

Form for representations/objections from Hampshire Constabulary

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a -representation- under the Licensing Act 2003, regarding the:

<input type="checkbox"/>	.1: New Premises licence/club prem certificate	Representation within 28 days
<input checked="" type="checkbox"/>	.2: Variation of premises licence/club prem certificate	Representation within 28 days
<input type="checkbox"/>	.3: Minor variation of premises licence/club prem certificate	Representation within 10 days
<input type="checkbox"/>	.4: Variation of DPS	Object within 14 days
<input type="checkbox"/>	.5: Transfer of premises licence	Object within 14 days
<input type="checkbox"/>	.6: Standard temporary event notice	Object within 3 working days
<input type="checkbox"/>	.7: Late temporary event notice	Object with 3 working days
<input type="checkbox"/>	.8: Application for a personal licence	Object within 14 days
<input type="checkbox"/>	.9: Provisional statement	Representation within 28 days
<input type="checkbox"/>	.10: Ancillary sales notice	Object within 3 working days
<input type="checkbox"/>	.11: Interim authority notice	Object within 2 working days

Name of Applicant:	Holding the Keppel's Head Ltd
Name of Proposed DPS:	N/A

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	The Keppels Head Hotel 24-26 The Hard Portsmouth Hampshire
Postcode:	PO1 3DT

Details of responsible authority applicant

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title / Rank:	Police Constable
Surname:	Rackham	First Names:	Pete		
Current postal address :	Licensing and Alcohol Harm Reduction Team Lower Ground Floor Core 5 Civic Offices Portsmouth Hampshire				
Postcode:	PO1 2AL				
Daytime telephone number:	02392 688314				
E-mail address: (optional)	licensing@hampshire.pnn.police.uk				

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

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This application to object relates to the following licensing objective(s)

- | | | | |
|----|--------------------------------------|-------------------------------------|--|
| 1) | The prevention of crime and disorder | <input checked="" type="checkbox"/> | |
| 2) | Public safety | <input type="checkbox"/> | <i>Please select
one or more
boxes</i> |
| 3) | The prevention of public nuisance | <input type="checkbox"/> | |
| 4) | The protection of children from harm | <input checked="" type="checkbox"/> | |

Please state the ground(s) for -representation-:

The Chief Officer of Police makes representations against the application for the variation of a premises licence at Nut Bar, The Keppels Head Hotel, The Hard, Portsmouth.

This follows concerns around the operation of the premises which calls into question the ability of the licence holder to operate the premises in a way which promotes the licensing objectives. This stems from a lack of communication around the application and also a Juvenile Test Purchase operation in which the sale of alcohol was made at the premises to a 15 year old.

On 3rd February 2020 the Chief Officer of Police received an application to vary the premises licence at the Keppels Head Hotel. The application detailed the implementation of a new bar at the premises open until 02:00 hours and the removal of conditions perceived to now be non relevant. The application detailed that the new bar would be for "Private room hire only" and "not open to the public".

Within the application the application advised that the following would be in place at the premises:

- CCTV
- Staff training mentioned three times within the document as follows "consistent staff training are provided to ensure vigilant and professionalism" and "to ensure no sale of alcohol recklessly" and "to ensure ID is being checked if any suspicious on the age of anyone under 25s"
- Fire Risk assessments

The Chief Officer of Police upon receiving the application noted its contents and wrote to the applicant on 4th February 2020 to request that they consider proposed conditions. These conditions reflected those proposed by the applicant to state how they will promote the licensing objectives. This email is contained within Annex A of the Police evidence bundle.

Following the email the Chief Officer of Police received no response from the applicant.

On 16th February 2020 Police performed a Juvenile Test Purchase Operation at the premises. A 15 year old approached the bar and a plain clothed officer observed a staff member sell alcohol to the 15 year old (an offence under S146 Licensing Act 2003). Following the sale the staff member was issued a Community Resolution requiring them to undertake documented Challenge 25 training.

