

## LICENSING SUB COMMITTEE - 6 AUGUST 2013

### APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - WELLINGTONS, 2- 4 OSBORNE ROAD, NEW MILTON

#### 1. INTRODUCTION

- 1.1 The purpose of this report is to consider an application for the review of a premises licence under Section 51 of the Licensing Act 2003.

#### 2. APPLICATION

- # 2.1 Hampshire Constabulary has made an application for the review of Wellingtons, 2-4 Osborne Road, New Milton, BH25 6AD. The application is attached as **Appendix 1**.

#### 3. REPRESENTATIONS

- 3.1 No additional representations supporting the application have been received from any Responsible Authorities or other persons.

#### 4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to consider the review application.
- # 4.2 The relevant sections (paragraphs 11.1 - 11.11 & 11.16 - 11.28) of the Home Office guidance issued under Section 182 of the Licensing Act 2003 is attached as **Appendix 2**.

#### 5. CONCLUSION

- 5.1 The Licensing Sub-Committee must, having regard to the application, consider which of the following measures are appropriate for the promotion of the licensing objectives:
- To modify the conditions of the licence;
  - To exclude a licensable activity from the scope of the licence;
  - To remove the designated premises supervisor;
  - To suspend the licence for a period not exceeding three months;
  - To revoke the licence;
  - To take no further action in this matter.

#### 6. RECOMMENDATION

- 6.1 That the Licensing Sub-Committee determines the application.

#### Further Information:

Paul Weston  
Licensing Services  
Tel: 023 8028 5505  
Email: [licensing@nfdc.gov.uk](mailto:licensing@nfdc.gov.uk)

#### Background papers:

Appendix 1 (Section 51 Application)  
Appendix 2 (Home Office Guidance)



**Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003**

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

I PC 24191 Bethan Wood, on behalf of the Chief Officer of Hampshire Constabulary,  
(Insert name of applicant)

- Apply for the review of a premises licence.
- Apply for the review of a club premises certificate.  
(Select as applicable)
- Make a representation about a premises licence/club premises certificate

**Premises or Club Premises details**

Postal address of premises:	Wellingtons 2-4 Osborne Road New Milton
Postcode (if known):	BH25 6AD

Name of premises licence holder or club holding club premises certificate (if known)  
William Maxwell DREW

Number of premises licence or club premises certificate (if known)  
403/3

**Details of responsible authority applicant**

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC 24191
Surname:	WOOD
First Names:	Bethan
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 674768
E-mail address: (optional)	western.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 review relates to the following licensing objective(s)**

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

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

On behalf of the Chief Officer of Police I am writing to request review of the above Premises Licence. The review is requested on the following grounds:

- 1) The prevention of crime & disorder
- 2) Public safety
- 3) The protection of children from harm
- 4) The prevention of public nuisance

Hampshire Constabulary have been working closely with the premises licence holder Mr William Drew, and the Designated Premises Supervisor Peter SMITH, since Mr DREW took over the premises licence in June 2011. In this time there have been significant concerns regarding drugs use at the premises, Mr SMITH's ability or inclination to address concerns relating to this, and his understanding of the importance of supporting the licensing objectives. Outlined below are key incidents that have occurred at the premises over the last 18 months, in addition to the incidents, intelligence, and corroborative Ion Track evidence (Annex B).

In the early hours of 26th December 2011 an incident occurred at the premises in which a male attempted to 'glass' a female. On police attendance it is described that the pub was 'covered with broken glass' including behind the bar, and that items that would have been for sale were strewn about on the floor (Item 1). Despite there being relatively few people at the premises, including Peter SMITH (then Bar Manager), he claimed to have seen absolutely nothing. The attending police sergeant states that she believes SMITH to have lied to police about his knowledge of the incident (Item 2). Although this can neither be proved or disproved, Hampshire Constabulary are concerned that Smith did not contact police himself despite two calls being made to the premises and suggest that this demonstrates a lack of support for the licensing objective of Prevention of Crime and Disorder (Item 3). In addition to this, Hampshire Constabulary received intelligence that one of the involved persons in this dispute had taken Crack Cocaine (Annex B 30/12/11). This person goes on to be allowed back into the premises less than a month later, when he is alleged to headbutt a customer and throw glasses around. Although no complaint is made regarding this, the call is from SMITH and police therefore have no reason to disbelieve that this was therefore happening at the time of the call (Item 4).



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On 5th January 2012 PS BARRY attended a meeting with William DREW, the then Designated Premises Supervisor (Item 6). It was clear during this meeting that DREW was not fulfilling the role of DPS. He didn't know the names of the members of staff who worked at the premises, and was not working there himself. PS BARRY made it clear to DREW that there were serious concerns about the premises and recommended regular toilet checks be conducted, police to be alerted to suspicious activity, and an incident book maintained. In addition to this PS BARRY recommended formal staff training be conducted.

On 20th May 2012 PC WOOD visits the premises to conduct a licensing check (Item 7). PC WOOD is advised by SMITH that he is the Designated Premises Supervisor. Despite police records indicating that William DREW was the DPS, SMITH was adamant that this was not the case. He did not have the premises licence summary on display (an offence contrary to S57(4) Licensing Act 2003) in order to prove that this was the case, and could not locate the full premises licence (an offence contrary to S57(1) Licensing Act 2003). These documents would clarify that SMITH was not the Designated Premises Supervisor. This concerns police not only because of the offences committed but also the lack of knowledge demonstrated by SMITH.

As a result of this visit, on 15th June 2012 a full licensing meeting was held, attended by PC WOOD, William DREW and Pete SMITH (Item 8). During this meeting, the concerns regarding drugs were again raised as a priority. A list of actions was drawn up in order to address this (Item 9). These included the treatment of flat surfaces in toilets to deter drug use, conducting and recording hourly checks of the toilets and to notify police of any concerns, to regularly attend pub watch meetings in order to share and gather information on persons suspected of being involved in drug related activity, and to enforce a Zero Tolerance approach to drugs on the premises. Training was also addressed as the recommendation made by PS BARRY 6 months previously had not been acted upon and there was still no staff training in place. Neither SMITH or DREW were able to provide a reason as to why the training had not been implemented. This demonstrates a complete lack of support for the licensing objectives and the recommendations previously made by police to assist the premises. SMITH advised during the meeting that not only would he ensure that this training was conducted but that he would also train staff to recognise the signs of drugs use. PC WOOD was notified during the meeting that SMITH would be made Designated Premises Supervisor and the forms were to be completed that day.

In June 2012 the premises did pass a police test purchasing operation, with a request for ID being made at the last moment by SMITH who intervened in the sale (Item 10). The premises was advised of this pass (Item 11).

On 11th August 2012 a police Ion Track operation was held at the premises (Item 12). SMITH was unaware of this until the night. The operation involved police swabbing the hands of people entering the premises and where there was a positive indication for drugs on a person's hand, they were searched under S23 Misuse of Drugs Act. Throughout the operation 30 people were swabbed with 12 positive indications although no drugs located on any person. Police also swabbed the premises at the time of the operation, which, given that surfaces were supposed to be treated, the DPS was supposed to be conducting toilet



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checks, and operating a Zero Tolerance approach to drugs, provided alarmingly high readings. A level of 4 on the Ion Track itemiser indicates recent direct contact with the identified drug. The Gentlemen's toilets tested positive for Cocaine on the night with a reading of 7.57 which is extremely high. A female who had entered the premises with no trace found on her hands approached police later in the evening and requested that her hand be re-swabbed as she had just run it along a surface in the Ladies toilets. This reading was of 6.52 for Cocaine. It is acknowledged that SMITH and DREW supported police in running this operation, but also that the operation demonstrated an ongoing problem with drugs, particularly Cocaine, at the premises.

A de-brief meeting was held with DREW and SMITH on 12th September 2012 (Item 13). At this stage SMITH had been regularly conducting and recording toilet checks, which was commended, and it was requested that he make greater use of his ability to control entry to his premises, including refusing entry, and ejecting people, especially if there were suspicions that those people might be involved in drugs use. Specifically it was requested that SMITH contact police if he had any suspicions, in order that a positive relationship between police and the premises could be shown to any persons actively using drugs at the premises. It was suggested that any suspicions be recorded in the incident book. Disappointingly, despite PS BARRY's recommendation in January 2012, and that of PC WOOD in June 2012, staff training had still not been conducted, again with no reason given for this. SMITH was again provided with information to support him in putting this in place and PC WOOD offered to proof read and offer feedback on any package that he put together.

On 24th November 2012, following further intelligence regarding drugs, and further positive Ion Track swabs from the premises (Annex B) an additional Ion Track operation was conducted at the premises. On this occasion there were again 12 positive swabs taken from persons entering the premises and one male ran away from police on arrival at the premises, was pursued, and caught in possession of cocaine (Item 14).

On 12th February 2013 Mr Drew contacted police and requested a meeting to discuss the installation of CCTV at the premises. This was a positive step and one that, if followed through, would really assist the premises licence holder, DPS, and police in addressing the concerns at the premises. Police provided advice on where the cameras might best be located and were advised by Mr Drew that he would progress the matter further (Item 15). These cameras were finally installed at the end of May 2013.

On 20th April 2013 an assault occurred at the premises involving a 17 year old female. Her statement clearly indicates that she was at the premises, contrary to the licence condition which states 'no children under 18 years on the premises' (Item 16). The statement does not indicate whether she had been drinking, however the report from the emergency department data does say that she was under the influence of alcohol (Item 17). When this was raised with SMITH he advised that he had seen the female's identification previously, that she was a regular, and believed that she was 18 years old. SMITH was unable to say when he had seen the ID, and did not have the incident/refusals book at the premises to look for this. The aggrieved was 17 years old at the time of the incident and therefore the licensing objectives of prevention of crime and disorder, and protection of children from



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harm have been undermined.

On 12th May 2013 police were alerted to a fatal fall suffered by a female at her home address having returned from a night out at Wellingtons PH. Hampshire Constabulary are acutely aware of the sensitivity of this matter, however a statement taken in relation to the incident states that the female was drunk before leaving the premises, scoring her as being 9/10 on a scale of drunkenness, and giving this as the reason that she had left the event (Item 18). It is unknown at present, and will perhaps never be known, whether intoxication caused this fall. However, the fact remains that the female was drunk, visibly so to her friends. She had been in Wellingtons for the duration of the evening and should not have been served alcohol to this level.

