

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

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 the Glen, Butts Ash Lane, Hythe. The application is attached as **Appendix 1**.

3. REPRESENTATIONS

- 3.1 Three letters of representation in support of the Premises Licence Holder have been received and are attached as **Appendix 2**. One representation has been made by the representatives of the owner of the premises and the other two representations are from users of the premises.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to consider the review application.
- 4.2 The relevant sections of the Home Office guidance issued under Section 182 of the Licensing Act 2003 are attached as **Appendix 3**.

5. CONCLUSION

- 5.1 Members 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

Background papers:

Appendix 1 - S51 Review Application
Appendix 2 - Supporting Letters
Appendix 3 - Home Office Guidance



Hampshire Constabulary
Chief Constable Andy Marsh

New Forest District Council
Licensing Department
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN

Telephone: 0845 045 45 45
Direct dial: 023 8067 4768
Fax No: 08453660037

Deaf/speech impaired minicom: 01962 875000
Email: western.licensing@hampshire.pnn.police.uk

29th May 2014

Our ref:
Your ref:



Dear Sir,

On behalf of Hampshire Constabulary, I submit the following review application in relation to a premises licence for The Glen, Butts Ash Lane, Hythe, Southampton.

As I am sure your aware your statement of licensing policy states that under the Licensing Act 2003, licensees have a duty to promote the four licensing objectives which are-

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

Further to this, Section 17 of the Crime and Disorder Act 1998 imposes an obligation on every police authority and local authority to do all that it can to reasonably prevent –

- crime and disorder in its area including anti-social and other behaviour adversely affecting the local environment; and
- the misuse of drugs, alcohol and other substances in its area.

The premises is currently failing in its duty to promote the licensing objectives as outlined in the review application, therefore I submit this application to review the premises licence.

Yours faithfully,

PC 24288 Harris
Violent Crime & Licensing Department
Southampton



Licensing Act 2003

Premises Licence

Issued under Section 24 of the above Act

| | |
|--------------------------------|-------|
| Premises Licence Number | 580/5 |
|--------------------------------|-------|

Part 1 - Premises Details

| Postal address of premises, or if none, ordinance survey map reference or description | |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| The Glen Butts Ash Lane Hythe Southampton Hampshire SO45 3RF | Map Ref (E): 441968.312460548 Map Ref (N): 105834.415579315 UPRN: 100060502037 |
| Telephone Number: 023 80 842162 | |

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

| Licensable activities authorised by the licence |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B) Exhibition of a Film C) Indoor Sporting Events E) Performance of Live Music F) Playing of Recorded Music G) Performance of Dance H) Anything of a similar description to that falling within (e), (f), (g) - Both I) Provision of Late Night Refreshment J) Supply of Alcohol |

| The times the licence authorises the carrying out of licensable activities | | | |
|----------------------------------------------------------------------------|-------------------------------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------|
| B - Exhibition of a Film | Exhibition of films may take place: | | Indoors Y |
| | | | Outdoors |
| | | | Both |
| Day | Start | Finish | |
| Mon | 11:00 | 01:00 | Further details: Video entertainment on t.v. screens and amusement machines Seasonal variations: Non standard timings: |
| Tues | 11:00 | 01:00 | |
| Wed | 11:00 | 01:00 | |
| Thur | 11:00 | 01:00 | |
| Fri | 11:00 | 01:00 | |
| Sat | 11:00 | 01:00 | |
| Sun | 11:00 | 01:00 | |

| C - Indoor Sporting Events | | | |
|----------------------------|-------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Day | Start | Finish | |
| Mon | 11:00 | 01:00 | Further details: Live (acoustic/amplified) music and amplified voice. Music in the garden will end at 21:00hrs. All indoor performances will be limited to end at 00:30hrs to minimise nuisance Seasonal variations: Non standard timings: |
| Tues | 11:00 | 01:00 | |
| Wed | 11:00 | 01:00 | |
| Thur | 11:00 | 01:00 | |
| Fri | 11:00 | 01:00 | |
| Sat | 11:00 | 01:00 | |
| Sun | 11:00 | 01:00 | |

| E - Performance of Live Music | | | Performance of live music may take place: | |
|-------------------------------|-------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| | | | Indoors | |
| | | | Outdoors | |
| | | | Both | Y |
| Day | Start | Finish | | |
| Mon | 11:00 | 00:30 | Further details: Live (acoustic/amplified) music and amplified voice. Music in the garden will end at 21:00hrs. All indoor performances will be limited to end at 00:30hrs to minimise nuisance Seasonal variations: Non standard timings: | |
| Tues | 11:00 | 00:30 | | |
| Wed | 11:00 | 00:30 | | |
| Thur | 11:00 | 00:30 | | |
| Fri | 11:00 | 00:30 | | |
| Sat | 11:00 | 00:30 | | |
| Sun | 11:00 | 00:30 | | |

| F - Playing of Recorded Music | | | Playing of recorded music may take place: | |
|-------------------------------|-------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| | | | Indoors | |
| | | | Outdoors | |
| | | | Both | Y |
| Day | Start | Finish | | |
| Mon | 11:00 | 00:30 | Further details: Recorded music, including jukebox and karaoke, with or without a D.J. during normal business or as part of functions and including audience participation. Music in the garden will end at 21:00hrs Seasonal variations: Non standard timings: | |
| Tues | 11:00 | 00:30 | | |
| Wed | 11:00 | 00:30 | | |
| Thur | 11:00 | 00:30 | | |
| Fri | 11:00 | 00:30 | | |
| Sat | 11:00 | 00:30 | | |
| Sun | 11:00 | 00:30 | | |

| G - Performance of Dance | | | Performance of dance may take place: | Indoors | |
|---------------------------------|-------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---|
| | | | | Outdoors | |
| | | | | Both | Y |
| Day | Start | Finish | | | |
| Mon | 11:00 | 00:30 | Further details: Events for adults and children Indoors and outdoors with or without audience participation Seasonal variations: Non standard timings: | | |
| Tues | 11:00 | 00:30 | | | |
| Wed | 11:00 | 00:30 | | | |
| Thur | 11:00 | 00:30 | | | |
| Fri | 11:00 | 00:30 | | | |
| Sat | 11:00 | 00:30 | | | |
| Sun | 11:00 | 00:30 | | | |

