

**NEW FOREST DISTRICT COUNCIL  
LICENSING ACT 2003**

**APPLICATION FOR REVIEW OF A PREMISES LICENCE: THE GLEN, BUTTS  
ASH LANE, HYTHE**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on Thursday, 24 July 2014 at 10.00am**

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**1. Members of the Licensing Sub-Committee**

Councillor G C Beck - Chairman  
Councillor J Heron  
Councillor J Penwarden

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**2. Parties and their Representatives attending the Hearing**

PC Conway and PC Harris, Hampshire Constabulary – Applicant for Review

Ms Stone – Premises Licence Holder  
Mr Bannister – Business Partner  
Mr Slaughter – Supporter of the Premises Licence Holder

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**3. Other Persons attending the Hearing**

Mr Mitchell – Supporter of Premises Licence Holder (observer)  
Mr Lowe – Enterprise Inns (observer)  
Cllr J Binns – Local Ward Member (observer)

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**4. Parties not attending the Hearing**

None.

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**5. Officers attending to assist the Sub-Committee**

Lisa Clark – Legal Advisor  
Melanie Stephens - Clerk

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**6. Decision of the Sub-Committee**

That the following conditions be attached to the premises 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 strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

2. CCTV warning signs to be fitted in public places.
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.
6. 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 copy of the CCTV system software enabled on the disc to allow playback.
7. In the event of technical failure of the CCTV equipment the Premises Licence Holder/DPS must report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

#### Incident/refusals book

8. An incident/refusals 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.
9. 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.
10. A written log shall be kept in the book of all refusals including refusals to sell alcohol. 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. Should there be no incidents then this will also be recorded at the close of business in the incident book.

#### Challenge 25

11. 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, shall produce identification proving that individual to be 18 years of age or older.
12. Acceptable identification for the purposes of age verification will include a driving licence, passport, HM Forces ID card or photographic identification bearing the "PASS" logo and the person's date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
13. Challenge 25 posters shall be displayed in prominent positions at the premises.

### Staff Training

14. 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.
15. 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.
16. 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.
17. 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.

### Floorwalker

18. Staff will monitor customers for signs and/or symptoms of excess alcohol consumption. Anyone suspected of consuming excess amounts of alcohol shall be brought to the attention of the DPS or manager on duty who will ensure that no further alcohol is served to them. A record will be maintained detailing the time and date with a brief description of the person who has been brought to the attention of the DPS or Manager.

## **7. Reasons for the Decision**

The Sub-Committee carefully considered the Police's application for review of the premises licence.

Having considered the evidence presented by the Police, the premises licence holder and her business partner at the hearing, and the evidence supplied in writing, the Sub-Committee decided that the conditions requested by the Police (as set out on pages 13-15 of the agenda papers) be attached to the premises licence, subject to one amendment to proposed condition number 5 – floorwalker.

The condition to be attached to the premises licence will read: - "Staff will monitor customers for signs and/or symptoms of excess alcohol consumption. Anyone suspected of consuming excess amounts of alcohol shall be brought to the attention of the DPS or manager on duty who will ensure that no further alcohol is served to them. A record will be maintained detailing the time and date with a brief description of the person who has been brought to the attention of the DPS or Manager".

The Sub-Committee considered that this was the responsibility of all staff members and that a separate floorwalker was not appropriate for the promotion of the licensing objectives.

The Sub-Committee was very concerned to hear of the incident on 6 April 2014 involving a three year old child, and that the premises had subsequently failed a test purchase involving two persons under the age of 18. The Sub-Committee takes the protection of children from harm very seriously.

The Sub-Committee were pleased to note that the DPS had obtained the Designated Premises Supervisor BIIAB Level 2 Award, as requested by the Police. They were also pleased to note that the premises had implemented all of the recommendations made by the Police.

The Sub-Committee was of the view that attaching the conditions (with amendment) would ensure that the standards now in place at the premises would be maintained, and would promote the licensing objectives, particularly the prevention of crime and disorder and the protection of children from harm.

**Date: 24 July 2014**

**Licensing Sub-Committee Chairman: Cllr G C Beck**

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**Decision notified to interested parties on 28 July 2014**