Wishing to promptly address what is potentially a very serious incident, PC WOOD attended the premises on Saturday 18th May. The findings of this visit are recorded in Item 19. In summary Mr SMITH had not fully taken on board previous recommendations made by Hampshire Constabulary in relation to support for the licensing objectives, and where initially improvements had been seen, such as the conducting of regular toilet checks, these improvements had been short lived and were no longer evident.

Hampshire Constabulary believe that the licensing objectives of Prevention of Crime & Disorder, Protection of Children from Harm, and Public Safety are being undermined. There is evidence of under age drinking, drugs use, drunkenness and violence.

The premises licence holder Mr DREW and Designated Premises Supervisor Mr SMITH have repeatedly been given advice and offered help and support in promoting the objectives. Despite all the advice and assistance provided, SMITH has repeatedly failed to attend pub watch meetings with any degree of consistency (Item 24), Hampshire Constabulary have never received any information or requests for assistance from the premises in relation to disrupting the ongoing drugs activity, and there is nothing logged in the incident or refusals book about this. Hampshire Constabulary request a proactive review of this premises licence. The conditions added to the licence will ensure that the recommendations made are diligently implemented, that the premises is run responsibly, without further risk to the public or undermining of the crime prevention objective. In addition to these conditions Hampshire Constabulary believe that the existing Designated Premises Supervisor Pete SMITH has demonstrated that he is unable to manage the premises in accordance with the licensing objectives and it is therefore requested that SMITH be removed from this position.



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The conditions requested are as follows:

#### 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.

#### 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.



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#### 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.

#### 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 persons 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.

#### 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.





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**It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application**

Signature of Officer Completing

Name Police Constable Bethan Wood Collar Number: 24191  
Signature: \_\_\_\_\_ Date: 11/06/13

Signature of Authorising Officer (Inspector or above)

Name Police Inspector John McGonigle Collar Number: 1399  
Signature: \_\_\_\_\_ Date: 11/06/13



Licensing Act 2003

## Premises Licence

Issued under Section 24 of the above Act

<b>Premises Licence Number</b>	403/4
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### Part 1 - Premises Details

Postal address of premises, or if none, ordinance survey map reference or description	
Wellingtons 2-4 Osborne Road New Milton Hampshire BH25 6AD	Map Ref (E): 424367.737516865 Map Ref (N): 95154.5665637102 UPRN: 100062215598
Telephone Number: 01425 837307	

Where the licence is time limited the dates
This licence is NOT time limited

Licensable activities authorised by the licence
E) Performance of Live Music F) Playing of Recorded Music J) Supply of Alcohol

The times the licence authorises the carrying out of licensable activities			
E - Performance of Live Music	Performance of live music may take place:		Indoors Y
			Outdoors
			Both
Day	Start	Finish	
Mon	19:00	23:00	<b>Further details:</b> Occasional irregular live entertainment is provided by one or two live musicians playing folk or jazz or popular songs under the provisions of Section 182 of the Licensing Act 1964. This is either unamplified or with the benefit of a small portable amplifier. The intention is that this will simply continue. <b>Seasonal variations:</b>  <b>Non standard timings:</b> Regulated entertainment only to take place on one day per week. In addition, the hours are extended as follows:- On Easter Sunday, May Bank Holiday Sunday, Whitsun Sunday, August Bank Holiday, Sunday and Boxing Day until 23:30hrs. On Easter Monday, May Bank Holiday Monday, Whitsun Bank Holiday Monday, August Bank Holiday Monday, Christmas Eve, 27 and 28 December and New Year's Day until 24:00hrs
Tues	19:00	23:00	
Wed	19:00	23:00	
Thur	19:00	23:00	
Fri	19:00	24:00	
Sat	19:00	24:00	
Sun	19:00	22:30	



<b>F - Playing of Recorded Music</b>			<b>Playing of recorded music may take place:</b>	Indoors	Y
				Outdoors	
				Both	
Day	Start	Finish			
Mon	19:00	23:00	<b>Further details:</b> As background music on its own or for live performances as per Section E.  <b>Seasonal variations:</b>  <b>Non standard timings:</b> Regulated entertainment only to take place on one day per week. In addition, the hours are extended as follows:- On Easter Sunday, May Bank Holiday Sunday, Whitsun Sunday, August Bank Holiday, Sunday and Boxing Day until 23:30hrs. On Easter Monday, May Bank Holiday Monday, Whitsun Bank Holiday Monday, August Bank Holiday Monday, Christmas Eve, 27 and 28 December and New Year's Day until 24:00hrs		
Tues	19:00	23:00			
Wed	19:00	23:00			
Thur	19:00	23:00			
Fri	19:00	24:00			
Sat	19:00	24:00			
Sun	19:00	22:30			

<b>J - Sale or Supply of Alcohol - On and Off the Premises</b>					
Day	Start	Finish			
Mon	10:00	23:00	<b>Further details:</b>  <b>Seasonal variations:</b>  <b>Non standard timings:</b> The hours are extended as follows:- On Easter Sunday, May Bank Holiday Sunday, Whitsun Sunday, August Bank Holiday, Sunday and Boxing Day until 23:30hrs. On Easter Monday, May Bank Holiday Monday, Whitsun Bank Holiday Monday, August Bank Holiday Monday, Christmas Eve, 27 and 28 December and New Year's Day until 24:00hrs		
Tues	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	10:00	24:00			
Sat	10:00	24:00			
Sun	12:00	22:30			

**The opening hours of the premises**

<b>L - Opening Hours</b>					
Day	Start	Finish			
Mon	10:00	23:30	<b>Seasonal variations:</b>  <b>Non standard timings:</b> In addition, the opening hours are extended as follows:- On Easter Sunday, May Bank Holiday Sunday, Whitsun Sunday, August Bank Holiday, Sunday and Boxing Day until 24:00hrs. On Easter Monday, May Bank Holiday Monday, Whitsun Bank Holiday Monday, August Bank Holiday Monday, Christmas Eve, 27 and 28 December and New Year's Day until 00:30hrs		
Tues	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	23:30			
Fri	10:00	00:30			
Sat	10:00	00:30			
Sun	12:00	23:00			

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**

Alcohol is supplied for consumption both ON and OFF the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

William Maxwell Drew  
51 Samson Road  
Poole  
Dorset  
BH15 4NN

Telephone:

Email:

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Keri-Anne Ewins  
Wellingtons  
2-4 Osborne Road  
New Milton  
Hampshire  
BH25 6AD

Telephone:

Email:

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

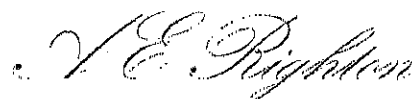
1569/2  
New Forest District Council

The licence is granted by New Forest District Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Date licence issued: 19/06/2013

Date licence commences: 19/06/2013

Date first licence came into force: 24/11/2005



Head of Public Health & Community Safety  
(Authorised Officer)

**Annex 1 - Mandatory conditions**

**Where licence authorises supply of alcohol:**

- (1) No supply of alcohol may be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Where licence authorises door supervision:**

- (1) Each individual at the premises to carry out a security activity must:
- Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;
  - or
  - Be entitled to carry out that activity by virtue of section 4 of that Act.

(Additional Conditions with effect from 6 April 2010)

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(Additional Condition with effect from 1 October 2010)

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

**Annex 2 - Conditions consistent with the operating schedule**

**Q) Proposals by the applicant in order to promote the four licensing objectives:**

**a) General – all four licensing objectives (b,c,d,e)**

**b) The prevention of crime and disorder**

Notice displayed that no child under 18 should be permitted to purchase alcohol.

**c) Public Safety**

No more than 200 permitted capacity.

**d) The prevention of public nuisance**

No more than two live performers with one amplifier. Regulated entertainment by no more than two live performers on one day a week during permitted hours.  
Notices posted at main exits instructing customers to leave premises quietly.  
External windows to be kept closed during periods of regulated entertainment and exterior doors, except for essential ingress and egress.  
Premises supervisor to keep register of complaint and to respond to complaint within 7 days.

**e) The protection of children from harm**

No children under 18 years on the premises.

**Schedule of Conditions attached to a Part A Premises Licence  
Embedded Restrictions transferred from the Licensing Act 1964**

**ON LICENCE**

S.59, 60, 63, 67A, 68, 70, 74, 76 Licensing Act 1964

The licensee may also provide and permit:

- a) Entertainment by way of music and singing but only by the reproduction of recorded sound (this does not permit the use of Karaoke, Disc Jockeys, Compères etc.)
- b) The consumption of late night refreshment for a period of 30 minutes after the permitted hours.

### Permitted Hours

Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means those as shown in Part 1 of this Licence:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10am to 11pm
- b) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30pm
- c) On Good Friday, 12 noon to 10.30pm
- d) On Christmas Day, 12 noon to 3pm and 7pm to 10.30pm
- e) On New Year's Eve, except on a Sunday, 10am to 11pm
- f) On New Year's Eve on a Sunday, 12 noon to 10.30pm
- g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31<sup>st</sup> December).

### Restrictions

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) The taking of alcohol from the premises by a person residing there; or
- i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Annex 4 - Plans**

This licence permits the licensable activities stated at the premises addressed above in accordance with the plan(s) attached.

Plan of Premises	
Plan/Drawing No:	
Date of Plan:	Plan approved 9/6/2005



## Working Sheet

Hampshire Constabulary

Printed: 15/05/2013 18:47 by 24191

Occurrence: 44090394850 Z Prem Licence (Management Occurrence)

Author: #3402 TUCKEY, D.

Report time: 30/12/2011 07:34

Entered by: #3402 TUCKEY, D.

Entered time: 30/12/2011 07:34

Remarks: CRIME REPORTED - LICENCE ENTRY

Sir,

Police were called to Wellingtons Pub at 02:48 hours on 26/12/2011. RMS 44110539022.

At that time [REDACTED] had allegedly tried to glass his brothers girlfriend.

Complaint made by victim.

At the time of our attendance the manager was present - Peter SMITH

The manager stated that it was a private party with [REDACTED] [REDACTED]

[REDACTED] and [REDACTED]

Peter SMITH claimed to have seen nothing.

The pub was covered in broken glass from a glass, not windows. Behind the bar there was glass on the floor and items that would be for sale under the counter strewn about the floor.

All parties except SMITH had some sort of injury, but the only person making a complaint was [REDACTED] who was stating that [REDACTED] came at her with a smashed glass and [REDACTED] and [REDACTED] had to get between [REDACTED] and [REDACTED] to prevent him from attacking her with the glass.

I recommend that [REDACTED] be placed on the pubwatch scheme if this is appropriate. All parties stated on the night that he just loses it and is uncontrollable.