| H - Anything of a similar description to that falling within (e), (f), (g) - Both | | | This entertainment may take place: | Indoors | |
|------------------------------------------------------------------------------------------|-------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---|
| | | | | Outdoors | |
| | | | | Both | Y |
| Day | Start | Finish | | | |
| Mon | 11:00 | 00:30 | Description of the type of entertainment being provided: Comperes for quiz and similar events Comedians and similar performances In any case using voice amplification Further details: Seasonal variations: Non standard timings: | | |
| Tues | 11:00 | 00:30 | | | |
| Wed | 11:00 | 00:30 | | | |
| Thur | 11:00 | 00:30 | | | |
| Fri | 11:00 | 00:30 | | | |
| Sat | 11:00 | 00:30 | | | |
| Sun | 11:00 | 00:30 | | | |

| I - Provision of Late Night Refreshment | | | This entertainment will take place: | Indoors | |
|------------------------------------------------|-------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---|
| | | | | Outdoors | |
| | | | | Both | Y |
| Day | Start | Finish | | | |
| Mon | 23:00 | 01:00 | Further details: Provision of hot drinks and snacks particularly during functions and events Seasonal variations: Non standard timings: | | |
| Tues | 23:00 | 01:00 | | | |
| Wed | 23:00 | 01:00 | | | |
| Thur | 23:00 | 01:00 | | | |
| Fri | 23:00 | 01:00 | | | |
| Sat | 23:00 | 01:00 | | | |
| Sun | 23:00 | 01:00 | | | |

| J - Sale or Supply of Alcohol - On and Off the Premises | | |
|---------------------------------------------------------|-------|--------|
| Day | Start | Finish |
| Mon | 11:00 | 01:00 |
| Tues | 11:00 | 01:00 |
| Wed | 11:00 | 01:00 |
| Thur | 11:00 | 01:00 |
| Fri | 11:00 | 01:00 |
| Sat | 11:00 | 01:00 |
| Sun | 11:00 | 01:00 |

Further details:

Seasonal variations:

Non standard timings:

The opening hours of the premises

| L - Opening Hours | | |
|-------------------|-------|--------|
| Day | Start | Finish |
| Mon | 11:00 | 01:00 |
| Tues | 11:00 | 01:00 |
| Wed | 11:00 | 01:00 |
| Thur | 11:00 | 01:00 |
| Fri | 11:00 | 01:00 |
| Sat | 11:00 | 01:00 |
| Sun | 11:00 | 01:00 |

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

Hannah Victoria Stone
 The Glen
 Butts Ash Lane
 Hythe
 Southampton
 SO45 3RF

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

Hannah Victoria Stone
The Glen
Butts Ash Lane
Hythe
Southampton
SO45 3RF

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

1210/1
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: 04/12/2013

Date licence commences: 04/12/2013

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 the licence authorises exhibition of films:

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where:
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section:

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

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)

The types of regulated entertainment proposed reinstate the normal pub and family entertainments that were previously unregulated.

Facilities for the live and recorded music, dancing and voice are proposed in support of bookings events and the business of a family friendly public house.

No new steps have been identified by risk assessment in relation to the full licensing objective except as below.

The terms of the Local Licensing Policy have been considered in prepared in this application.

b) The prevention of crime and disorder

Not less than 5 working days written notice will be provided to the Police on 'Event Days' during existing permitted hours.

Better management of departure of customers as the renewed hours will allow varied departure times, which will promote gradual and orderly dispersal of customers.

The extension of hours will result in alcohol being consumed less quickly.

c) Public Safety

No risks that are not covered by the legislation.

d) The prevention of public nuisance

Music will end half an hour before closing.

There will be no more than 12 external events per annum.

At all times prior to 23:00 hours, music and noise emanating from the premises, whilst audible, shall be so low that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all noise sensitive premises.

The licensee or nominated representative shall receive and respond to complaints throughout the duration of the regulated entertainment.

At all times after 23:00 hours, music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises.

All external doors and windows shall be kept closed, other than for access and egress, when events involving live and/or amplified music (including amplified speech) are taking place.

For the purposes of this licence noise sensitive premises are defined as "Noise sensitive premises include premises used for residential purposes, hospitals or similar institutions, educational establishments (when in use), or places of worship (during recognised times and days of worship) or any premises used for any other purposes likely to be affected by the music noise."

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply.

No unusual risk of harm to children that are not already covered by other legislation have been identified.

Children under 18 will not be allowed on the premises after 24:00hrs. The restrictions set out in the Licensing Act 2003 will apply so adults accompanying the child provides protection from harm. Safety of the premises and play equipment is fully covered by other legislation.

Annex 3 - Conditions attached after a hearing by the licensing authority
N/A

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: | 8/11/2004 |



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 24288 Harris, 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.
Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Table with 2 columns: Field (Postal address of premises, Postcode) and Value (The Glen, Butts Ash Lane, Hythe, Southampton, Hampshire, SO45 3RF)

Name of premises licence holder or club holding club premises certificate (if known) Hannah Victoria Stone

Number of premises licence or club premises certificate (if known) 580/5

Details of responsible authority applicant

Form with fields for title (Mr, Mrs, Miss, Ms, Other title/Rank), Surname (Harris), First Names (Jon), Current postal address (Southampton Central Police Station, Southern Road, Southampton), Postcode (SO15 1AN), Daytime telephone number (02380 674768), and E-mail address (optional).



RESTRICTED

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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

RESTRICTED



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

This application to review relates to the following licensing objective(s)

- 1) The prevention of crime and disorder [X]
2) Public safety []
3) The prevention of public nuisance []
4) The protection of children from harm [X]

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

This review is brought by Hampshire Constabulary as a responsible authority under the Licensing Act 2003. Hampshire Constabulary have serious concerns that the premises is failing in its duty to promote the licensing objective of the protection of children from harm.

There have been two incidents in close succession which have raised such concerns. The first occurred at 22:30 hours on 6th April 2014, whereby a mother left her 3-year-old daughter in the care of strangers after she had a drink fuelled argument with her partner. The male who had been in the premises for around 5 hours, had just recognised a co-owner of the premises for previously reporting him for a drink drive matter and attempted to assault him, whilst making various threats. The mother left the premises walking home and the male was arrested by police, leaving the child in the care of strangers.

The second incident occurred on 3rd May 2014, when an organised test purchase operation took place in Hythe. The Glen was one of the premises tested after the police had recently received intelligence that the premises were serving persons underage. Two test purchasers were sent into the premises, including a male who was only recently 17 and a female who was 15 years of age. Both were served alcoholic drinks by the designated premises supervisor with no challenge made to verify their age.

