

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

**APPLICATION FOR REVIEW OF A PREMISES LICENCE: HAVEN BAR &
BISTRO, LYMINGTON**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Friday, 6 December 2013 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor G C Beck - Chairman
Councillor J Penwarden
Councillor L R Puttock

2. Parties and their Representatives attending the Hearing

PC Conway & PC Cherry, Hampshire Constabulary – Applicant for Review
Mr R Smith – Premises Licence Holder

3. Other Persons attending the Hearing

Cllr Mrs Rostand – Observer

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Amanda Wilson – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

That the provisions contained in “Annex 2- Conditions consistent with the operating schedule” of the licence, under the following headings, be deleted in their entirety:

- a) General – all four licensing objectives (b,c,d,e)
- b) The prevention of crime and disorder
- e) The protection of children from harm

That the following conditions be attached to the licence: -

CCTV

1. 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 stroop lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
2. CCTV warning signs to be fitted in prominent positions at the premises.
3. 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.
4. 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.
5. 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.
6. In the event of technical failure of the CCTV equipment, the Premises Licence Holder/DPS must report the failure to the Western Hampshire Police Licensing Unit within 24 hours.

Incident Book

7. 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 any responsible authority upon request.
8. 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 between each party. The entry shall be timed, dated and signed by the author.
9. 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.

10. The incident book will be checked weekly 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 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.

Refusals book

11. A written log shall be kept of all age verifications made and 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 premises manager.
12. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by any responsible authority.
13. The record of refusals will be retained for 12 months.

Challenge 25

14. 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.
15. 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.
16. 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.
17. 'Challenge 25' posters shall be displayed in prominent positions at the premises.

Staff Training

18. 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 and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.
19. 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.
20. 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 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.

21. All training records will be made immediately available for inspection by 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.

7. Reasons for the Decision

The Sub-Committee carefully considered the police's application for review of the premises licence, along with the evidence, both written and oral, supplied by the police and the premises licence holder.

The Sub-Committee noted that a number of conditions which the police proposed to be attached to the premises licence, as set out in pages 4 to 6 of the agenda papers, had been agreed between the parties prior to the hearing.

The Sub-Committee was of the view that attaching the conditions to the licence would promote the licensing objectives, particularly relating to the prevention of crime and disorder and protection of children from harm.

The Sub-Committee was extremely disappointed that it became necessary for the police to request a review of the premises licence. The Sub-Committee considered the seriousness of selling alcohol to children and the importance of promoting the licensing objectives in the licenced premises. The Sub-Committee carefully reviewed the options available to it and considered which steps would be appropriate for the promotion of the licensing objectives.

The Sub-Committee felt that the imposition of the requested conditions was a proportionate and appropriate response to the two failed test purchases at the premises and the failure of the premises licence holder to make modifications to the way the business operated despite repeated advice from the police.

The Sub-Committee noted that both the applicant for review and the premises licence holder had confirmed that the majority of conditions had already been adopted by the premises licence holder.

The Sub-Committee advised the premises licence holder of the seriousness of the application for review and the proceedings of the licensing hearing itself. The premises licence holder was clearly warned that the adherence to the licence and conditions of the licence was absolutely essential.

The Sub-Committee reminded all parties that should issues arise in the future at the premises, the premises licence could be called back in for review and the options open to the Sub-Committee included the power to remove the Designated Premises Supervisor or revoke the licence.

Date: 6 December 2013

Licensing Sub-Committee Chairman: Cllr G C Beck

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Decision notified to interested parties on 9 December 2013