

Mr Serkan Yaman
119 Albert Road
Southsea
Portsmouth
PO5 2SQ

Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9268 8462
Our Ref: 18/04073/LAPREM
Date: 4th August 2021

Dear Mr Yaman

**LICENSING ACT 2003 - PREMISES LICENCE - APPLICATION FOR SUMMARY
REVIEW DUKE of DEVONSHIRE PUBLIC HOUSE 119 ALBERT ROAD SOUTHSEA**

This letter is addressed to the holder of a premises licence issued by Portsmouth City Council ("the council") under our reference 18/04073/LAPREM.

Further to my visit to the above premises on the 2nd August 2021 where a copy of the summary review application was left with the designated premises supervisor Serkan Yaman, and further to our conversation regarding the holding of a meeting of the Licensing Sub Committee on the 4th August 2021 please take note of the following.

The Licensing Sub Committee was convened to determine whether any interim steps should be taken to address those problems of serious crime & disorder evidenced by the chief officer of police.

DECISION and REASONS

On 02 August 2021, an application was made by Hampshire Constabulary under s.53A of the Licensing Act 2003 for a summary review of the premises licence for the Devonshire Arms public house, 119 Albert Road, Southsea, PO5 2SQ. The application was accompanied by a signed Certificate by a senior member of Hampshire Constabulary which states that in the officer's opinion, the Devonshire Arms is associated with serious crime or serious disorder or both.

Within 48 hours of receiving a summary review application, under s.53B of the Licensing Act 2003, the licensing sub-committee must consider whether it is necessary to take interim steps pending the full review of the premises of the licence.

The Licensing Sub-Committee met today to consider whether such interim steps are necessary.

The Sub-Committee heard today from Acting Police Sergeant Rackham together with the Licensing Officer and were able to ask questions.

The sub-committee were made aware of the interim steps that a licensing authority must consider taking. These are:

- The modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol by retail from the scope of the licence;
- The removal of the designated premises supervisor from the licence; and
- The suspension of the licence.

At all times, the Licensing Sub-Committee reminded itself that it must carry out its functions under the 2003 Licensing Act with a view to promoting the licensing objectives.

The licensing objectives engaged are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In determining this matter, the sub-committee has taken into account the oral and written evidence available to it, and considered the Council's statement of licensing policy, the relevant sections of the Licensing Act 2003 and Regulations made thereunder, the Guidance issued by the Secretary of State under s.182 of the Act including the specific guidance issued in relation to s.53A and the licensing objectives, the Human Rights Act and the Equality Act.

The sub-committee was satisfied on the evidence available to it that there was evidence of incidents on the premises on 30th and 31st July 2021 as detailed in the application. The sub-committee makes no findings in respect of whether criminal activities have been proven and its focus remains on ensuring the promotion of the licensing objectives. The sub-committee were satisfied that the incidents on these dates have shown significant concerns as to how the premises are being managed and the sub-committee considered that it was necessary and proportionate, in order to promote the licensing objectives, to take an interim step pending determination of a review of the premises licence.

The sub-committee considered all available options and concluded that the appropriate interim step in this matter was that the premises licence be suspended pending a full review of the premises licence (to be within 28 days after the day of receipt of the s.53A application) and that the suspension should take effect immediately and remain in force until the determination of the review.

The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s.53B, the licensing authority must within 48 hours of the receipt of any such representations hold a hearing to consider those.

It is understood that you wish to make representations against the interim steps taken by the council and a further meeting will be held on **Thursday 5th August at 17:30** hours in the Civic Offices Guildhall Square Portsmouth.

The effect of this decision is that it is unlawful for any person to carry out any licensable activities at the premises involving the sale of alcohol. There are serious penalties at law for contravening the provisions of the Licensing Act 2003 and you should seek your own legal advice on this matter.

The Licensing Sub Committee will consider the review proper on a date and time to be fixed prior to 30th August 2021.

You are invited to attend the hearing and may be represented accordingly. A formal notice of hearing will be sent to all parties in due course.

Yours sincerely



Email: @portsmouthcc.gov.uk