Following these incidents, Police seek a review of the premises licence to ensure the licensing objectives are promoted. To do this, the police seek the following:

- 1) Current DPS to be trained to BIIAB Level 2 Award for Designated Premises Supervisor within 6 months

and consideration be given to the following conditions to be added to the premises licence: 1) CCTV

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

CCTV warning signs to be fitted in public places.



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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 Western Police Licensing Unit within 24 hours.~~

2) Incident/refusals book

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.

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.

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.

3) 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.



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Acceptable identification for the purposes of age verification will include a driving licence, passport, HM Forces ID card or photographic identification bearing the "PASS" logo and the person's date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

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

4) 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 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.

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.

5) Floorwalker

A member of staff will be employed (may not be their only role) to patrol the venue and 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. The name of the person given this responsibility will also be recorded.

The police evidence to support this is as follows:

A mother took her 3 year old daughter to the Glen on 6th April 2014 at around 17:30 hours. She was in the company of her partner who is not the father of the child. Annex A is a



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statement produced by a member of bar staff. Of note in the statement, the barmaid mentions that the pub was very busy with a pub quiz on. She started work at 17:30 hours and the mother, partner and child were present already. She then states "Over the course of the evening the mother was getting quite drunk, she was also becoming a bit tearful and speaking to various other customers. Her male partner was getting much louder and a bit aggressive as he was drinking more. He lost his bank card and was getting angry that he couldn't find it. He accused me of not returning it the previous time he had brought drinks however, he eventually found it under a chair. He then came back to the bar and bought more drinks including double shots of Jack Daniels and pints of lager". This statement raises serious concerns as it would appear that the barmaid identified signs or symptoms that suggest the couple were drunk and yet she served more alcohol, which included double shots of spirits. She does go on to say that she decided that these were going to be their last drinks, despite identifying that the couple were drunk and becoming a problem. With the amount of alcohol served this could quite easily have been the tipping point in creating the problems that were then to occur.

The couple had been in the premises for over 5 hours and it was 22:30 hours before the co-owner of the pub refused to serve the male anymore alcohol. In Annex A, the barmaid describes the male to then "kick off". He started shouting and swearing at the co-owner about having been sent to prison because of him. He was very aggressive and in the co-owners face, pointing his finger at him and saying you know me, you're the one that put me away". It is at this point the male has lunged over the bar and attempted to punch the co-owner. He managed to step back, narrowly avoiding the assault. The offender then picked up the three year old child and went towards the exit whilst continuing to shout foul verbal abuse and threats at the co-owner.

Two female members of the public had been sat near the couple. They had concerns for the child's welfare having seen the child being allowed to run freely around the venue. Annex B is a statement provided by one of the females. In paragraph 4 on page 2, she states "the mother had a pint in her hand and I saw her drinking from it. I noticed that the mother always had her back turned to her child and my friend said to me that the little girl was soaking wet. I guessed this was where she had been playing out in the rain." A bit later on, the two females then witness the mother allowing the young child to sip from the pint that she was drinking. They do challenge the mother with this behaviour and she laughs it off. This is when the incident involving the male partner occurs and again concerned for the child's welfare, one of the females follows the male outside and requests that he puts the little girl down. He does release the little girl before the child's mother and the partner go off continuing to argue outside the premises. Following the argument the mother walks off and goes home whilst the male partner is arrested by police for a number of alleged offences. This meant that the 3 year old girl was now left in the care of strangers.

The child's parents are responsible for her, but the venues staff, DPS and premises licence holder have an obligation to promote the licensing objectives and in this case the protection of children from harm. The police are of the opinion that more should have been done to protect the child. The venue has a policy of no children in the bar after 21:00 hours and yet the parents were allowed to stay in the bar until 22:30 hours when they clearly had consumed too much alcohol. The statement in annex A, highlights police concerns with



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

regards to due diligence training received by staff. The staff member clearly identified problems with the customer and they were becoming drunk, but failed to take the necessary action. It should be noted that during this incident, the DPS was in the kitchen carrying out the chefs role as they were currently away on paternity leave.

This incident prompted a meeting with the DPS and the co-owner on 16th April 2014. The 6th April incident was discussed at length and the DPS was issued with a fixed penalty notice for authorising the sale of alcohol to a person who was drunk. This was on the basis that the female mother received a caution for being drunk in charge of a child under 7 and the evidence provided by the female member of bar staff. Following the meeting a letter was sent from PC 24288 Harris to the DPS and co-owner addressing police concerns along with a number of recommendations. This letter was dated 16th April 2014 and can be seen in annex C.

~~Prior to the incident on 6th April 2014, the police had already planned to conduct a test purchase operation in the Hythe area on 3rd May 2014. This was based upon information received which advised police that the premises was serving alcohol to children under the age of 18. A licensee support pack had been sent out to the premises along with a letter explaining the importance of due diligence to support them, but regrettably the DPS served the two test purchasers alcohol. One of them was 15 years old and the other had only recently turned 17.~~

On 7th May 2014, police received an email from the co-owner of the business (annex D). Having read the email it was clear that the police and the venue had differing opinions in the venues responsibilities of promoting the licensing objectives, however, they were willing to work with us and were considering a minor variation to add conditions to the premises licence. Regrettably and in light of the failed test purchase operation, the police decided it was necessary to review the premises licence and raise its concerns surrounding the premises failure to promote the licensing objectives with the sub committee. An email was sent back to the co-owner explaining this (annex E).

A further meeting took place on 21st May 2014 at the request of the area manager for Enterprise Inns who are the owners of the property. It was evident that the DPS and co-owner of the business were taking police concerns seriously. Annex F is minutes taken from an extraordinary crisis management meeting held between the owners of the business. The management following this meeting were in acceptance of the conditions proposed which police believe will ensure the licensing objectives are promoted. The police having already advised that they would seek a review of the premises licence and owing to the seriousness of the incidents, believe it necessary for the final decision to rest with the licensing sub committee.