Quite worrying at the time was [REDACTED] who had quite bad bruised and blackened eyes. She stated that this occurred when she was separating [REDACTED] from fighting. PS SEVERN spoke to her separately.

I could not see any overlooking premises that were disturbed by the incident, but there were some loud voices outside the pub throughout the incident.

Respectfully submitted

RESTRICTED

PC 3402 TUCKEY

## Working Sheet

Hampshire Constabulary

Printed: 15/05/2013 18:47 by 24191

Occurrence: 44090394850 Z Prem Licence (Management Occurrence)

Author: #405 BARRY, A.

Report time: 04/01/2012 08:38

Entered by: #405 BARRY, A.

Entered time: 04/01/2012 08:38

Remarks: TPT email re lock in on 26/12/11

Hi Amanda, just thought I would let you know that we attended the Wellington Arms in New Milton earlier this morning at approx 03.00 am, where they clearly had a lock in that had gone wrong. The "bar manager" whose details were taken by one of my team as Peter Keith Smith [REDACTED] was hopeless and did not wish to give us any details of what had gone on - saying he didn't see/didn't know etc. We believe this to be a lie. This relates to an occurrence no \*39022. I am very tired and going home now so please could you do the honours with this and add to the Z occurrence for this premises.

Cheers

Kim

PS 39

**Event details**

Event type:	Public Order Other Incident
Reported time:	2011-12-26 02:47:58
Closure time:	2011-12-26 03:34:09
Call source:	999 CALL
Priority:	EMERGENCY CONTACT
Complainant:	[REDACTED]
Complainant phone number(s):	[REDACTED]
Location:	2 OSBORNE WELLINGTONS NEW MILTON BH25 6AD

**Dispatched officers**

**Event commentary**

2011-12-26 02:47:58: INFT IS ASKING FOR POLICE QUICK, ABOUT 7 PEOPLE FIGHTING AND GLASSES BEING THROWN. LOTS OF NOISE IN BACKGROUND.

2011-12-26 02:49:12: FURTHER CALL FROM INFT - STATING POLICE NEED TO GET HERE NOW

2011-12-26 02:51:45: ND52 - MALE IN PREMISES THROWING GLASSES AROUD, HAS BEEN ARGUING, HE IS IN THE KITCHEN AREA TT

2011-12-26 02:53:13: ND52 - ST9, MALE IN CUFFS OTHER PEOPLE OUTSIDE WHO HAVE BEEN ASSAULTED

2011-12-26 03:32:11: ND52: DISPUTE BETWEEN FAMILY. OFFENDER HAS ASSAULTED A FEMALE. 1 DETAINED. OIC 3402.

2011-12-26 03:34:09: \*\*\* RESULT \*\*\* 1 DETAINED.

**Event details**

Event type:	Public Order Other Incident
Reported time:	2012-01-22 22:43:15
Closure time:	2012-01-22 22:59:21
Call source:	999 CALL
Priority:	EMERGENCY CONTACT
Complainant:	SMITH, PETER
Complainant phone number(s):	[REDACTED]
Location:	2 OSBORNE WELLINGTONS NEW MILTON BH25 6AD

**Dispatched officers**

**Event commentary**

2012-01-22 22:43:15: INFT REPORTING A MALE BY THE NAME OF [REDACTED] IS KICKING OFF HE HAS HEADBUTTED A CUSTOMER AND HAS STARTED THROWING GLASS BOTTLES [REDACTED] NOT SURE WHO THE AGGD IS BUT AMBO HAS BEEN DECLINED... NFD

2012-01-22 22:43:48: FCR SUP NOTED - HAPPY FOR LOCALS TO ATTEND AND DEAL.

2012-01-22 22:45:10: VN MONITORING

2012-01-22 22:48:55: ND72 - [REDACTED] HAS LEFT- NO ONE IS ALLEGING ASSAULT HERE

2012-01-22 22:50:49: ND72- TO - VN - CAN YOU MONITOR THE MALE ON CAMERA - NO ONE IS SAYING ANYTHING TO US HERE. MALE IS IN DRINK. BUT GETTING NO COMPLAINTS

2012-01-22 22:51:03: CWUN - FROM CAMERAS ND72 IS SPEAKING WITH THE MALE IN QUESTION

2012-01-22 22:59:21: \*\*\* RESULT \*\*\* . AIO - NO ONE MAKING ANY COMPLAINTS OR DISCLOSED ANY OFFENCES. MALE SPOKEN TO AND VN AWARE AND MONITORING HIM



# Hampshire Constabulary

Chief Constable Alex Marshall QPM

Lyndhurst Police Station  
Pikes Hill  
Lyndhurst  
Hampshire

SO43 7NR

Telephone: 101

Direct dial:

Fax number: 023 8067 4200

Minicom: 01962 875000

Email:

**Our ref:**

**Your ref:**

January 6, 2012

Dear Mr DREW

Following my visit on 05/01/12, I would like to confirm the items discussed and highlight areas of concern.

I understand that your family business is Boulevard Brasseries Ltd and that your business has owned Wellingtons for several decades. The previous DPS Brian Bethell was a tenant and that it was due to BETHELL's rental arrears and dropping trade that the business evicted BETHELL. You state that you were previously the DPS at The Boathouse, Poole and now remain as the premise licence holder there. As the DPS we would expect you to be in day-to-day charge at the premises directing and overseeing the work of others employed there. I was concerned that you did not know the names of all of your employees and you ensured me that Wellingtons has your full time commitment.

Community information suggests that drug use remains an issue within the premises. During the visit I took lontrack swabs, which will be tested upon the lontrack Itemiser machine which is capable of detecting a range of narcotics. The trigger point for an alarm reading on the machine is 1. I will notify you of the results as soon as I have them.

I would suggest that regular toilet checks are carried out by you and your staff when the premises are open to the public. Staff should be aware what to look for and what procedure they should carry out if they suspect drug activity. It is good practice to make written records each time the checks are done. Cocaine users generally require a smooth surface in order to take their drugs and we advise that where possible the opportunities for them to take drugs on your premises are reduced, if fixtures such as toilet cisterns are built in. Where this is not possible please consider treating them with something such as baby oil.



# Hampshire Constabulary

Chief Constable Alex Marshall QPM

If you witness anything suspicious then please do not hesitate to contact your local police to report this on either 101 or 999 in an emergency. If you locate any drugs then you should report this immediately, log it in your incident book and store them securely until collection by the police is arranged.

Wellingtons are a member of New Milton Pubwatch and I informed you that the next meeting will be held at 1000 hours at the Wheatsheaf on 11/1/12. Being an active member of Pubwatch is crucial to tackling crime and disorder on your premises and the wider community. I noted during my visit that you do not maintain an incident/refusals log and recommend that one is introduced in order that you can record your due diligence. This could also be used to record your boundary checks; an A4 bound diary is excellent for this use. I understand that including yourself there is one other personal licence holder. I advised you to record your written authority for the remaining two members of staff to supply alcohol; you informed me that you already had this in preparation. You do not maintain records of staff training and I recommend that your training is formalised, keeping records for each staff member of which they sign and date when training is received. Training should consist of basic licensing legislation, your age verification policy and your drug policy as a minimum. You should incorporate your written authority to supply alcohol to those members of staff that do not hold personal licences.

We discussed the incident on 26/12/11 of which you explained was as a result of a gathering hosted by barman Peter SMITH, who lives above the premises in his living quarters. The incident occurred within the main bar and I advised you in relation to activities occurring on the premises outside of the permitted hours. Not only has this incident of crime and disorder been linked to your premises it now raises concerns that you may be breaching your licence in supplying alcohol beyond your permitted hours. I recommend that you to give clear instructions to Mr Smith as your employee and tenant as to what is acceptable behaviour on your property.

I enclose a Licensee Support pack of which should be of assistance. As you are aware Hampshire Constabulary are committed to working with the licensees in promoting the four licensing objectives.

- \*The prevention of crime and disorder
- \*Public Safety
- \*The prevention of public nuisance
- \*The protection of children from harm



# Hampshire Constabulary

Chief Constable Alex Marshall QPM

Should further incidents occur at your premises and the issues raised on the attached actions list not be addressed. I would have little choice but to consider reviewing your licence to ensure the licensing objectives are promoted.

Yours sincerely

Sgt Amanda Barry  
New Forest Safer Streets

Enc.



## ACTIONS LIST - WELLINGTONS 5/1/12

### Drugs

Police – Police raised concerns of drug usage at the premise, lontrack taken and we are awaiting on the results.

Venue – Ensure each member of staff understands and implements your drugs policy and you inform the police of any suspicions. If drugs are found it should be logged and placed in your safe until police are able to collect it.

### Refusal/Incident log

Police – concerns were raised that no refusal/incident log was kept. Therefore no evidence or illustration of due diligence.

Venue – Ensure that a refusal/incident log is introduced. Ensure that each member of staff understands and implements the age verification policy.

### Staff Training

Police – raised concerns that no staff training was kept. Therefore no evidence or illustration of due diligence.

Venue – Ensure that all members of staff not holding a personal licence have a written authority by yourself to supply alcohol. The all members of staff receive training in the basic licensing legislation, your age verification policy, your drug policy and serving of drunks and underage persons.

### Disorder

Police – Community intelligence of anti social behaviour being linked to the vicinity.

Venue – Report any incidents of disorder in your incident/refusals log and report incidents to the police. Please make note of incidents in the vicinity that you are aware of in order to negate your premise.

**Working Sheet**

Hampshire Constabulary

Printed: 15/05/2013 18:57 by 24191

Occurrence: 44090394850 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 20/05/2012 03:04

Entered by: #24191 WOOD, B.

Entered time: 20/05/2012 03:04

Remarks: Visit 18/05/12

**Wellingtons, New Milton**

Single male working at the premises, advised he was Pete Smith, the DPS. The licence says otherwise - William DREW is the DPS. SMITH was adamant that he was the DPS but unfortunately didn't have a copy of his licence or the full summary on display so he had to take my word for it. It is clear that the DPS has very little involvement with the premises. There have been some significant Ion Track readings there recently and a meeting has been arranged for Friday to discuss this. It is hoped that DREW will attend the meeting. The premises itself was quiet with about 20 persons present. They clearly all knew one another and interestingly a couple of them had been in every other premise I visited throughout the evening. It is quite possible that Wellingtons are the final venue of a potential pub crawl type route.

## Working Sheet

Hampshire Constabulary

Printed: 15/05/2013 19:00 by 24191

Occurrence: 44090394850 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 15/06/2012 13:56

Entered by: #24191 WOOD, B.

