applied to him. We provided the staff member with contact details and left the store shortly after.

Since the visits detailed above, I can confirm that I was present in the test purchase situations and visits described in Mrs Greaves review and my accompanying statement submitted by her as evidence.

## **Osborne Road**

Osborne Road is located in the heart of Southsea and services the Palmerstone Road precinct and Seafront area. The road has seen great improvement over the past several years with many additional small businesses and eateries creating an appealing shopping and socializing environment. The area has also benefitted from additional footfall and custom created by many high profile events in the vicinity like the Americas Cup festivities, Victorious Festival and Southsea Food Festival.

These events bring up to 60,000 additional visitors to the area at a time who use the businesses in Osborne road for food and alcohol purchases - other than Sevenday's the licensed trade is and have been compliant and responsible in the run up to and during these events. I have concerns that there is no record of any refusals from Sevenday's during the particularly busy period of the late August Bank Holiday weekend when the Victorious festival takes place. During the event I conduct visits and make observations around the general impact of increased foot fall. In 2017 there was a queue out of the Sevenday's and down Osborne road with a steady stream of people coming out with alcohol - I would expect that over the course of this incredibly busy weekend at least one sale would have been refused and recorded for being underage or more likely to intoxicated - there were none recorded at all.

This lack of due diligence reinforces the lack of compliance in the store and adds risk to the area which has a spotlight placed on it every time a large scale event is held. There are two off-sales premises on either side of the store, both have records of refusals and both have passed test purchases made at the same time as the ones detailed in Mrs Greaves review.

The store is also close to several secondary schools and the area of the common where young people often gather in the Summer months, this proximity poses a risk given the consistent negligence shown by the staff and management of Sevenday's for the past 18 months. My concern is that the store is an unnecessary 'weak link' in a generally responsible set of businesses who undertake licensable activities, the nearby schools provide a significant amount of affluent young people who can and will attempt to obtain alcohol before the prescribed age. Attached to this representation are two maps that show the geography of the area and the proximity of schools, licensed premises and green spaces to Sevenday's (PH1)

## **Conclusion**

Sevenday's and its DPS Miss Midde have been given every opportunity to improve their practices and address problems - Miss Midde and her staff have been obstructive and negligent in their conduct, failing to promote or even adhere to the licensing objectives for the best part of two years despite help and guidance from multiple Police Officers, Trading Standards and Public Health team - It is with this in mind that I would ask the committee to support the recommendations of Trading Standards and revoke the stores premises license.

Yours Sincerely

Rob Anderson-Weaver PHP

On behalf of Dr Jason Horsley Director of Public Health for Portsmouth City Council