Have you made an application for review relating to these premises before: Yes | No

If yes please state the date of that application:

/ /
Day Month Year



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

If you have made representations before relating to this premises please state what they were

Please tick

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
I have sent a copy of this representation to the principal licensing officer of New Forest District Council

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 RC Harris

Collar Number: 24288

Signature

Date: 27/05/2014

Signature of Authorising Officer (Inspector or above)

Name Inspector Justin Roberts

Collar Number: 2841

Signature

Date: 28/05/14



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

BARMAID

URN:

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Statement of:

Age if under 18: Over 18 (if over 18 insert over 18) Occupation: Bar staff

This statement (consisting of 6 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: 07/04/14

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 above. I am currently employed~~

as bar staff at GLEN EAGLES PUBLIC HOUSE in HYTHE

This statement is about an incident which occurred in the pub on the evening of Sunday 6th April 2014

During this statement I will mention the following people:

Craig BANWISTER, he is the owner of the pub, I have known him for about a year and will refer to him as BANWISTER, I will mention a male who was wearing a ski jacket. He was the main protagonist of the incident and I will refer to him as 'SKI JACKET'. I will mention CHILDS MOTHER.

I have known her for about 5 years as I am an acquaintance of her brother. I will refer to her as CHILDS MOTHER.

I will mention a young child who I know to be CHILDS MOTHER's daughter. I don't know her name so will refer to her as 'LITTLE GIRL'. There were also

2 females who tried to help with 'LITTLE GIRL'. I will refer to them as 'BLONDE HAIR' and 'DARK HAIR'. I

Signature: Signature witnessed by:

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:

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Continuation of Statement of:

had not seen or met either of them before

On the evening of Sunday 6th April 2014 I was working behind the bar at The Glen Eagles. The pub was very busy and there was a queue on. I noticed that ~~Donna HAIN and Dawn HAIN were sat together over the dart board when I started work at 1730hrs. I also saw SKI JACKET and both DANIEL BIRL on the other side of the pub.~~

Over the course of the evening in particular was getting quite drunk, she was also becoming a bit tearful and speaking to various other customers. 'SKI JACKET' was getting much louder and a bit aggressive as he was drinking more. He lost his bank card and was getting angry that he couldn't find it. He accused me of not returning it the previous time he had bought drinks however he eventually found it under a chair. He came back to the bar and bought more drinks including double shots of Jack Daniels and pints of Lager. I served him these drinks but in my mind had decided that these would be his last drinks. I spoke to BANWISTER about this and he agreed advising me to tell him that the bar was closed if he came back for more. When she came to the bar in hysterics, she had come up to the bar a short time earlier and written a phone number on a

Signature:

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:

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Continuation of Statement of:

beer mat. She gave it to me and asked me to read it back to her and I asked what it was for. She asked me not to tell who is my friend and her brother's girlfriend. I asked her why and what it was and she said that she was going to the toilet and cleaned her face up before returning to the table.

Approximately 15 minutes later 'SKI JACKET' and came up to the car and asked for more drinks. BANNISTER told them that the car was shutting and that they had had enough already due to them having a child. 'SKI JACKET' then started kicking off. He started shouting and swearing at BANNISTER about having been sent to prison because of him. He was being very aggressive and right in BANNISTER's face, he was pointing his finger at him and saying "YOU KNOWS ME, YOU'RE THE ONE WHO PUT ME AWAY". BANNISTER was trying to talk calmly to 'SKI JACKET' but he was getting angrier and louder. 'SKI JACKET' came up to me and asked if I would just serve him to help her out and calm him down. I told her I couldn't. 'LITTLE GIRL' had been sat with 'BLONDE HAIR' and 'DARK HAIR' but she came up to 'SKI JACKET' and asked for some crisps. 'SKI JACKET' ignored her but BANNISTER went behind the car to get

Signature: Signature witnessed by:





RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1987, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: [] [] [] []

Continuation of Statement of:

her some 'SKI JACKET' carried on ranting about being done for drink driving because of 'BANNISTER'. SKI JACKET then turned around and took a step away before lunging over the bar and swinging a punch at BANNISTER. He only just missed BANNISTER. BANNISTER moved back. SKI JACKET then moved back saying "YOU'RE GONNA PAY TOO GET YOU FOR THIS. ALL of his aggression was directed at BANNISTER. After about 2-3 minutes he went back to the till. I was still at the bar very upset and 'SKI JACKET' picked up 'LITTLE GIRL'. He went for the exit still shouting at BANNISTER calling him a 'FUCKING PRICK' and a 'FUCKING CUNT'. He kept making threats saying 'I'M GONNA GET YOU FOR THIS' and 'YOU'LL FUCKING PAY FOR THIS' all while holding 'LITTLE GIRL'. SKI JACKET then left dragging 'LITTLE GIRL' with him seemingly against her will. 'BLONDE HAIR' and 'DARK HAIR' went after him. They managed to get 'LITTLE GIRL' off him she was crying and 'LITTLE GIRL' was saying "WHAT DO I DO? HE'S GOT MY DAUGHTER". "LITTLE GIRL" was brought back into the pub and remained with 'BLONDE HAIR' and 'DARK HAIR'.

I was concerned about [] so went out through the back door to check she was ok. They could not

Signature:

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:

see me but I watched them arguing in the driveway
of the pub. 'SKI JACKET' went across the road and
I was trying to calm him down. He started shouting
that it was all her fault. They were pushing and
shoving at each other but I didn't get involved.
With this I walked away down towards the
A326. 'SKI JACKET' came back across to the car park.
He continued to shout and rant but at a point
mentioned 'LITTLE GIRL'. A few minutes later police
arrived and 'SKI JACKET' was arrested.

I was aware that 'LITTLE GIRL' had been left behind.
I tried to call several people to get some phone numbers
for a family member of 'LITTLE GIRL' however nobody was
answering their phones.

While police were in attendance I called the number
I had given me. She answered and I told her that
her daughter was still at the pub and she needed to
come and get her. She sounded very drunk and I
gave the phone to police to speak to her. I was
present when someone arrived to collect 'LITTLE GIRL'
but I don't know who this was.

I would describe 'SKI JACKET' as a white male aged
about 25-30. He is about 6'0 tall and of stocky
build. He had short dark hair and was wearing a black

Signature: Signature witnessed by:





RESTRICTED (when complete)

WITNESS STATEMENT

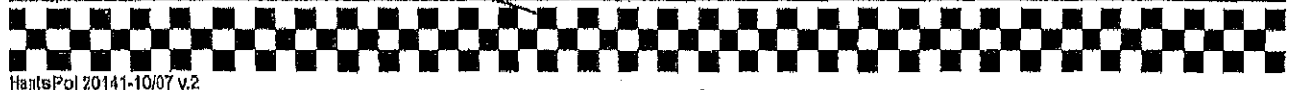
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: [] [] [] []

Continuation of Statement of:

and white ski jacket and a grey quilted jacket underneath. I don't recall any marks, scars or tattoos. I have seen him in the pub before but I did not speak to him on that occasion. The checked jacket on about 25 minutes throughout the incident I was about 1-2 metres away standing next to BANISTER'S when they were arguing outside the road I was about 5 metres away. I had a clear unobstructed view as the pub was well lit. HP

Signature: .. Signature witnessed by: ..



