

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

PREMISES: Red Lion, Commercial Road, Totton

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Thursday, 19 August 2010 at 1.45 p.m**

1. Members of the Licensing Sub-Committee

Councillor G C Beck - Chairman
Councillor W H Dow
Councillor S S Wade

2. Parties and their Representatives attending the Hearing

Clare Johnson – solicitor on behalf of Enterprise Inns plc (Licence Holder)
Paul Gill – Regional Manager, Enterprise Inns plc
Sgt Tim Adams - Hampshire Constabulary
Georgie Fice – Hampshire Constabulary
Gary Worsley – Environmental Health Pollution

3. Other Persons attending the Hearing

Cllr R Scrivens – local member, Totton Central Ward

4. Parties not attending the Hearing

None

5. Officers attending to assist the Sub-Committee

Grainne O'Rourke – Legal Advisor
Lynne Battersby - Clerk

6. Decision of the Sub-Committee

- (a) The following licensable activities are EXCLUDED from the licence:
- B: Films
 - C: Indoor Sporting Events
 - D: Boxing or Wrestling
 - E: Live Music

F: Recorded Music
G: Performance of Dance
H: Anything of a similar description to that falling within (E), (F) or (G)
I: Provision of facilities for making music
J: Provision of facilities for dancing
K: Provision of facilities for entertainment of a similar description to that falling within (I) or (J)

- (b) In respect of Late Night Refreshment and the Supply of Alcohol the conditions of the licence are MODIFIED as follows:

L. Late Night Refreshment:

Monday 23.00 to 23.30
Tuesday 23.00 to 23.30
Wednesday 23.00 to 23.30
Thursday 23.00 to 23.30
Friday 23.00 to 23.30
Saturday 23.00 to 23.30
Sunday 23.00 to 23.30

M: Supply of Alcohol:

Monday 10.00 to 23.00
Tuesday 10.00 to 23.00
Wednesday 10.00 to 23.00
Thursday 10.00 to 23.00
Friday 10.00 to 23.00
Saturday 10.00 to 23.00
Sunday 10.00 to 23.00

Hours premises to be open to the public:

Monday 10.00 to 23.30
Tuesday 10.00 to 23.30
Wednesday 10.00 to 23.30
Thursday 10.00 to 23.30
Friday 10.00 to 23.30
Saturday 10.00 to 23.30
Sunday 10.00 to 23.30

Mandatory conditions:

As provided in the Licensing Act 2003

- (c) The following conditions are added to the licence. For the avoidance of doubt, unless otherwise stated these conditions apply IN ADDITION to the conditions specified in the current licence:

1) A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose. The CCTV system shall be capable of producing immediate copies of recordings on site. The recording will be surrendered in a playable format to Hampshire Constabulary immediately on request. Any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and shall be made available, subject to compliance with Data Protection legislation, to the Police for inspection on request. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time.

The system will display, on any recording, the correct time and date of the recording. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

(This condition supersedes the second part (commencing "CCTV") of the condition at Annex 2 P) b) of the existing licence)

2) The Designated Premises Supervisor shall ensure that all staff are trained to challenge every individual attempting to purchase alcohol who appears to be under 25 years of age and to refuse service where those individuals cannot produce acceptable means of identification. Such training shall be provided not less than every six months, and written records shall be kept of all training and refresher training. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

(This condition supersedes the final sentence of the condition at Annex 2 P) e) of the existing licence).

3) The premises will only accept photographic UK driving licences, UK passport, or identification with the PASS hologram (any future forms of identification may be accepted following consultation and written agreement of Hampshire Constabulary and Hampshire Trading Standards).

4) Challenge 25 posters shall be displayed in prominent positions at the premises.

5) A written log shall be kept of all refusals including refusals to serve alcohol, refusals of entry and/or ejections from the premises. The premises licence holder shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a weekly basis.

6) All staff authorised to sell alcohol will be trained to NCPLH standard within four weeks of employment start date. The premises licence holder shall ensure additional staff training to those staff on a repeating three monthly cycle including underage sale, proxy sales and serving to drunks. Individual training records relevant to all staff are to be maintained and available for inspection immediately on request by any relevant licensing authority. Those without the NCPLH training shall only make a sale of alcohol with direct personal supervision of each and every sale by a member of staff with the NCPLH.

