

Licensing Sub-Committee
Portsmouth City Council
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Guildhall Square
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PO1 2AL

Licensing Service

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Phone: 023 9283 4604

Our Ref: 18/02067/LAREVI

Date: 9 April 2018

Dear Members of the Licensing Sub-Committee

**Re: Licensing Act 2003 - Application for the review of a premises licence
Seven Days 37 Osborne Road Southsea Portsmouth 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 Seven Days and situated at 37 Osborne Road, Southsea, Portsmouth, PO5 3LR.

On behalf of the Licensing Authority, I would wish to make formal representations in relation to the application on the following grounds:

- Prevention of crime and disorder; and
- Protection of children from harm.

The application for the review of the premises licence sets out in detail the extent of engagement undertaken by the responsible authorities, in particular the efforts of the Trading Standards service to work with the premises licence holder in an attempt to ensure promotion of the licensing objectives in respect of the protection of children from harm and prevention of crime and disorder.

To supplement the interaction undertaken by the Trading Standards Service, the Licensing Authority has also attempted to work with the premises licence holder in terms of compliance with the premises licence conditions and the Licensing Act 2003. A summary of this engagement is highlighted as follows:

Date:	Comments/Action:
31 July 2015	Premises licence transferred to Miss Midde.
13 August 2015	Variation of DPS to nominate Miss Midde.
6 May 2016	Inspection proposed for premises as part of an operation to check off-licence premises, but site was closed on the day of the inspection.

20 December 2016	Request from premises licence holder to change the name of the premises from "Osborne Wines" to "Seven Days"
29 December 2016	<p>Email sent to Miss Midde by Licensing identifying that:</p> <ul style="list-style-type: none"> • Premises had been altered without prior consent by way of a minor variation application; • Forms previously sent to licence holder in October 2016 to enable this but not acted upon; • Various breaches of the conditions attached to the premises licence. <p>A copy of this email is attached as Appendix A to this letter.</p>
30 January 2017	Consideration of formal proceedings by Licensing Authority but determined appropriate action was for information to lay on file.
16 March 2017	Application made to vary premises licence to update layout of premises.
8 March 2018	<p>Visit to premises by Licensing Authority officers. Several breaches of the conditions attached to the premises licence were noted as follows:</p> <ul style="list-style-type: none"> • Lack of personal licence holders present on the premises; • Issues regarding the storage and production of CCTV footage; <p>(A further visit was undertaken to the premises the following evening and the same breaches were witnessed again).</p>
13 March 2018	Licensing Authority investigating licensing offences and Miss Middle invited, by way of letter, to attend for a PACE interview at the licensing office.
14 March 2018	Application to review the premises licence submitted by Trading Standards.
16 March 2018	Further application to vary premises licence following works carried out to the premises undertaken without prior approval.
6 April 2018	Application made to vary the designated premises supervisor from Miss Midde to Mr Simon Bennett. (A further two persons working at these premises have also applied for and been granted personal licences).

The Licensing Authority has grave concerns that despite the level of interaction by various responsible authorities, the licence holder has failed to put sufficient mechanisms in place to ensure compliance with the licensing objectives and has instead chose to procrastinate in dealing with concerns raised by the responsible authorities.

Members are advised that the Licensing Authority is currently investigating the reported breaches of the licence and will be seeking approval from Legal Services to instigate formal proceedings against the licence holder.

To emphasize the extent of intervention undertaken by the responsible authorities, I have attached a summary of how the various agencies have attempted to work with the licence holder in order to address issues. This is attached as Appendix B.

In accordance with paragraph 24.10 of the Council's Statement of Licensing Policy, it is clear that the responsible authorities have attempted to give the licence holder early warning of their concerns and the need for improvement, and also what steps were needed to be taken to address those concerns. The failure by the licence holder to respond to such warnings has led to the decision by Trading Standards to apply for a review of the premises licence.

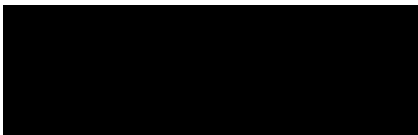
The Committee may take the view that the responsible authorities should have considered reviewing the licence at an earlier stage but as paragraph 24.10 of the policy also states *"Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation"*.

As the licence holder is an independent trader within the City it is the view of the Licensing Authority that it is evidently clear that every effort has been made to attempt to engage with the licence holder in order to promote the licensing objectives but has not been successful in this particular case.

Members are reminded that this is a convenience store which currently offers the sale of alcohol in addition to other goods as part of its business. It is clear that the licence holder is incapable of selling alcohol in a responsible way that promotes the licensing objectives.