RESTRICTED (when complete)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B.

Statement of: _____ URN

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Age if under 18: Over 18 (If over 18 insert 'over 18')

Occupation: Childrens centre manager

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: _____ (witness)

Date: 07/04/2014

I am the above named person and I live at the address stated overleaf.

In this statement I am going to be describing events that unfolded whilst I was at The Glen pub on Butts Ash Lane at Hythe on Sunday 6th April 2014. The main people I shall be referring to are a female whom I believe is called _____ and her boyfriend. They also had a 3-4 year old little girl with them whom I believe was their child. I do not know the child's name.

I do not know _____ and I have never met her before, the only reason I know her first name is because I think that's what she referred to her self as. _____ was aged in her late 20's and she had fair hair. I do not remember what she was wearing. Her boyfriend is aged in his late 20's and he had dark hair. I do not remember what he was wearing either.

At approximately 1630 hours I arrived at the Glen pub with my friend _____. We sat round the back near the juke boxes. The bar was really packed out because of the meat draw they have at 5 o'clock every Sunday. There were a lot of males there because the football was on but there was also a mixture of couples, families and children.

The weather outside was drizzly most of the day but this did not stop many of the children playing outside in the pub garden.

Sometime around 1800 -1900 hours I went outside to have a cigarette and I was sat on a bench and _____ came and sat down next to me. We ended up having a conversation because _____ asked me if her daughter had just done a dance for me and I replied that yes she had and it was very cute. We then got into a conversation and I began talking about where I worked and suggested that _____ bring her daughter along to my place of work for social interaction. We spoke for as long as it took for me to smoke my cigarette and we then both went back into the bar. _____ and I were still both sat on the other side of the bar to

Signed : _____ Signature witnessed by : _____

2013/09

RESTRICTED (when complete)

44140120814/2103341

where her boyfriend and the child were. After we had come back inside the little girl was drawn towards and I and was interacting with us both.

and I ended up moving round the other side of the bar approximately 30 minutes later and we were sat directly opposite the darts board. I don't think that and he boyfriend were sat there at that time. There were lots of other people sat around as the bar was still packed out. I remember a short time later that was sat near to where I was and she got her diary out of her bag and was talking to me about her availability for coming to my day care.

We were sat at a round table and was sat opposite me. We carried on talking. I was not aware of what he boyfriend was doing and I was not really made aware of whom he was until he said that he was not the father of the child. This was at whatever time the quiz was going on.

~~was later sat to me left. I noticed that she had a pint glass in her hand and I saw her drinking from it. I noticed that always had her back turned to her child and said to me that the little girl was soaking wet. I guessed that this was from where she had been playing out in the rain. Due to the work I do, I then became more aware that the little girl was being friendly with all the people around the table and there was little interaction between and the daughter. The daughter was a real live wire and was running around all over the place.~~

It was approximately 2100 hours when I was aware that my friend arrived at the pub. sat with us and I saw pass the pint glass to the little girl and she took a sip from it. said that no way do you do that and began laughing and then took the glass back.

We all carried on talking and the next minute it all kicked off and there was lots of shouting between males at the bar. I do not know what went on at the bar and I do not know who it involved. I then saw boyfriend stood at the door to the pub and he had the little girl in his arms. He was shouting a lot at somebody at the bar and he was also shouting at. Because of this I asked for him to pass me the little girl. I wanted to take her off them because of the shouting but he said no and went outside. I followed outside and eventually I picked up the little girl and I still had the little girl with me when the Police arrived. I was aware of and her boyfriend having an argument outside the pub but I don't know what it was about.

I did not witness any fighting at the pub and all I heard was arguing and shouting.

My observations between mother and daughter were that there was very little interaction. The daughter was soaking wet and if it was me I would have either had changed her into spare clothing or taken her home to change her.

During my evening at the pub I was drinking alcohol. I left the pub shortly after I had spoken to the Police. I was aware that the child's granddad had arrived. In total I had consumed about one and a half bottles of white wine between 1500 hours to when I left at approximately 2300 hours.

Signed :

Signature witnessed by :

2013/09

RESTRICTED (when complete)

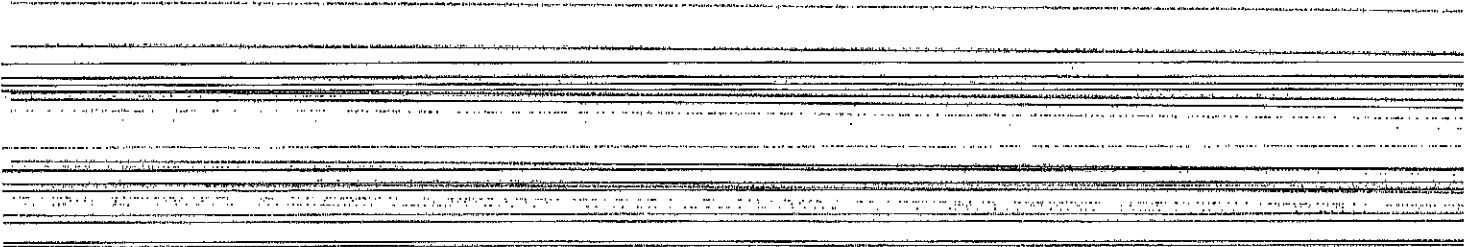
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RESTRICTED (when complete)

MG11

Page 3 of 4

I would suggest that both _____ and her boyfriend were both under the influence of alcohol. The reason I feel this is because of the arguing between them and this probably wouldn't have happened if everyone was sober.



Signed _____

Signature witnessed by : _____

2013/09

RESTRICTED (when complete)

44140120814/2103341

Annex C.