Entered time: 15/06/2012 13:56

Remarks: Licensing Team Visit 15/06

Meeting held with PLH/DPS Bill Drew and Pete Smith (manager).

Drew advised that Smith is to be made DPS and had the blank forms there to be completed. Drew will remain premises licence holder. Conceded that he had not been fulfilling the role of DPS hence Smith is to be officially made DPS.

Discussed drugs concerns at the premises. Both advised that the recent high ion-track readings were real cause for concern and indicated a significant level of drugs present at the premises. It was agreed that the flat surfaces in toilet cubicles would be treated to make them less conducive to drugs use, that toilet checks would be conducted of both sets of toilets hourly from 1930hrs on Fridays and Saturdays, that these would be recorded, zero tolerance posters would be prominently displayed, and the DPS would be an active member of pubwatch. Ion Track was discussed. Pete Smith seemed uninterested. Drew on the other hand approached me afterwards and asked whether we may be able to do an op without prior warning to Pete Smith (who will by then be DPS). I advised that I didn't have a problem with this so long as the authority was given by Drew in good time and that Drew was present at the time of any operation. Ion Track swabs were taken of the Gents Toilet cubicle, a separate one of the gents toilet air vent - to which intel relates, and ladies toilets.

There was an incident/refusals book in place of reasonable quality. It has been in place since Xmas 2011 and takes the form of a simple ruled book. There was a period of a month 18th April - 19th May when nothing was recorded in the book. This was questioned, especially as there had been an incident reported to police on 6th May. Many of the entries weren't timed, and had no description, and one mentioned a male who was already barred but did not give the males name. Advice has been given that all entries should be timed and details recorded of the persons involved. A diarised book has been recommended and will be implemented.

Staff Training - despite recommendations made by PS Barry in January 2012 no staff training has been conducted. Pete Smith is the only person who works in the evenings and he has two part time female members of staff who work afternoons throughout the week. Advised that training must be completed for these staff and that the current website links for training packages would be sent.

The premises operates a Challenge 25 policy. No records are made of challenges, but there is no evidence forthcoming at present of under age sales.

RESTRICTED

New posters supplied and advice given regarding constructing a written policy and training staff in this.

Letter to be sent to Drew and Smith once Ion-Track results from recent swabs are known.

24191



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**Hampshire Constabulary**  
Chief Constable Alex Marshall

Police Licensing Unit  
Southampton Central Police Station  
Southern Road  
Southampton  
Hampshire  
SO15 1AN

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22<sup>nd</sup> June 2012

Dear Mr Drew,

This letter is in reference to the licence visit that took place on the 15<sup>th</sup> June 2012 at Wellingtons, New Milton. At the meeting we discussed the role of the Western Licensing Team, what you can expect from us, and best practise, particularly in relation to due diligence. I made several recommendations, which have been summarised overleaf.

As you are aware the Western Licensing Team are committed to working with licensees in supporting the four licensing objectives i.e. –

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

Please keep in contact with us and let us know when the new training is implemented. If you have any queries, or if we can be of further assistance, especially in relation to tackling any issues with drugs, please do not hesitate to contact us. The licensing team will continue to monitor the premises and further visits will be conducted in order to ensure that you are supporting the licensing objectives.

Should we get any incidents and the recommendations made overleaf have not been implemented, then we could look to take the matter further by way of review of the premises licence.

Yours Sincerely,

PC 24191 WOOD  
Violent Crime Reduction & Licensing Team  
Southampton Central Police Station



**Hampshire Constabulary**  
Chief Constable Alex Marshall

Meeting at Wellingtons 15/06/12

Training

**Police:** It is disappointing that following the letter sent by PS Barry in January no formal staff training has been introduced. In order to demonstrate due diligence you need to implement a training schedule and I have suggested using the links below for guidance. These links were formed by conducting a simple search on the internet where there are numerous companies and literature available regarding due diligence training. It is not a recommended or definitive list, but is an example of the variety of courses available. I would strongly encourage you to ensure that staff complete some form of assessment of any training conducted in order to demonstrate a sound knowledge base.

**Service Excellence Passport (£2.50 each)**

<http://www.abvtraining.co.uk/index.htm>

**Flow, Licensing & social responsibility (£36.00)**

<http://www.flowhospitalitytraining.co.uk/hospitality-training/licensing-training>

**BIIAB Level 1 Award in Responsible Alcohol retailing training course (£55.00)**

<http://www.accesstraining.co.uk/Training-Courses-And-Consultancies/Licensed-Trade-Courses/BIIAB-Level-1-Award-in-Responsible-Alcohol-Retailing/>

**Act 2003 Ltd DVD & training package (£69.99)**

[http://www.act2003.co.uk/underage\\_dvd.htm](http://www.act2003.co.uk/underage_dvd.htm)

**Licensing Matters Due diligence training packages (price varies)**

<http://www.licensingmatters.net/duediligence.html>

We are also able to offer specific training input to run alongside any training meeting that you conduct. If you would like us to attend and offer an input please get in touch. All training conducted should be recorded, signed, and dated by both the member of staff and yourself.

Below is an example of a training condition which is often attached to premises licences:

*Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; signs and symptoms of drunk persons, refusal of sale due to intoxication and that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records are signed and dated by the member of staff are kept of this refresher training. Records will be available for inspection by Hampshire Constabulary and the Licensing Authority. Records will be kept for a minimum period of two years.*

**Venue:** Pete Smith advised that he had not conducted training with staff as the only staff aside from him work very few hours, and are experienced staff who work in several other premises also. That aside, in order to demonstrate due diligence you will now introduce formal training, including an assessment of learning.



## Hampshire Constabulary Chief Constable Alex Marshall

### Age Verification Policy

Police: You advise that you operate a Challenge 25 policy but do not have this policy written. I have included for your reference a draft copy of an age verification policy. I would recommend conducting training with your staff in relation to this. Your incident book does include refusals of sale when exercising the Challenge 25 policy, which is good. As we discussed, should there be any concerns at the premises regarding under age drinking then it would be best practise to ensure that all challenges for ID are recorded. I provided you with additional up to date Challenge 25 posters.

Venue: Advised that there were no concerns in relation to underage drinking but that you understood that should concerns arise then it would be beneficial to record all challenges made, not just refusals.

### Refusals/Incident Log

Police: I was pleased to see that you have put together an incident/refusals book. The book was a basic lined pad of paper with any noted items dated individually. There was a period of a month (18<sup>th</sup> April – 19<sup>th</sup> May) when no incidents have been recorded. Given the frequency of records during all other months this year it was agreed that this was not an accurate record. An incident reported to police on 6<sup>th</sup> May was not recorded yet police records state that it involved a group of people refused service but declining to leave the premises. I have suggested as a result of this that you look to use a diarised book instead of your current book. This should be completed every day, and if there is nothing to note then something to that effect recorded. Ensuring that no page is left blank assures us that the diary is being regularly used. Best practise is also that you, as the DPS, check the diary on a weekly basis, and sign it off as being an accurate record of events over the week. We also discussed the need to record details of persons involved in incidents. This should include names where known, or descriptions. It would also be beneficial to record the approximate time of each incident.

Venue: You advised that you liked the diarised system that you had introduced and would start to record all of those items suggested.

### Drugs

Police: There are serious concerns regarding the levels of drugs use at the premises. The results of the swabs taken at the premises in January are as follows:

Ladies Toilets: 3.91 Cocaine

Mens Toilets: 2.41 Cocaine

The results of the swabs taken at the premises on the 30<sup>th</sup> March are:

Ladies Toilets: 1.24 Cocaine



**Hampshire Constabulary**  
Chief Constable Alex Marshall

Mens Toilets: 4.59 Cocaine

The results of the swabs taken during my visit are:

Ladies Toilets: 1.60 Cocaine

Mens Toilets: 2.81 Cocaine

Air Vent in Mens Toilets: 1.38 Cocaine

These consistently high readings are a good indication that there is a drugs issue at the premises which needs to be addressed as a priority. In order to do this I have suggested the following actions.

1. To treat all flat surfaces within toilet cubicles so that they are less conducive to drugs use.
2. To conduct hourly toilet checks of both Mens & Ladies toilets on Friday and Saturday evenings from 1930hrs until close. Details of these checks are to be recorded and police notified of any concerns.
3. To regularly attend pubwatch and ensure that all bans are upheld and any concerns regarding customers who may be involved in drugs are shared with other premises in the area.
4. To enforce a zero tolerance approach to drugs. I have provided you with posters in support of this. You are required to notify police of any suspicions you have, to be vigilant at all times to the possibility of drugs being both used and dealt at the premises, and to challenge people where appropriate, making an accurate record of your actions.

It is also possible for the police licensing team to conduct an Ion Track operation at the door of the premises. The operation involves making it a requirement of entry to the premises for each person to have their hands swabbed. These swabs are immediately analysed and any positive result gives grounds for a search of that person. Any persons found to have drugs on them are dealt with robustly. The operation has seen very positive results in demonstrating not only a premises' support of the licensing objectives, but also their close working relationship with police. It sends a very strong message out to the community that drugs are not tolerated at the premises. Should you be interested in conducting one of these operations then I would suggest that you look out a suitable date for the premises and then get in touch with us to discuss it further.

Venue: Agreed that there would be a close working relationship with police in addressing these issues and requested more frequent foot patrol visits during the weekend evenings. Agreed to implement the above items including attending pub watch on a regular basis. You advised that you would be at the next meeting. You also advised that you would train your staff in relation to recognising signs of drugs use and ask them to assist with conducting toilet checks. When it is just yourself working at the premises you will still make every effort to conduct checks of both the toilets.



Working Sheet

Hampshire Constabulary

Printed: 15/05/2013 19:07 by 24191

Occurrence: 44090394850 Z Prem Licence (Management Occurrence)

Author: #21521 SMITH, G.

Report time: 01/07/2012 01:03

Entered by: #21521 SMITH, G.

Entered time: 01/07/2012 01:03

Remarks: Test purchase op 29/06/12 - Pass

Male (16) and female (17) test purchasers entered and approached the bar, Male TP was told that after 19.00 the policy was that even under18's needed ID to buy soft drinks, Female TP asked for a Smirnoff Ice from a male member of bar staff (described as tall and slim). He went to get the drink from the fridge without challenge. Before he could get the drink out the DPS Pete Smith stopped him and refused the sale after asking for ID.



