

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION FOR REVIEW OF A PREMISES LICENCE: WELLINGTONS, NEW MILTON

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Tuesday, 6 August 2013 at 10.00am

1. Members of the Licensing Sub-Committee

Councillor G C Beck - Chairman
Councillor J Heron
Councillor P R Woods

2. Parties and their Representatives attending the Hearing

PC Wood – Hampshire Constabulary, Applicant for Review
Mr W Drew – Premises Licence Holder
Mr S Drew – Owner of the premises

3. Other Persons attending the Hearing

Sarah Wilson – Observer

4. Parties not attending the Hearing

None

5. Officers attending to assist the Sub-Committee

Amanda Wilson – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

The Licensing Sub-Committee considered it appropriate for the promotion of the licensing objectives to remove the conditions contained in Annex 2 from the licence and impose the following conditions:

Conditions (As agreed between the Police and the Premises Licence Holder prior to the hearing)

1) CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Constabulary Licensing Department (Western Division) within 24 hours.

2) Incident Book

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff (if employed) at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

3) Refusals Log

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the Designated Premises Supervisor. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority. The record of refusals will be retained for 12 months.

4) Challenge 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport, HM Forces ID card or photographic identification bearing the "PASS" logo and the person's date of birth. 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. 'Challenge 25' posters shall be displayed in prominent positions at the premises.

5) Staff Training

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons, the refusal of sale due to intoxication, and the signs and symptoms of drug use. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

The Designated Premises Supervisor must complete a nationally recognised level 2 DPS course within 12 weeks of commencing work at the premises.

6) Toilet Checks

As a minimum, the toilets within the premise shall be checked every hour from the time that the premises opens for licensable activity until 1900hrs, and every 30 minutes from 1900hrs until the premises closes. A record shall be kept at the premises and presented on request by Hampshire Constabulary. Toilet check records shall be kept for a minimum period of 3 months.

7) Drugs Policy

There will be a Zero Tolerance policy to anyone suspected to be in possession of an illegal drug. The premises licence holder will ensure that this policy is clearly documented at the premises.

Any person suspected to be in possession of an illegal drug will be reported to police.

The premises licence holder will ensure that there is a drugs policy in place. As a minimum requirement this policy will contain the following:

- Search criteria
- Searching policy
- Instructions to staff regarding the seizure of suspected illegal drugs
- Details regarding the location of a drugs safe
- Clear procedures for staff to follow if they suspect drugs use at the premises

7. Reasons for the Decision

The Sub-Committee carefully considered the Police application for a review of the premises licence, along with the evidence, both written and oral, supplied by all parties. In particular, the Sub-Committee took into account the Police recommendation that a number of conditions be attached to the licence. It was noted that the Premises Licence Holder had agreed to the conditions (as set out in the Police progress report dated 18 July 2013) proposed by the Police prior to the hearing.

The Sub-Committee took into account that there was a new Designated Premises Supervisor (DPS) at the premises. The Sub-Committee heard from the Police that since the new DPS had been in place there had been significant improvements at the premises. There had been a few minor incidents at the premises, however, with the robust management of the new DPS the licensing objectives had not been compromised.

The Sub-Committee were pleased to hear that the Premises Licence Holder had worked closely with the Police in implementing, prior to the hearing, the changes sought by the application for review. The Sub-Committee was satisfied, that based on the evidence provided by the Police at the hearing, that the licensing objectives would be upheld by the imposition of the proposed conditions on the licence.

The Sub-Committee concluded that the conditions proposed by the Police, should be attached to the premises licence, and are appropriate and proportionate in promoting all four of the licensing objectives.

The Sub-Committee considered that the conditions proposed by the Police should be added to the licence in their entirety and that the conditions contained in Annex 2 of the current licence should be removed.

The Sub-Committee was mindful that there had been issues relating to drugs at the premises and therefore considered that the condition relating to the implementation of a drugs policy was particularly important. During the hearing the Sub-Committee was assured by both the Police and the Premises Licence Holder that this policy would be in place and operational within 21 days of notification of this decision.

The Sub-Committee reminded the Premises Licence Holder of the importance of complying with conditions imposed on the licence and advised that, where appropriate, regular contact and cooperation with the Police and other responsible authorities should be maintained.

Date: 6 August 2013

Licensing Sub-Committee Chairman: Cllr G C Beck

FOR OFFICE USE ONLY

Decision notified to interested parties on 9 August 2013