7) The Designated Premises Supervisor shall have strong management control. All staff will be conversant with the licensing objectives, premises licence conditions and operating schedule. They will be fully trained to ensure that no underage drinking, drunkenness, use of drugs or anti-social behaviour takes place on the premises. Individual training records will be kept for all members of staff.

8) Notices will be displayed at the exit of the premises asking customers to leave quietly.

(This condition supersedes the first sentence of the condition at Annex 2 P) d) of the existing licence).

9) A designated smoking area will be used to segregate customers from those seeking to gain entry, members of the public and vehicular traffic. The

smoking area will be monitored by CCTV. The Designated Premises Supervisor will ensure that there is adequate lighting in the external areas of the premises to ensure that CCTV footage from these areas meets the reasonable requirements of the Police.

10) A 'zero' tolerance to drugs will be taken; any person(s) found using or in possession of suspected illegal drugs or substances must be reported to the Police. Any drugs found on the premises will be confiscated and kept in a safe until it can be taken to the Police station or collected by an officer. An effective system must be in place to record and document any seizures. Appropriate measures should be implemented to prevent drug use within the premises.

(This condition supersedes the first part (ending "induction") of the condition at Annex 2 P) b) of the existing licence).

11) There shall be door staff on duty on the premises on Friday and Saturday evenings from 20:00hrs until the premises is closed. The number of door staff shall be not less than 2 for the first 100 customers and an additional 1 for every 50 thereafter. All doorstaff should have appropriate holders for SIA badges to allow for clear identification.

12) The management will ensure that accurate control of customer numbers/capacity is undertaken. This will be by a method previously approved by the Local Authority but in any case not less effective than SIA registered door stewards utilising 'clickers' to manually count people in and out of the premises.

13) The Designated Premises Supervisor shall maintain a duty register giving details of each and every person employed in the role of a security/door person and shall provide upon request by any Police Officer or Council Officer the following details:

- i) The SIA registration number, name, date of birth and residential address of that person;
- ii) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;
- iii) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;
- iv) Any times during the period of duty when he/she was not on duty;
- v) If that person is not an employee of the Designated Premises Supervisor, the name of the person by whom that person is employed or through whom the services of that person were engaged;

The register shall be so kept that it can be readily inspected by an authorised officer of the Police or Council

The duty register shall comprise a bound, consecutively page-numbered book and the Designated Premises Supervisor shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations.

Reasons for the Decision

The Sub-Committee carefully considered the evidence, both written and oral, supplied on behalf of the licence holder and the police.

In particular, the Sub-Committee noted that since the closure of the premises the former licence holder has asked to be removed as Designated Premises Supervisor, and has consented to the licence being transferred to Enterprise Inns plc. The Sub-Committee is pleased to see that Enterprise Inns have agreed with the police acceptable conditions on which the premises could reopen, and have proposed that the licence be modified as set out above.

The Sub-Committee is satisfied that the main contributory factors to the history of disorder documented in the papers, which led to the closure order being made, was a combination of (a) the hours specified in the premises licence, which permitted it to remain open for the supply of alcohol after other licensed premises in the area had shut (thus making it a “magnet” for those wishing to drink into the small hours), and (b) failure by the former designated premises supervisor to consistently enforce the licence conditions. The Sub-Committee therefore considers that modifying the hours during which the premises may be open and alcohol may be served so as to bring them into line with other premises in the area, the exclusion of regulated entertainment from the licence, and the inclusion of significant new conditions in the licence as set out above, will mean that the premises can reopen and trade without prejudice to any of the licensing objectives.

The Sub-Committee notes that before alcohol can be supplied under the licence a designated premises supervisor will need to be appointed.

Any interested party or responsible authority may ask for the premises licence to be reviewed by the licensing authority in the future if any of the licensing objectives have been prejudiced.

Date: 19 August 2010

Licensing Sub-Committee Chairman: Cllr Goff Beck

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Decision notified to interested parties on 23 August 2010