21521



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**Hampshire Constabulary**  
Chief Constable Alex Marshall

Police Licensing Unit  
Southampton Central Police Station  
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4<sup>th</sup> July 2012

Dear Mr Smith,

As you are aware Southampton Police are committed to working with the licensees in supporting the four licensing objectives i.e. –

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

In order to ensure that the licensing objectives are upheld the Licensing Team regularly conduct test purchase operations.

I am pleased to inform you that your premises was subjected to a test purchase operation during June 2012 and that you passed.

If you have any queries in the meantime then please do not hesitate to contact me.

Yours sincerely,

PC 24191 WOOD  
Violent Crime Reduction & Licensing Team  
Southampton Central Police Station

Working Sheet

Hampshire Constabulary

Printed: 15/05/2013 19:09 by 24191

Occurrence: 44090394850 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B. Report time: 12/08/2012 01:53  
 Entered by: #24191 WOOD, B. Entered time: 12/08/2012 01:53  
 Remarks: Ion Track Op Conducted 11/08/12

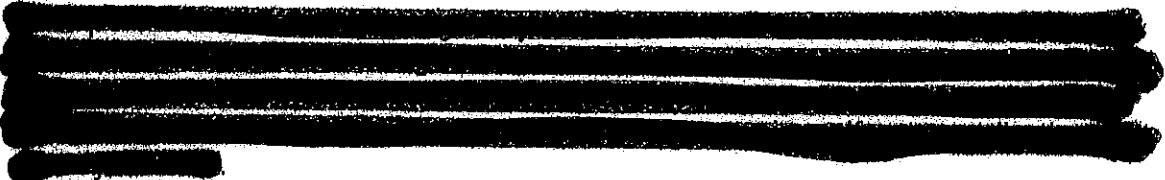
Conducted at Wellingtons Bar, New Milton. Just over 30 people swabbed plus both sets of toilets and the pool table. There were 12 positive hits:

Gents Toilets - 7.57 Cocaine

Ladies Toilets - 3.70

Pool Table - 3.70

The further hits were from persons either in or entering the premises. Of note, one lady was initially swabbed and was negative. She came back some time later and requested that we re-swab her as she had just run her hand along a surface in the Ladies Toilets. The re-test came back as 6.52. She wasn't searched/no C12 generated.



The premises was therefore not prepared for the operation. There were two birthday parties booked and karaoke had been arranged and installed prior to our arrival. We worked with it as Pete agreed to let us carry on. (He had been told by William that our original venue for the evening had let us down). The premises was difficult to control. The side entrance opened out into the smoking area which had direct access onto the main road and was clearly used as a primary entrance by many. On several occasions I directed the PLH outside to usher new customers in through the front entrance. It cannot be said that we swabbed everyone coming into the premises due to this factor, and that the parties were already underway when we arrived. However, I would estimate that 50% of those persons in the premises had been swabbed.

There was a near 30% positive sample rate, keeping our searchers busy (in what were poor conditions). Although no drugs were located the operation has further uncovered the extent of the DR issues at the premises and has caused some unrest amongst the locals and perhaps also the DPS, who seemed to have divided loyalties between the wishes of the PLH and his clientele, who are clearly also friends.

Further work will need to be done. [REDACTED]

[REDACTED] Secondly, a de-brief meeting with the premises to further increase their efforts to tackle the matter. Thirdly, further Ion-Track/covert operations.

In all, a start to identifying the extent of the issues and a show of strength in dealing with the matter. Thank you to all those assisting.



**Hampshire Constabulary**  
**Chief Constable Alex Marshall**

Police Licensing Unit  
 Southampton Central Police Station  
 Southern Road  
 Southampton  
 Hampshire  
 SO15 1AN

**Our ref:** 44000394850

**Your ref:**

**Telephone:** 0845 045 45 45

**Direct dial:** 023 8067 4768

**Fax No:** 0845660037

**Deaf/speech impaired minicom:** 01962 875000

**Email:** [southampton.licensing@hampshire.pnn.police.uk](mailto:southampton.licensing@hampshire.pnn.police.uk)

18<sup>th</sup> September 2012

Dear Mr Drew,

This letter is in reference to the licence visit that took place on the 12<sup>th</sup> September 2012 at Wellingtons, New Milton. The meeting was arranged to discuss a recent Ion Track Operation conducted at the premises. I have summarised our conclusions overleaf.

As you are aware the Western Licensing Team are committed to working with licensees in supporting the four licensing objectives i.e. –

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

Please keep in contact with us and let us know when the new training is implemented and if you require any additional advice, particularly in relation to tackling the drugs issue.

The licensing team will continue to monitor the premises and further visits will be conducted in order to ensure that you are supporting the licensing objectives. Should we get any incidents and the recommendations made overleaf have not been implemented, then we could look to take the matter further by way of review of the premises licence.

Yours Sincerely,

PC 24191 WOOD  
 Violent Crime Reduction & Licensing Team  
 Southampton Central Police Station



**Hampshire Constabulary**  
Chief Constable Alex Marshall

Meeting at Wellingtons 12/09/12

Drugs

An Ion-Track drugs testing operation was conducted at the premises on 11<sup>th</sup> August 2012. This involved police swabbing the hands of people as they entered the premises, and where positive readings were identified people were searched to ensure that no drugs were being brought into the premises.

The police advised that the results seen during this operation were alarmingly high and that the reading taken from the Gents Toilet was 7.57 for Cocaine – indicating very recent direct contact with the substance. The reaction of the vast majority of customers on the night was positive although some were clearly unhappy with the police presence.

You advised that you had received similar feedback and that several customers had asked why the bar staff were not tested. I explained that it is not standard practise to test bar staff as there was an expectation on the DPS of the premises to ensure as best possible that all staff supported the licensing objectives. However, if this is something that you would like to happen next time then this can be arranged very easily providing your staff are willing.

It was felt that it would be beneficial to conduct the operation again but that this time the front door of the premises would be closed and all access and egress would be through the side door, ensuring therefore that everyone entering the premises is swabbed. You requested an operation 24<sup>th</sup> November to start at approximately 1800hrs to coincide with the conclusion of a local football match. I will be in touch to let you know whether this can be accommodated.

We spent some time discussing what further action can be taken in order to address the continued issues with drugs use at the premises:

1. The People Responsible

I expressed surprise that we had not received any phone calls from you advising of suspicions that drugs were either being used or dealt at the premises. It is your role to monitor the activities of your customers and to try and identify those people who are involved in drugs use. If you suspect that people are in possession of drugs in your premises please call the police and explain your suspicions, requesting that officers attend to search that person. Records should be made of this in your incident book.

You were reminded that you have the right to refuse people entry to your premises and that you should make use of this right in order to prevent drug use occurring. You advised that you found this difficult as members of the public would come in just to use the toilets and that some customers had told you that it was a 'Public House' and that the public should therefore be allowed in. I can confirm that this is not the case and that in exercising your duty to prevent crime and disorder, you were likely to have to refuse people entry. This should also be recorded in your incident book and if you ever require assistance then you should call police.

You conduct regular toilet checks and record these, and display posters at the premises indicating a Zero Tolerance approach to drugs use.



## Hampshire Constabulary Chief Constable Alex Marshall

Equally, I have explained that I will request the local police team to visit the premises on a regular basis in order to provide a high visibility presence to your customers and to offer you support in challenging suspicious behaviour. I will also request that swabs are taken at the premises on a regular basis.

### 2. Designing Out

We discussed the possibility of reducing the ability for drugs to be used at the premises. You advised that you already treat surfaces and that the toilet roll holders are round in an attempt to stop them being used. It was explained that the high reading in the Gents Toilets was taken from the only flat surface within the cubicle. As a result of this it was concluded that although changes could be made to the cubicle, this was unlikely to stop drugs being used and that it would be more beneficial to focus on catching those responsible for using the drugs (as above). You advised that you were not treating the sink area in the Ladies Toilets as you had received complaints about it damaging personal belongings. This is something for you to risk assess, and should you feel that this surface is being used then I would suggest that you display signage indicating that the surface has been treated and not to place any items on it. You advised that should the matter not improve then further amendments to the toilets would be considered.

I advised you that the level of drugs believed to be being used at the premises was a real concern and that failure to act diligently and in support of the licensing objectives in addressing this was likely to result in a review being requested of the premises licence.

### Training

**Police:** PS Barry requested in January that you complete and keep records of due diligence training with all your staff. I further requested this in June. This has still not been conducted. As you have previously been made aware, in order to demonstrate due diligence you need to implement a training schedule and I have suggested using the links below for guidance. If you wanted to compile your own training package I would be happy to read it and offer any advice necessary.

**Service Excellence Passport (£2.50 each)**

<http://www.abvtraining.co.uk/index.htm>

**Flow, Licensing & social responsibility (£36.00)**

<http://www.flowhospitalitytraining.co.uk/hospitality-training/licensing-training>

**BIIAB Level 1 Award in Responsible Alcohol retailing training course (£55.00)**

<http://www.accesstraining.co.uk/Training-Courses-And-Consultancies/Licensed-Trade-Courses/BIIAB-Level-1-Award-in-Responsible-Alcohol-Retailing/>

**Act 2003 Ltd DVD & training package (£69.99)**

[http://www.act2003.co.uk/underage\\_dvd.htm](http://www.act2003.co.uk/underage_dvd.htm)

**Licensing Matters Due diligence training packages (price varies)**

<http://www.licensingmatters.net/duediligence.html>



**Hampshire Constabulary**  
Chief Constable Alex Marshall

Your continued reluctance to conduct staff training reflects poorly on the premises and of your support of the licensing objectives.

Venue: Initially advised that you only had two members of staff, however later on in the meeting you mentioned two others. **Anybody who is employed by you conducting licensable activities should receive training.** You again stated that you would conduct training with your staff. You have my email address and are able to email in suggested packages to me to look at if you wish.

**Refusals/Incident Log**

Police: Since our last visit you have now introduced a diarised book, however this has not replaced your existing incident/refusals book. You have two running concurrently. You advised that the diarised book was for incidents that occur outside the premises and that the original book was still being used for incidents occurring internally. There were incidents recorded in the diarised book that had occurred inside the premises, and visa versa. For consistency I have suggested that you keep the original book safely but use just the diarised book from now on. Please ensure that an entry is made on every day that the premises is open, even if this is simply to record 'Nothing of Note' or similar. I would encourage you to document the steps that you are taking to address the drugs problems at the premises in this book also.

Venue: You will now use just the diarised book and apologised for having been confused regarding the suggestions made in June.