Hampshire Constabulary
Chief Constable Andy Marsh

Hannah Stone & Craig Bannister
The Glen
Butts Ash Lane
Southampton
SO45 3RF

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

Our ref: 44080346188
Your ref:

Telephone: 0845 045 45 45
Direct dial: 023 8067 4768
Fax No: 0845660037

Deaf/speech impaired minicom: 01962 875000

Email: western.licensing@hampshire.pnn.police.uk

16th April 2014

Dear Hannah & Craig,

This letter is in reference to our meeting held on 15th April 2014 at The Glen, Hythe. At the meeting a number of matters were discussed and are summarised on the attached sheet.

As you are aware Hampshire Constabulary 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

During the meeting we spoke at length regarding a serious incident which occurred at your premises on 6th April 2014, whereby a 3 year old child was left on the premises with strangers. Both mother and her partner had been drinking in The Glen from around 17:30 hours. The mother later received a caution for being drunk in charge of a child under 7 whilst the male partner was charged for common assault on Craig and a public order offence. Statements that were taken indicate there were failings on behalf of your venue. To aid you in preventing an incident like this from happening again and in order to promote the licensing objectives, I would ask that you consider the addition of a number of conditions. These could be added to the premises licence by way of a minor variation submitted to New Forest District Council. Please find the proposed conditions on the last attached sheet for your consideration.

As we discussed, we would like to work with you in addressing these concerns, but should you decide not to pursue this option, I will need to consider other measures to ensure the licensing objectives are promoted. This could be by way of a review of the premises licence. Please could you advise me no later than Wednesday 7th May 2014 as to whether you would agree to submit a minor variation. If you have any queries or concerns with the proposed conditions, please do not hesitate to contact me.



Hampshire Constabulary
Chief Constable Andy Marsh

Meeting at The Glen, persons present – PC Woodhead, PS Plascott, PC Harris, DPS Hannah Stone and Co Owner Craig Bannister.

06/04/14 incident

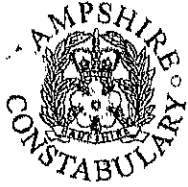
Police: a number of concerns were raised and are listed below:

- 1) The 3 year old child was still on the premises at 22:30 hours. As licensees, responsibility needs to be taken in protecting children, particularly if the parents of the children fail in their own responsibilities. Your own house rules stipulate that no children should be on the premises after 21:00 hours although it states this is enforced with discretion. It would promote the licensing objective of protecting children from harm if a member of staff was to make the customers aware of your house rules at 21:00. Engaging with the customer will give them the opportunity to access their condition. Should a negative response be received, then a request could be made for them to leave. If you wish to avoid interaction with the customer, it would be a positive step in calling the police to advise that you have a couple who have been drinking and you have concerns for a young child.
- 2) Your member of staff who made a statement identified signs/symptoms that the male was becoming a problem due to the alcohol he had consumed and even said "the female over the course of the evening was getting quite drunk. She was becoming tearful and speaking to other customers. The male was getting much louder and a bit aggressive as he was drinking more. He lost his bank card and was getting angry as he could not find it. He accused me of not returning it. He later found it under a chair and came back to the bar to buy more drinks including double shots of Jack Daniels and pints of lager". It is evident that the male was a problem earlier on and even though your member of staff recognised this, she then served him more alcoholic drinks. I understand that this member of staff knew one of them and this may have made the situation more difficult.
- 3) Staffing levels appear to be an issue with Hannah regularly working in the kitchen due to staff shortages. I appreciate your chef is currently off on paternity leave, but it may well have assisted in this instance if Hannah was at the bar supervising. Another suggestion made to you at the meeting included the use of a floorwalker. This does not have to be their only role, they could be glass collecting and at the same time be on the lookout for customers who are displaying signs that they have had too much to drink.

Venue: You advised that the two females who gave statements regarding concerns for the child, you believed were part of a group with the parents. They entered the pub quiz together and the child was sitting with them at times. I appreciate that if the couple had made you aware of their concerns, you or your staff would have acted accordingly. As advised, we believe there were signs that this couple were becoming a problem throughout the evening. I realise Hannah was in the kitchen and Craig was conducting a quiz, but it is clear that bar staff did have concerns and did not act. They served more alcohol which has contributed to the events that then occurred.

Yours sincerely,

PC 24288 Harris
Western Violent Crime Reduction & Licensing Team
Southampton Central Police Station



Hampshire Constabulary Chief Constable Andy Marsh

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 strobe lighting (where used) and 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.

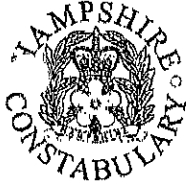
In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

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.



Hampshire Constabulary Chief Constable Andy Marsh

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.

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 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.

~~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.

Floorwalker

A member of staff will be employed (may not be their only role) to patrol the venue and 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.

Annex D.

Western Licensing
02580 674768

From: Craig [mailto:...]
Sent: 07 May 2014 00:39
To: LICENSING WESTERN Mailbox
Cc:
Subject: Fwd: The Glen - Licensing c- proposed conditions

Subject: The Glen - Licensing c- proposed conditions

FTAO PC 24288 Harris

Dear Sir

I have read your letter summarising your opinion of the events of 6/4/04. I still believe that the main reason for the incident is that I was targeted due to my previous assistance given in bringing a prosecution against Mr. The unacceptable position with regard to the child was as a direct consequence of his pre-determined planned aggression. The two women who attended to the child for parts of the evening also failed in their role as citizens. Our staff member on whose statement the majority of your case against us rests, believed she was providing a statement to support the assault charge and was not aware she could have been jeopardising herself or her employer.

In your letter under section 1 of the incident report you state, "if you wish to avoid interaction with the customer, it would be a positive step in calling the police to advise that you have a couple who have been drinking and you have concerns for a young child". A very admirable statement but in reality that is unlikely to happen, as the paragraph below indicates.

On Sunday 20th April, I approached a couple and advised them that as they had children with them and it was after 2100 hrs, I would like them to consider going home, as I would not be serving them anymore. This caused the pair of them to become abusive and aggressive, they had to be led away by family friends, in doing so the male caused criminal damage to our premises and tried to re-enter to confront me, at that point we called the police for assistance, but they were unable to attend, finally coming to take a statement on Tuesday 22nd.

The above examples I believe show that the 2003 Act prevails almost exclusively on the licensee, and should that person be deemed to be out of line then the police will take action. If however the support that the police are obliged to provide for licensees in support of the 2003 Act is not forthcoming, that just turns out to be one of those things.

I guess you can gather my frustration.

On to the suggested conditions on our license.