On site at the premises was the DPS – Tring Lim. She advised that there was nothing in place with regards to due diligence at the premises. Police requested the following items from the DPS:

- Documented staff training logs around the age verification policy

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- Refusals logs
- Age Verification Policy
- Authorisation from the DPS for the staff member to sell alcohol
- Age Verification Posters/Signage

The DPS stated that none of the above was in place at the premises. A discussion was had with the DPS where it was impressed upon them, that they needed to implement the above and the concerns that they were selling alcohol without any measures in place to prevent the sale of alcohol to children.

On 18th February 2020 the DPS and the applicant were sent an email detailing the Test Purchase failure and advising of the concerns raised in person and what measures needed to be implemented in order to promote the protection of children from harm licensing objective. The Police also directed the applicant and DPS towards a website which provided them with the due diligence documents needed to resolve these issues. This email is contained within Annex B of the Police evidence bundle.

No response has been received from the applicant or the DPS with regards to the concerns raised within the Annex B email.

The Chief Officer of Police would also like to raise that the area in which the application is submitted is close to Gunwharf Quays and is a main thoroughfare for persons seeking to use public/private transport in the early hours of the morning. As such this area can become an area where violent criminal incidents can occur. Police records show a breakdown of incidents within the vicinity of the premises over a 12 month period as follows:

- 14 Incidents of Assault with Injury (incidents which are crimed as 13 ABH- 1 GBH)
- 3 Incidents of Assault without Injury (incidents which are Crimed as Common Assault)
- 2 Incidents of Public Order
- 1 Incident of Sexual Assault
- 1 Incident of Drug offences

These incidents are all incidents which have occurred in the vicinity of the premises between 19:00 – 05:00 hours each day. All of which involved alcohol as some form of contributory factor.

As such the Police have concerns around how this application will promote the licensing objections if granted and at present do not believe that the granting of this application will promote the licensing objectives. The concerns laid out are as follows:

Application is not consistent with the current operation of the premises and failings have led directly to the sale of alcohol to a child

The applicant has emphasised three times within the application that they provide training to staff members in order to:

- Be "vigilant" and show "professionalism"
- Ensure the sale of alcohol is not "reckless"
- Ensure "ID is being checked"

The reality of this is that there is no training in place whatsoever at the premises for staff members and the statements made within the application do not match the stark reality. The circumstances of



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the sale of alcohol to a 15 year old at the premises show that the reality of staff at the premises is that they are not "vigilant", they have been "reckless", and with regards to "ID is being checked", it simply is not.

There is also a huge concern around the lack of due diligence in place at the premises. Again there is none whatsoever. The lack of such documentation, of any coherent training plan has directly led to the sale of alcohol at the premises to children.

This severely undermines the promotion of the protection of children from harm licensing objective at the premises and moving forward does not provide confidence to the Police that this application would promote the licensing objectives if granted.

Potential of crime and disorder

The Police have identified that the area the application sits within is one which sees a high level of footfall in the early hours of the morning which does result in alcohol related crime and disorder. The premises wishes to remain open until 02:00 hours for private events. This will see customers leave the premises at similar times to other persons using the area and this is more than likely to result in an increase in crime and disorder. The applicant has at no point detailed what measures they will take to mitigate this risk and as such this calls into question as to whether this application will promote the licensing objectives.

The disparity between what is stated on the application and what is actually in place also gives the Police cause for concern around the statement on the application with regards to the premises being for private events only and not open to the public. The applicant has not detailed what measures they will implement to promote the licensing objectives during these private events. Again this calls into question the likelihood as to whether this application will promote the licensing objectives.