Working Sheet

Hampshire Constabulary

Printed: 18/05/2013 18:06 by 24191

Occurrence: 44090394850 Z Prem Licence (Management Occurrence)

Author: #2117 WOOD, S. Report time: 26/11/2012 08:16  
 Entered by: #2117 WOOD, S. Entered time: 26/11/2012 08:16  
 Remarks: ION TRACK CONDUCTED

The ION Track operation was conducted as planned. Throughout the operation the DPS was near us, he would support our requests to the customers as they entered the premises and showed a general interest in what was happening.

At the start of the evening we swabbed the toilets and identified a surface not considered for greasing which was immediately greased by the DPS.

One person ran off after giving a positive reading and was subsequently detained and found in possession of cocaine. He had turned up with two people. One of these also ran off when he saw what was happening but the other remained until he was refused entry quite positively by the DPS.

We had 12 positive hits on the machine ranging from rather low to mid range but on all the searches nothing was found. We also had 17 negative swabs.

Overall the operation was a success with some good outcomes for the local officers.

PS WOOD

## Working Sheet

Hampshire Constabulary

Printed: 21/05/2013 10:33 by 24191

Occurrence: 44090394850 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 13/02/2013 08:21

Entered by: #24191 WOOD, B.

Entered time: 13/02/2013 08:21

Remarks: Visit 12/02/13

Attended by appointment on 12th Feb to discuss installation of CCTV with the DPS and PLH.

PLH advised that 8 cameras were to be installed. There is to be a slight re-arrangement of the premises. The upstairs room is to be opened out with the wall separating it from the stairs/landing being removed. The pool table from downstairs will be moved up here.

There will be sofas installed in the downstairs front room where the pool table is currently.

CCTV to be installed as follows:

1. Rear room looking towards the toilets.
2. In the middle room looking towards the side door and games machine
3. In front room to cover sofas
4. On wooden boarding at top of bar to cover the front room and front door
5. Upstairs covering pool table
6. Outside fire escape upstairs
7. Outside front of premises looking towards Station Road
8. Outside at side of premises

I have requested to be updated once it has been installed.

24191



**RESTRICTED (when complete)**

(16)

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: 

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Statement of: [REDACTED]

Age If under 18: 17 (If over 18 Insert 'over 18') Occupation: [REDACTED]

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [REDACTED] Date: 21/04/13

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the above named person and I live at the address shown overleaf

I am giving <sup>this</sup> statement to the Police in relation to when I was assaulted by [REDACTED] who is my friend's [REDACTED]

In this statement I will mention the following people my friends [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]

Last night we went to the WELINGTON'S PUB & CAFE HOUSE in OLBORNE ROAD, NEW MILTON, at around 2215 to celebrate my parents friends birthday I went in a taxi with [REDACTED] and [REDACTED]. My parents and [REDACTED] were already there

[REDACTED] broke up with [REDACTED] on Friday after 10 months of being in a relationship. They had been having a few issues and [REDACTED] wanted to finish it. [REDACTED] had been behaving quite strangely, for [REDACTED]

Signature: [REDACTED] Signature witnessed by: [REDACTED]

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PTO





RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

Continuation of Statement of:

example sneaking into her house when he was not invited

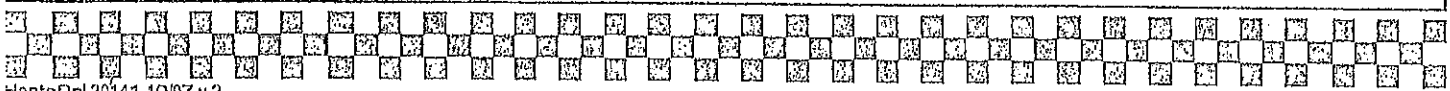
We arrived in town about 2220 hours and went to speak to everyone at the party. We were playing pool and generally having a good time. I could see out of the large window at the front of the pub and noticed a male standing on the opposite side of the road to the pub next to the flats. I did not think anything of it at the time.

I popped outside briefly to get some air and noticed the male was gone. I then noticed the male was  and he had gone over to the window of the pub. He was about 3 metres away from me.  was shouting, "YOU'RE FUCKING OUT OF ORDER. YOU'RE FUCKING DEAD." He repeating this whilst making gangster arm gestures. I said to him just leave it as we were trying to have a good night.  came over towards me. He was shouting "SHOT UP YOU DON'T KNOW WHAT YOU ARE TALKING ABOUT. SHE'S FUCKING OUT OF ORDER." I said, "SHE SAID SHE'S GOING TO SORT IT OUT WITH YOU TOMORROW. I'M GOING IN NOW. YOU'RE NOT GOING TO RUIN MY NIGHT." As I turned round to go back into the pub  pushed

Signature:

44

Signature witnessed by:





RESTRICTED (When complete)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: [ ] [ ] [ ] [ ]

Continuation of Statement of: [REDACTED]

me, with a one handed push. The force of it pushed me to the ground. I did not see this coming as I had my back to him. I hit my head which I believe I hit on the brickwork by the door. I grazed my arm on the window ledge as I fell down. I hit my hip and my knee as I fell down also, and made contact with the other side of the door.

I got back up and went back in. [REDACTED] and [REDACTED] checked I was ok and they told me that they had seen me fall. I popped out the back to get some fresh air and when I went back inside I saw [REDACTED] on floor laid down in the pub. I was told that she had been assaulted by [REDACTED].

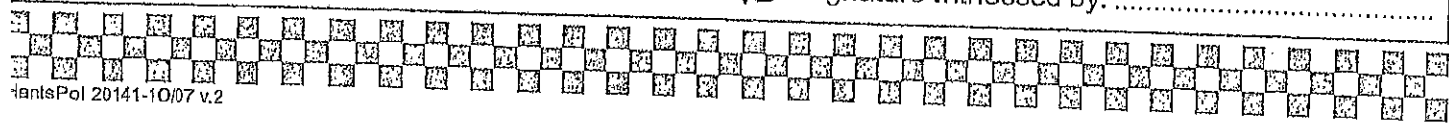
I believe that [REDACTED] called for an Ambulance to have us both checked over. Shortly after they were called Ambulance arrived, followed by the Police. The Ambulance staff advised me to go to hospital as a precaution as I had hit my head.

I attended Southampton General Hospital and was told that I had whip lash injuries and bruising, grazed on my right forearm.

I have known [REDACTED] all my life and went to school together. I have known him to assault other people but would not expect this from him.

Signature: [REDACTED]

45 Signature witnessed by: [REDACTED]





RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: [ ] [ ] [ ] [ ]

Continuation of Statement of: [REDACTED]

The whole incident lasted for about 15 minutes from when I saw [REDACTED] to when he assaulted me. I could clearly see it was [REDACTED] from the lighting of the pub. When [REDACTED] was at the closest point to me he was about a person distance apart [REDACTED]

Signature:

[REDACTED]

46

Signature witnessed by:



Date / Time of Attendance	Time of Assault Type	Time since incident	Presenting Complaint	Patient's Gender	Patient's Age	Accompanied By	Mode of Arrival	Number of assailants	Gender of assailants	Attacked by this person before?	Contributing Factors	Police Involved	Location of Assault
15/04/2013	Hand / Fist		Assault				Car				Alcohol	Yes.	
15/04/2013	Feet		Assault				Ambulance				Alcohol	No.	
15/04/2013	Hand / Fist		Assault				Car				Other/Not Known	No.	
15/04/2013	Hand / Fist		Assault				Car				Other/Not Known	No.	
16/04/2013	Blunt (non-bladed) object		Assault				Car				Other/Not Known	Yes.	
16/04/2013	Other (free text)		Assault				Car				Other/Not Known	Yes.	
17/04/2013	Hand / Fist		Assault				Ambulance				Alcohol	No.	
17/04/2013	Hand / Fist		Assault				Taxi				Alcohol	No.	
17/04/2013	Hand / Fist		Assault				Car				Other/Not Known	Yes.	
17/04/2013	Hand / Fist		Assault				Car				Other/Not Known	Yes.	
18/04/2013	Pushed		Assault				Ambulance				Alcohol	No.	
18/04/2013	Hand / Fist		Assault				Ambulance				Other/Not Known	Yes.	
19/04/2013	Hand / Fist		Assault				Car				Mental Health	No.	
20/04/2013	Hand / Fist		Assault				Ambulance				Alcohol	No.	
20/04/2013	Other (free text)		Assault				Ambulance				Alcohol	Yes.	
20/04/2013	Hand / Fist		Assault				Ambulance				Alcohol	Yes.	
20/04/2013	Other (free text)		Assault				Ambulance				Alcohol	No.	
20/04/2013	Feet		Assault				Ambulance				Alcohol	Yes.	
20/04/2013	Other (free text)		Assault				Ambulance				Alcohol	No.	

Date	Weapon	Time	Gender	Age	Vehicle	Location	Alcohol	Other
21/04/2013	Glass		Female	17	Not known	Wellington Pub, New Milton	No.	
20/04/2013	Other (free text)		Female		Ambulance		Yes.	
21/04/2013	Feet		Female		Ambulance		Yes.	
21/04/2013	Unknown		Female		Ambulance		U/K	
21/04/2013	Hand / Fist	<3 hours	Female		Ambulance		Alcohol	No.
21/04/2013	Unknown		Female		Ambulance		Alcohol	U/K
21/04/2013	Hand / Fist		Female		Car		Alcohol	No.
21/04/2013	Hand / Fist		Female		Walked		Alcohol	Yes.
21/04/2013	Hand / Fist		Female		Taxi		Other/Not Known	Yes.
21/04/2013	Blunt (non-bladed) object		Female		Car		Mental Health	No.
21/04/2013	Blunt (non-bladed) object		Female		Walked		Other/Not Known	No.
21/04/2013	Hand / Fist		Female		Police		Other/Not Known	Yes.
21/04/2013	Hand / Fist		Female		Ambulance		Alcohol	Yes.
28/02/2013	Gunshot		Female		Ambulance		drugs	Yes.

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**For Police and Prosecution Only**

Statement of: [REDACTED] URN: | | |  
Age if under 18: 0 18 (if over 18 insert 'over 18') Occupation: [REDACTED]

This statement (consisting of \_\_\_ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

[REDACTED]

It might have been a charity event at WELLSINGTON'S  
and [REDACTED] and I went, [REDACTED] drove over to my  
house at around 19:00 and parked her car a green P  
reg sent her on the road outside she came in and we  
had a couple of cans of beer before heading out

Signed: [REDACTED] Signature witnessed by: .....