CCTV:

As discussed at the time of our meeting, we are intending to install a more robust, newer system than we have at present.

I need further detail on your last sentence, that the DPS MUST report the failure within 24 hrs. To what does that refer, 1 camera 2 cameras or the whole system? Please clarify the specifics of what you would call a system failure.

Training:

Staff training has been accepted as required, and will be rolled out shortly, although the requirement for written test every 6 mths, seems a bit of overkill.

Please clarify the requirement for refresher training for seasonal workers, who may remain on the books all year but only work at University holiday times, or only when they are in the UK. The 6 mthly training may be out of date as they are not able to complete the refresher.

Retention for 2 yrs for existing employees, those that leave?

I would also like to take up your offer of providing some training material / assistance.

Floorwalker:
Accepted

Incident Log:

This was not suggested or discussed at our meeting.
It would become an administration nightmare, that it was signed every single day to record no incidents, it would fall into disrepute as it would have no value, but could be used against the DPS for failing to comply with the conditions.
I would request further discussion on this point to understand the intent and value.

The next Pubwatch meeting to be held at The Heath Hotel 7/5/14 will be a forum for me to discuss with other local licensees some of the issues experienced by The Glen over the last few weeks.

Cheers Craig
For and on behalf of Mach 1 Spoof Its t/a The Glen

Annex E

Harris, Jonathan

From: on behalf of LICENSING WESTERN Mailbox
 To:
 Cc: Plascott, Christine; Roberts, Justin; t;
 Subject: RE: The Glen - Licensing c- proposed conditions
 Dear Craig

Thank you for your email.

I do understand your frustration. We too as officers share that frustration in that police numbers have been reduced over the years due to cuts in resources. That is a political matter which is outside of our control.

Incidents are graded as and when they are received by our control room and certain factors such as whether the offender is still at the scene have a bearing on the grading. As this was damage in progress when it was being reported, it was initially prioritised high. It was shortly downgraded as the offender left the area although I understand that damage had been caused to a pub sign. This does not do us any favours as police however, there would have been other incidents running at the time which would have meant it was not possible to attend

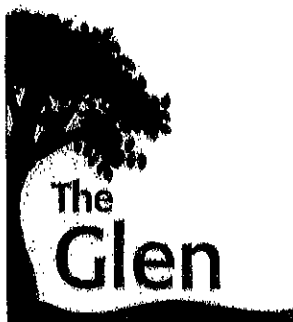
I would highlight that you promoted the licensing objective of protecting children from harm in this recent incident by highlighting to the couple that it was past 2100 and as they were with a young child, you would not serve them anymore alcohol. You are the co-owner and Hannah the licensee and you have the right to refuse anyone at anytime. The fact that the couple reacted in the manner that they did perhaps highlights that they were not the most reasonable or responsible of parents. It is a sad state of affairs that as licensees you have to look out for the welfare of children in your premises due to the parents failing in their own responsibilities, but as part of the licensing objectives, you must take reasonable steps to promote them.

I appreciate that you consider that the two females failed as citizens, but they don't have the responsibilities under the licensing act. They were actually very concerned with the couple and had full intentions of reporting them to social services. This is why they ended up sitting with them in order to find out more information. The child was reported by them as being ignored the majority of the time by the parents which is why they ended up developing a rapport with the child. The male when he left holding the child was shouting verbal abuse and threats directed at you. The two females were concerned for the child's welfare, which is why they asked the male to put the child down.

With regards to your staff member who provided the statement, I would hope she provided the information that she did on the basis that it was the truth. The fact that she raised concerns to us with regards to due diligence training was only confirmed in this past weekends test purchase failure at the premises. A 15 year old female and 17 year old male were served alcohol at your premises and not challenged for identification. As a result of this and after discussion with my Sergeants, a decision has been made to seek a review of the premises licence. I realise that you will not be happy to hear this, but our views on your responsibilities do differ and we feel that this is a point for the sub committee to consider.

Regards

PC 24288 Harris



Minutes

MACH1 Spool Trading at The Glen Public House

Extra ordinary crisis management meeting of Directors 15th May

Present: Hannah Stone (Manager), Craig Bannister

The purpose of this meeting was to advise on the current situation arising from 2 recent incidents at The Glen Public House and to develop a crisis management plan.

The first incident of the 6th May involved a male and female with a child. The male became abusive and as he left shouted verbal abuse and threats at Craig Bannister. Police were called to assist and statements were taken, one by a staff member who made comment on not receiving due diligence training. She stated that the man was very drunk. A FPN was served on the Hannah as the PS.

The second incident of the weekend of the 2nd/3rd of May involved a test purchase failure where by a 15 year old female and 17 yr old male were served alcohol by Hannah Stone and not challenged for identification.

These two incidents have prompted Hampshire Constabulary to recommend a review of the premises licence.

Email correspondence regarding both incidents between PC Harris (PC 24288) and Craig Bannister were shared. This also included details of a further incident (20th April) whereby a couple with a child were refused further alcohol and asked to leave. The male of the couple became very abusive and aggressive and was led away by family friends. The male caused

criminal damage to our property and attempted to re enter the building to confront Craig Bannister. At this point the police were called for assistance.

The police did not attend that night after downgrading the incident due to the male leaving the site and attended to take a statement on 22nd April.

After the incident of the 6th April suggested conditions were advised to which Craig Bannister responded. Some of these should be addressed at a meeting arranged for the 21st of May, between the HC licencing team, Rob Lowe (EI) , Hannah & Craig.

CRISIS MANAGEMENT PLAN:

CCTV

~~We have been advised that our CCTV system is not robust enough and that we need further cameras. It was agreed that a new system will be purchased and installed after consultation with security experts. CB to lead~~

~~Further clarification has been sought regarding reporting of a system failure, but all agreed that we would be happy to comply with this suggested condition.~~

Staff Training

We were advised that we are required to provide a more robust system of staff training including a written test every 6 months. It was agreed that we would be happy to comply with this suggested condition.

We shall be completing a staff handbook for all staff and developing a data base of staff so that we can identify who has received induction training and when written tests need to be administered. The staff handbook will include due diligence information and staff will be asked to sign a statement that they understand the contents of the handbook. Staff will also be issued with new job descriptions and contracts to further support their understanding of their role.

An updated copy of induction training, staff handbook, sample tests, job descriptions, contracts and a copy of our staff data base will be available for the licensing board to peruse. AHW to lead

We have requested further clarity on seasonal workers and stated that we would be grateful for the offer from PC Harris to provide training materials and assistance.