As such the main police concerns are as follows:

- Premises has no due diligence in place and this has directly led to the sale of alcohol to a child
- The applicant has stated training is in place for staff within the application, this is not accurate and no training is in place for staff
- The applicant has not indicated how they will promote the licensing objectives given the late terminal hour and the premises position in an area in which crime and disorder linked to alcohol occurs
- The Chief officer of Police has no confidence in the ability of the applicant to adhere to what they have submitted as part of their application. Whilst in theory private parties will mitigate risk around the prevention of crime and disorder there is currently nothing to stop the applicant opening the premises as a late night premises with the ability to have live and recorded music until the early hours, effectively creating a night club with limited measures in place.



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It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

The Chief officer of Police respectfully recommends that this application is not granted.

However if the committee members were minded to grant the application then the Chief Officer of Police would request that the below conditions are applied in order to ensure that the premises is operated in a way which would mitigate the Police concerns and also ensure that the premises is managed in a way which does promote the licensing objectives.

However it should be noted that given the inability of the applicant to adhere to their own operating schedule, that the Police have no confidence that the applicant would be able to adhere to any imposed conditions to promote the licensing objectives.

1 - The CCTV system must be fully operational whilst the venue is open to the public.
The recording equipment shall be stored and operated in a secure environment with limited access.
The system shall be regularly maintained and serviced.
The system clock shall be checked regularly for accuracy taking account of GMT and BST.
Digital systems shall have sufficient storage capacity for 30 days good quality pictures.
The images produced will be date and time stamped.

Access

At all times that the premises is open for trade a person shall be on site that is able to work the CCTV system and provide a viewable digital copy of any footage to the Police or officers of the Licensing Authority on request.

CCTV shall cover the full licensable area including the entrance to the premises.

2 - All staff must receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training.
Training shall cover:

Sale of alcohol to persons under 18
Challenge 25 and acceptable forms of Identification
Signs of Drunkenness
Refusal register and when/how to use
The Licensing Objectives
Identifying Child Sexual Exploitation

This training shall be documented and records kept on the premises. Police and the Licensing Authority shall have access to an individual's training records upon request.

3 - Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance.

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4 A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local authority.

5 The premises shall operate a challenge 25 policy. Challenge 25 signage shall be visible to customers at the point of sale.

6 - The Licence Holder shall ensure that an internal age verification process is put into place for the purposes of ensuring due diligence checks are undertaken by staff when selling alcohol:

a) Random checks must be undertaken once every three months and a formal record must be kept of those occurrences. These checks are to be undertaken by a third party/independent organisation such as "Serve Legal".

b) These records must contain details of the date and time of the check and the outcome

c) A copy of these records shall be provided on request to the Police and Licensing Authority and copies must be kept for 2 years

d) In the event of any failure the Police and Licensing Authority shall be notified in writing within 48 hours of the failure being notified to the premises licence holder

7 - The Licence Holder shall ensure that the till system used at the premises employs a digital challenge 25 warning to the sales assistant prior to any sale.

8 The area of the premises currently identified as "Nut Bar" in the basement area of the premises shall not be open to members of the public. It shall only be used for pre booked, private functions.

9 When the premises uses the area of the premises currently identified as "Nut Bar" in the basement area of the premises for a pre booked, private function and the function includes live or recorded music as entertainment then the premises shall employ a minimum of two SIA registered door supervisors for the entirety of the event.

10 When SIA registered door supervisors are utilised at the premises these door supervisors shall each be in possession of body worn cameras. The Police and Licensing authority shall be provided with footage in a viewable format upon request

11 The premises licence holder shall ensure that the following written policies are implemented and adhered to by staff:

- Age Verification Policy
- Ejection Policy
- Child Sexual Exploitation Prevention Policy

The Licence holder shall provide copies of these policies to the Police and Licensing Authority upon request.

Signature of Officer Completing _____

Name PC Rackham

Collar Number: 21945



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Signature: P.Rackham Date: 19/02/2020

Signature of Authorising Officer

Name PS Ainsworth Collar Number: 1878
Signature: J.Ainsworth Date: 19/02/2020

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