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RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: [ ] [ ] [ ] [ ]

Continuation of Statement of: [REDACTED]

arriving at WELLINGTONS around 1930-1945, [REDACTED] stayed until around 00:00 during that time she drank around 7 pints of cider I would guess which is not uncommon on a special night out. On a scale of 1-10, I being fully sober and to being fully drunk I would say that [REDACTED] was a 9. [REDACTED]

At around 00:00 [REDACTED] said that she wanted to leave as she had drunk a bit too much, I told her to wait and come back to ours with us and get 2 taxis, I think that we may have got another rowed in and [REDACTED] left, I didn't see her leave [REDACTED]



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN :

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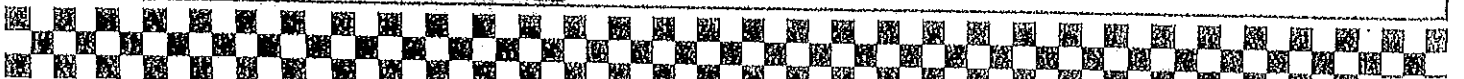
Continuation of Statement of: ... [REDACTED]

51

Signature: .....

[REDACTED]

Signature witnessed by: .....





RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: [ ] [ ] [ ] [ ]

Continuation of Statement of: [REDACTED]

Signature: [REDACTED] 52 Signature witnessed by: [REDACTED]

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**PROTECTIVE MARKING (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: PC 24191 Bethan Wood

URN: | | |

Age if under 18: 018 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Date: 21/05/2013

PC 24191 Bethan Wood

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am PC 24191 Bethan Wood of Hampshire Constabulary currently stationed at Southampton Central Police Station. I am currently employed in the role of a Licensing Officer, taking responsibility for the policing of licensed premises across the New Forest District. Much of this role involves liaising with licensees and offering support and guidance as to how best to support the 4 licensing objectives:

- 1. Prevention of Crime & Disorder
- 2. Protection of Children from Harm
- 3. Public Safety
- 4. Prevention of Public Nuisance

When the licensing objectives are not being supported or offences are committed I am also responsible for taking the appropriate enforcement action.

This statement is in relation to my attendance at Wellingtons Bar, Osborne Road, New Milton on Saturday 18<sup>th</sup> May 2013.

Wellingtons Bar is in the centre of New Milton town and has had several previous licensing visits with recommendations made regarding compliance with licensing legislation, staff training, and proactively addressing concerns that drugs are being used at the premises. The Designated Premises Supervisor Pete SMITH (dob as received written records of these visits and recommendations.

On Saturday 18<sup>th</sup> May 2013 I attended the premises at 1305hrs. On entering the premises the bar is straight in front of you. I could see a male and female sat at the left hand corner of the bar, and a female in conversation with them

Signed :

PC 24191 Bethan Wood

Signature witnessed by :



# HAMPSHIRE CONSTABULARY

## PROTECTIVE MARKING (when complete)

### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Continuation of Statement of: PC 24191 Bethan Wood .....

stood behind the bar. The male had a pint of beer and was drinking from it. I approached the bar and introduced myself to the female who identified herself as J. advised me that SMITH wasn't present and was out having his lunch. I specifically asked whether she had received any training from SMITH. advised that this was her first day at work and that she hadn't received any training but that she was very experienced in bar work. I queried whether she was a personal licence holder, which she confirmed she was not. also advised that she had not signed anything from SMITH regarding her authorisation to sell alcohol. There were no other staff members at the premises at this time.

I asked to view the incident book in relation to an incident that had occurred on 20<sup>th</sup> April. looked behind the bar but could not find this book. quickly phoned SMITH and advised him of my attendance. A request was made that I return in about 45 minutes when SMITH would have returned.

At 1350hrs I re-attended the premises and was met by SMITH. The couple at the bar were still present, and there were no other customers present. I asked SMITH if I might view the incident book, which was now on the bar. He allowed me to view this. I specifically looked at the 20<sup>th</sup> April. Having previously discussed this with SMITH (on 26<sup>th</sup> April) I was aware that SMITH knew of the incident and the female involved as he had advised me at the time that his incident log was with a friend for photocopying, and that the female was definitely 18 years old as he had previously checked her identification. The entry now viewed for 20<sup>th</sup> April reads

**"THERE WAS A INCIDENT OUTSIDE WHERE 2 GIRLS WERE ATTACKED BY A LAD THEY WERE BROUGHT INTO THE PUB AND TAKEN TO HOSPITAL. THE LAD WAS ARRESTED AND THE POLICE TOOK A STATEMENT FROM A CUSTOMER".**

The record does not give details of those involved and does not make it clear that they had been in the premises and were assaulted in the doorway to the premises. A statement provided by the aggrieved, 17 year old states that they were at a party at the premises, and that she had been outside briefly, was assaulted in the doorway and then returned inside the premises. Shortly after returning inside her friend is believed to have been assaulted inside the premises, stating

**"I SAW ON FLOOR LAID DOWN IN THE PUB. I WAS TOLD THAT SHE HAD BEEN ASSAULTED BY"**

The record made in the incident book is misleading.

I then asked SMITH if I might see his training records. He produced a pink plastic folder labelled 'WELLINGTONS' and pulled from it three A4 sheets of paper. There were identical, and all titled 'STAFF TRAINING'. They contained notes on what staff should have been trained in regarding Fire Safety. These had only been completed by three

Signed : PC 24191 Bethan Wood Signature witnessed by : .....

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**HAMPSHIRE CONSTABULARY**

**PROTECTIVE MARKING (when complete)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Continuation of Statement of: **PC 24191 Bethan Wood** .....

members of staff, one of whom was recorded as \_\_\_\_\_, although dated 14<sup>th</sup> May, some 4 days prior to my visit, and despite being advised by \_\_\_\_\_ only 60 minutes previously that she had completed no official training. I explained to SMITH that my real concern was that he had completed due diligence training with his staff, as had been recommended on numerous previous occasions. SMITH began to get flustered. He was reluctant to look directly at me and advised that he had got them but that he couldn't remember where they were, but that he felt that it didn't matter as \_\_\_\_\_ had so much bar experience. I explained that owing to an incident the previous weekend when a female had left the premises in a drunken state and subsequently fallen, causing fatal injuries, that in order to ascertain whether he was sufficiently supporting the licensing objectives, I really needed to view his staff training records. SMITH indicated that they were in his office, directly next to where we were standing. Conscious of relieving some of the pressure from him I advised that I would go and check his Toilet Check sheets whilst he looked for the training records.

Unfortunately there were no Toilet Check sheets present in either the ladies or gentleman's toilets as SMITH had previously been keeping. I returned to where he was and was again advised that he still couldn't find the records but that if I came back in a few minutes he would have found them. I expressed my concern that this, and the fact that \_\_\_\_\_ had advised me she had done no training, made me suspect that he was not being honest with me. In addition to this I asked SMITH where his Toilet Check sheets were as these had been recommended in an effort to deter drugs use at the premises. SMITH advised me that he had kept them for so long and had so many of them that he had just thrown them away. Although I expressed my dissatisfaction at this I asked if he at least had the records for the checks conducted last night (Friday 17<sup>th</sup> May). SMITH advised that he hadn't made records for this date.

Before leaving the premises to allow SMITH to find his staff training records I required that he showed me his authorisation for \_\_\_\_\_ to sell alcohol. He advised that he hadn't got one and as a result of my advice wrote an authorisation in the incident book there and then.

I also checked his Premises Licence Summary, the front page of which was attached to the wall at the rear of the premises, in a staff area. The front page did not contain his details. He found several copies of Premises Licence Summaries in the pink folder. It became apparent that he had an out of date copy of the summary on display (licence no 403/2 rather than 403/3). I personally fixed the correct premises licence summary to the wall (in its entirety) and advised SMITH that it ought to be on public display but that this could be sorted out later on.

I then left the premises to take a photocopy of the incident book.

I returned to the premises at 1440hrs, allowing SMITH plenty of time to have tracked down his staff training. SMITH produced for me 6 A4 sheets from the 'ABV Training' company as records of training received and authorisation to serve alcohol. The sheets did not state what the training had contained, nor did they require the member of staff to do anything other than simply sign the page. In reality they were sheets designed not as training tools or records but as

Signed : \_\_\_\_\_ Signature witnessed by : \_\_\_\_\_  
PC 24191 Bethan Wood



# HAMPSHIRE CONSTABULARY

## PROTECTIVE MARKING (when complete)

### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Continuation of Statement of: PC 24191 Bethan Wood .....

authorisations on behalf of the DPS to sell alcohol. I asked to speak with SMITH in private. I explained the importance of honesty and integrity and asked whether had really received the training on the 14<sup>th</sup> May as one of these sheets suggested, but which neither she, or SMITH seemed to have recalled during our previous two meetings that day. At this point SMITH became a little invasive and said something similar to

**"DON'T BOTHER, I'VE HAD ENOUGH AND HAVE DECIDED I'M GOING TO QUIT"**

We agreed that it wasn't going to be possible to prove whether had indeed received proper training without placing her in a very awkward position.

I briefly viewed the ABV Training booklet that SMITH advised he had used for his training. At a glance the book clearly detailed the Challenge 21 policy, not Challenge 25 as is operated by the premises, and did not seem to cover anything in relation to drugs training, which SMITH has previously advised he would cover with his staff. I pointed out these inadequacies to SMITH and advised him that he ought to change the age verification policy within the training book and supplement it with additional information.

SMITH then went on to produce for me Toilet Check sheets for the day, signed by both himself and for 1100hrs, 1200hrs, 1300hrs and 1400hrs on the 18<sup>th</sup> May. I asked whether these had really been completed as he hadn't had the records earlier in the day. SMITH advised that they had taken place but did eventually acknowledge that he had quickly drawn up the sheet whilst I had been away from the premises and retrospectively completed the details.

I concluded my visit by stressing to SMITH that our role is to offer guidance and support on how best to support the licensing objectives. It is when this guidance is not acted upon and there are sufficient concerns that the licensing objectives are being undermined, that enforcement action is taken. I advised that I felt that he could have done more and that I would seek advice from my senior officers regarding a review of the premises licence. In the meantime he should contact me should he require any further clarification or assistance with putting in place the recommendations made.

On Tuesday 21<sup>st</sup> May 2013 I sent SMITH a file containing new Challenge 25 posters, 2 different types of Zero Tolerance to drugs posters, leaflets produced by Hampshire Constabulary entitled 'Saying NO to underage drinkers', and 'Dealing with Drunkenness', and a window sticker to support their age verification policy. My contact details including email address were also included with this information.