Identifying all the statutory powers available to the Sub-Committee in determining the review application, and having regard to the substantial time and resources that have been taken up by the responsible authorities to no real effect as far as educating the licence holder is concerned, I consider that the only action that is appropriate in these circumstances is for the licence to be revoked.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk

Stone, Derek

From: Lee, Ross
Sent: 29 December 2016 15:32
To: 'osborne [REDACTED]
Cc: Robson, Debra
Subject: PREMIER SEVEN DAYS
Attachments: Application for Minor Variation.pdf; Minor Variations - Public Notice for premises.doc; Minor Variations Procedure - Guidance Notes.doc; Plan.pdf

Dear Miss Midde,

My colleague Debra Robson asked me to visit your premises and this was done on the evening of Friday 23 December 2016. This was to look at the layout of the premises. The premises licence and summary were not available at the time of my visit.

I am satisfied that the layout has changed and accordingly this will require you to submit a minor variation together with a new plan showing the trading area for the purposes of undertaking licensable activities. The fee of £89 must accompany the application.

I have attached the relevant form, together with guidance notes and a blank public notice for you to complete and display from the front window for the public to see for a period of 10 working days. I have also attached my notes made to the plan following my visit and discussion with Ven.

Our records note that Debra gave you these forms previously (20 October 2016) and I am disappointed that you have not attended to this matter sooner. That said, you should submit the variation application as a matter of urgency and certainly by no later than **January 06 2017** as you are currently trading in breach of the licence.

Finally, I have now had chance to look at the premises licence upon my return to the office and note that a number of conditions were breached as a result of my visit. Conditions 2, 3, 5, 12, 13 and 14 of annex 3 were NOT being complied with and you must ensure compliance at all times.

A further visit will be made to the premises early in 2017.

Ross

Mr Ross C Lee
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Appendix B

Summary of Responsible Authorities Interventions

Date:	RA:	Action/Inspection/Meeting:
18-Aug-15	Police	Test Purchase - failure
20-Aug-15	Police	Meeting with Police
06-May-16	Licensing	Inspection - premises closed
13-Dec-16	Trading Standards	Inspection - breaches of conditions
23-Dec-16	Licensing	Inspection - breaches of conditions
13-Jan-17	Police	Inspection - breaches of conditions
28-Jan-17	Police	Inspection - breaches of conditions
24-Feb-17	Police	Inspection - breaches of conditions
25-Feb-17	Police	Visit by Police but premises closed
05-Mar-17	Police	Test Purchase - Pass
20-Apr-17	Police	Compliance inspection - breaches of conditions
14-Jul-17	Trading Standards	Test Purchase - failure
29-Sep-17	Trading Standards	Test Purchase - failure
09-Oct-17	Trading Standards	Inspection
06-Nov-17	Trading Standards	Phone calls to Miss Midde
07-Nov-17	Trading Standards	Letters delivered , various phone calls to and from "VJ"
08-Nov-17	Trading Standards	Telephone call from "VJ"
09-Nov-17	Trading Standards/Public Health	Visit to premises to discuss breaches plus various emails and phone calls between TS and "VJ"
09-Nov-17	Licensing	Email from Miss Midde requesting DPS variation forms
10-Nov-17	Licensing	Email response to licensing by Miss Midde
10-Nov-17	Trading Standards	Telephone call from TS to "VJ"
13-Nov-17	Trading Standards/Police	Visit to premises - further breaches of conditions
14-Nov-17	Trading Standards	Further emails between TS and "VJ"
15-Nov-17	Trading Standards	Further emails and phone calls between TS and "VJ"
22-Nov-17	Trading Standards	Visit to deliver proxy watch cards - no personal licence holder present
27-Nov-17	Trading Standards	Tobacco Inspection - no personal licence holder present
27-Nov-17	Trading Standards	Emails and phone calls from "VJ"
12-Jan-18	Public Health	Informal visit - breach of conditions re 2 staff members on duty after 22:00
08-Feb-18	Trading Standards	Routine inspection re E-Cigarettes - Breach of condition - no personal licence holder present
09-Feb-18	Public Health	Visit - established that alcohol above 6.5% available for purchase - breach of condition
12-Feb-18	Public Health	Visit to test purchase alcohol above 6.5% - sold - breach of condition
20-Feb-18	Trading Standards	Follow up visit from tobacco inspection on 27 November - no personal licence holder present
27-Feb-18	Trading Standards	Telephone calls and emails with "VJ"
28-Feb-18	Trading Standards	Visit to premises to discuss breaches of licence conditions with "VJ"
28-Feb-18	Trading Standards	Emails to licensing and also receipt of emails from Miss Midde and "VJ"
01-Mar-18	Trading Standards	Phone call from Miss Midde
02-Mar-18	Trading Standards	Further emails/phone calls from Miss Midde and "VJ" - asking for time to resolve previous issues
05-Mar-18	Trading Standards	Further emails/ from Miss Midde
08-Mar-18	Licensing	Visit to premises - further breaches of conditions
17-Mar-18	Police	Test Purchase - Pass