Signed

PC 24191 Bethan Wood

Signature witnessed by :



**The Licensing Act 2003:  
Authorised responsibility in the absence of the DPS**

Premises Name:	Premises Licence number:
Address:	Issuing Authority:
Post Code:	

I \_\_\_\_\_ accept responsibility for the legal running of the above named Premises in the absence of the Designated Premises Supervisor between the dates of .....&.....  
 I confirm that I have received, read and understood a copy of the Premises Licence, a copy of which is attached to this document, and agree to comply with the Licensing Act 2003, the mandatory conditions of the licence, together with any special conditions contained within the licence.

**Summary of activities**

Times that alcohol can be sold:

Additional Licensed Activities and times:

Special conditions:

Name: \_\_\_\_\_  
 (If personal licence holder to complete the following)  
 number: \_\_\_\_\_ . Issuing Authority: \_\_\_\_\_ .  
 Signed: \_\_\_\_\_ . date: \_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_ .  
 (personal licence holder)

Name of DPS: \_\_\_\_\_ Licence number: \_\_\_\_\_ .  
 Issuing Authority: \_\_\_\_\_ .  
 Signed: \_\_\_\_\_ . date: \_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_ .  
 (DPS)

## Working Sheet

Hampshire Constabulary

Printed: 18/05/2013 16:38 by 24191

Occurrence: 44090394850 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 18/05/2013 13:29

Entered by: #24191 WOOD, B.

Entered time: 18/05/2013 13:29

Remarks: Visit 1305hrs 18/05/13

Visited at 1305hrs, unannounced.

Male and female at bar....male had a pint of beer. Female employee behind the bar introduced herself as . Pete Smith (DPS) not present.

I asked if I could see the incident book. She looked at me blankly. I explained, she looked, but couldn't find the book. explained that she started work today. She doesn't hold a personal licence and hasn't received any training from Pete. She has got 30yrs bar experience.

There was no authorisation for to sell alcohol and no other member of staff on site.

No CCTV has been installed. Premises licence summary front page only on display but not publicly (in a staff area behind the bar).

phoned Pete, who asked if I could go back in about 45 minutes, which I will do.

24191

## Working Sheet

Hampshire Constabulary

Printed: 18/05/2013 16:34 by 24191

Occurrence: 44090394850 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 18/05/2013 15:51

Entered by: #24191 WOOD, B.

Entered time: 18/05/2013 15:51

Remarks: Attendance 1350hrs &amp; 1440hrs.

1350hrs,

Re-attended as per request. Pete Smith was present. He produced for me a pink file marked up as 'Wellingtons'. I requested to see his training records. He produced for me three A4 sheets (all identical with the exception of the signatures and dates). These were headed up 'STAFF TRAINING'. They contained fire/health & safety items in bullet point format stating that 'staff should have been trained in the following'. There was nothing within this training regarding licensing or due diligence. One of the documents had been signed by (the member of staff on duty) and dated 14th May, despite her confirmation to me less than an hour before that this was her first day at work and that she had completed no training. I asked Pete if he had some licensing training documents. He said that he did but that he wasn't sure where he had put them. When I asked whether had completed this training he said that she was more experienced than he was, but did not answer the question. I explained to Pete that as a result of the incident in April when a 17 year old female had been in the premises drinking, and the incident last weekend when a female has left the premises when drunk and consequently driven home and fallen down the stairs causing fatal injuries, that it was likely that a review of the premises licence would be requested in order that measures could be put in place to further promote public safety and prevention of crime and disorder. I asked Pete again whether he really couldn't find the training records for his staff as this was a significant factor in his promotion of the licensing objectives. I said that I would go to check the toilet check sheets (kept in the toilets) whilst he had a look in the office (keen to see the records but take some of the pressure off Pete). Unfortunately there were no toilet check sheets. Pete advised that he had collected so many check sheets that he had thrown them all away. I asked to see last nights - he said he didn't have any from last night. Ultimately, Pete advised that he couldn't find the training records but would have them by the time I came back to the premises with the incident book. I explained my suspicions that the training records for didn't exist but nonetheless left the premises to take copies of the incident book and advised that I would return.

I asked Pete whether he had authorised to sell alcohol in his absence. He stated that he hadn't. I advised that this was an offence and that if he was to leave the premises she would have to cease serving. I advised Pete to write an authorisation for her in the incident book in order that sales could continue in his absence.

RESTRICTED

1440hrs.

Re-attended having copied the incident book. This contains entries for incidents reported at the premises and occasional refusals although never any names and nothing to do with DR.

Pete produced about 6 A4 sheets from the ABV training company as 'records' of training received and authorisation to serve alcohol. These sheets do not state what the training has contained or require any acknowledgement of the learning such as a test. I requested to speak to Pete in private. I explained to him the importance of honesty and integrity and asked whether [redacted] had really received the training on the 14th May as this sheet suggested, but which she had little knowledge of, or whether she had simply been asked to sign it in the hour that I was away from the premises. At this point Pete said something similar to 'DON'T BOTHER, I'VE HAD ENOUGH AND HAVE DECIDED I'M GOING TO QUIT'. He went on to say that he was having personal problems and that he felt depressed. Our conversation continued and it was explained that the police have a job to do and that he must be able to see the concerns that I had, which he acknowledged were justified. We agreed that it wasn't going to be possible to prove whether [redacted] had actually received training without asking her directly (again) which I advised I wasn't going to do as I wasn't investigating a criminal offence, and was simply concerned that the training provided needed to be of a good, memorable, quality. I advised Pete that if [redacted] had not completed the training but had signed the form that he would need to provide her with the training asap.

The ABV training book itself referred to Challenge 21, not 25, and at a quick glance through contained nothing to do with drugs training.

I was told that CCTV would be arriving next week and would hopefully be installed by the end of next month.

Pete then produced for me toilet check sheets that had been signed by he and [redacted] at 1100, 1200, 1300 and 1400hrs today. I asked whether these had really been completed as he hadn't had the records earlier and [redacted] hadn't seemed to know anything about these. Pete advised that they had but did eventually acknowledge that he had quickly drawn up the sheet whilst I had been away from the premises.

I concluded my visit by advising Pete that a review would be requested in order to alleviate concerns that the licensing objectives are currently not being supported. I re-assured Pete that I would inform the premises licence holder of this and keep them both up to date with what was being requested. I also agreed to send him further drugs and challenge posters, and additional supporting materials.

Actions:

1. Posters to be sent to DPS
2. PLH to be updated
3. Review to be submitted

**PROTECTIVE MARKING (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: | | |

Statement of: PC 24191 Bethan WOOD

Age if under 18: 018 (if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Date:

PC 24191 Bethan WOOD

06/06/13

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am PC 24191 Bethan Wood of Hampshire Constabulary currently stationed at Southampton Central Police Station with the Violent Crime Reduction and Licensing Team.

The role of a Licensing Officer requires reviews to be carried out of Licensed Premises when they are not being run in accordance with the Licensing Objectives. This statement is in relation to the review of Wellingtons PH, 2-4 Osborne Road, New Milton.

As part of the work undertaken in compiling evidence to support the review I have researched occurrences and intelligence within the New Milton town centre beat area, known as 1NL01, where the premises is situated. All these occurrences and intelligence logs are held within Hampshire Constabulary's Record Management System (RMS).

I can confirm that from 1<sup>st</sup> January 2012 to today, 6<sup>th</sup> June 2013 there have been:

30 drug offences reported

164 thefts reported

182 incidents of anti-social behaviour reported

51 intelligence reports relating to drugs

Of the 51 intelligence reports relating to drugs, 10 are directly linked to Wellingtons PH, representing 19% of all those recorded.

Signed :

Signature witnessed by :

PC 24191 Bethan WOOD

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# HAMPSHIRE CONSTABULARY

## PROTECTIVE MARKING (when complete)

### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Continuation of Statement of: **PC 24191 Bethan WOOD** .....

Hampshire Constabulary have subsequently sought to either prove or disprove that drugs are being used within the premises by taking Ion Track swabs from various surfaces.

The swabs collect particles from a surface which when placed into the itemiser machine, are tested to indicate not only what type of controlled substance is present, but also the quantity. The machine provides readings between 1 and 8. It has been suggested by Morpho Detections, the manufacturer of the machine that a level of 4 and above indicates recent direct contact with a substance.

There have been 7 sets of these swabs taken which are detailed within the occurrence summary, exhibited as **BW/PH/01**.

In April 2013 the Mens Toilets tested positive for Cocaine with a reading of 7.34, and the Ladies Toilets tested positive for Cocaine with a reading of 6.89, and a smaller positive reading of 1.22 for MDMA (meth-amphetamine). These are the highest readings recorded for the premises, despite 16 months of providing advice and support to the management to assist in deterring the use of drugs at the premises.

It has been requested that the management of the premises be vigilant to the signs of drugs use and take appropriate action to disrupt this, including recording any suspicions that they have, and contacting police to advise of these and to request support.

On 18<sup>th</sup> May 2013 I visited the premises and was provided with the incident/refusals diary by Peter SMITH, the Designated Premises Supervisor. I took this to New Milton Police Station where I photocopied the book from 24<sup>th</sup> January 2013 to 19<sup>th</sup> May 2013. I produce this as evidence bearing exhibit reference **BW/PH/02**. There are no written logs within this book regarding action taken by the SMITH or his staff in relation to either deterring or disrupting drugs use at the premises. SMITH was unable to locate the 2012 book for this to be checked.

I can also confirm that as at 1430hrs on 6<sup>th</sup> June 2013, Hampshire Constabulary have not received any contact from SMITH regarding suspicions that he has regarding people using drugs at his premises.

A map of beat area 1NL01 is produced as evidence bearing exhibit reference **BW/PH/03**.

Signed :  
PC 24191 Bethan WOOD

Signature witnessed by : .....

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## Working Sheet

Hampshire Constabulary

Printed: 06/06/2013 15:35 by 24191

Occurrence: **44090394850 Z Prem Licence (Management Occurrence)**

Author: #2929 SIMON, L.

Report time: 18/05/2013 23:55

Entered by: #2929 SIMON, L.

Entered time: 18/05/2013 23:55

Remarks: licensing vsitit wellingtons 18/05 2220 hrs

18/05/13

Visit to Wellingtons on Saturday 18/05/13 at 2220 hrs. 10-12 customers and quite quiet. DPS Pete Smith behind bar and very down and withdrawn after licensing visit earlier that day. Claimed that he was going to attend the next pubwatch meeting after being asked why he had missed th last 3-4 months, saying he was going to raise someone for a ban. Both were seen inside the bar although ' had left when the officers came back into the bar from taking ion track swabs in toilets and bar table areas.

2929