Floorwalker

It was agreed that we are happy to comply with this suggested condition. HS to lead

Incident log

This was not discussed at the first meeting, although we are happy to comply with this suggested condition. We have sought further clarification about sign off of no incidents. A numbered book will be provided to staff to make note of any incident that does occur and this will be signed off by The Manager. HS to lead

Since the suggested conditions were made we are agreed on the following actions to further support good practice:

Bar Staff statement to the police

~~It was agreed that the bar staff member who gave the statement to the police regarding the incident of the 6th April will receive a full de brief and advised upon the 2003 Act with immediate effect. All staff including existing staff will receive a pack including a staff handbook, job description and updated contract within 14 days of this meeting. HS/AHW to lead~~

Underage service by The Manager

This incident was discussed at length to ascertain how it happened. The Manager has been covering our second chef role as well as The Bar Manager and this may have caused a momentary lapse in judgment, however we understand the seriousness of this and are seeking ways to ameliorate the chances of this ever happening again.

We have agreed that a line management structure be put in place to monitor the Managers workload to have a further layer of reporting systems. MW to lead

We are actively seeking a second chef with immediate effect. HS/CB to lead

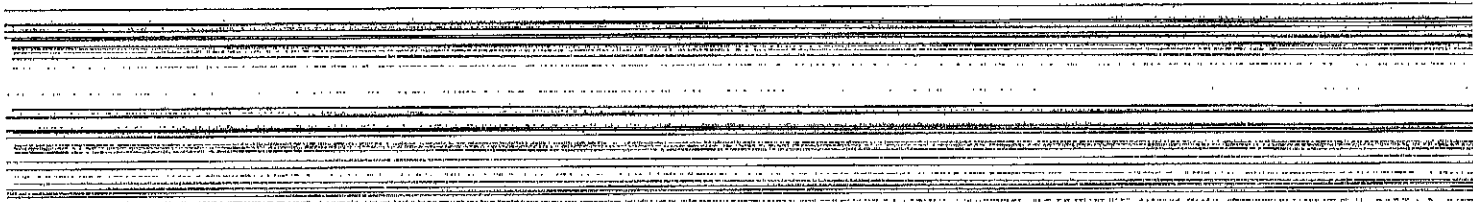
We agreed that we would keep a log of refusals to serve customers in a numbered book which would be signed off on a daily basis. HS to lead

Craig Bannister currently holds a personal licence and both Allison Hope-West and Martin West will undertake this with immediate effect to more fully understand licensing laws. MW to lead

We discussed at length the ethos of The Glen and the fact that we are all committed to providing the best service that we can for our customers and the community and that we have never allowed profit to dictate bad practice. For the first 18 months of ownership we took no

funds from the pub preferring instead to reinvest in play equipment and better facilities for the customer. We are happy to provide testimonials from our customers to support this.

A further meeting to be convened within 4 weeks to check progress against our crisis management plan.





GOSSCHALKS
SOLICITORS

BY EMAIL AND POST
NFDC Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

Our ref: RJT/MJM/98454-19843-6

Your ref:

Date: 2nd June 2014

E-Mail: rjt@gosschalks.co.uk

Direct Fax: 0870 600 5958

LICENSING
SERVICES

- 3 JUN 2014

RECEIVED

Dear Sirs,

re: Licensing Act 2003 – Review Proceedings
Gleneagles Public House, Butts Ash Lane, Southampton SO45 3RF

We act on behalf of Enterprise Inns PLC. Our client is the freeholder owners of these premises and we have received a copy of the application for review of the premises licence issued by Hampshire Police.

We would be grateful if you would accept this letter as a formal representation on behalf of our client. Enterprise Inns PLC owns around 6000 public houses in England and Wales. Over 99% of these premises are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lie with the tenant. The Glen is the subject of a 30 year lease agreement in favour of the premises licence holder, Mach 1 Spoof Limited. That company has been operating these premises under that lease since May 2012.

Please note, we take a wholly neutral stance with regard to the allegations raised in the application for review. As our client has no operational responsibility for these premises, it cannot comment on the specific allegations.

We would respectfully submit that the licensing objectives could be promoted by the imposition of the conditions sought by the Police if, having heard the evidence, the Committee considers those conditions to be appropriate.

At this stage, we would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may seek to expand upon the issues raised within this letter of representation.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984 E info@gosschalks.co.uk W www.gosschalks.co.uk TX 11902 - Hull

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Associates: Julia Williams, Rachel Garton, Phil Osborne, Nathalie Stewart

Partnership Secretary: Martin Haldenby

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We look forward to hearing from you.

Yours faithfully

GOSSCHALKS

Licensing Services

New Forest District Council

Appletree court

Lyndhurst

SO43 7PA

* Support *

A. J. Prouse

18, Ashleigh Close

Hythe

Southampton

SO45 3QP

26/06/14

Sir / Madam,

Ref: Revue of License No. 580/5 "The Glen" Butts Ash Lane

I was very surprised to read the notice regarding the revue of the above license due to "Poor Management" and "Failed Purchase Test". I have been a regular at the pub since 1979 when I moved to Hythe from Bristol. I have seen many Landlords / Managers over the years and can honestly say that the incumbent management team is as good as any I have seen anywhere and that includes pubs in Cornwall, my original home and Bristol / S.Wales and Gloucestershire areas for example.

I have never seen anyone served with alcohol when they have obviously had too much to drink but I have seen the odd one being refused, which can be a tricky situation and could have become nasty but was dealt with both professionally and courteously by Mr. Bannister. Likewise, I have observed Mr. Bannister keeping a watchful eye on proceedings, especially at busy times and witnessed him "advising" any potential troublemakers that "bad" behaviour will not be tolerated.

To put the "The Glen" in perspective, when I first visited the place in 1979, then known as "The Jester" I was not sure of my safety. Mr. [redacted] the previous landlord turned the place around and made it into a family pub around 1982/3, one where you felt safe and could relax in the knowledge that there would be no trouble. His successors, the current Management Team has continued with this style of management and it is a pub where I can relax safe in the knowledge that there will be no threats to my safety or family. A pub where I can relax and enjoy myself along with many others, both regulars and visitors.

With regards to the "Purchase Test" failure there is obviously no excuse but it is extremely difficult to ensure that there is no underage drinking. Again, I have witnessed staff requesting I.D and if not forthcoming they have been refused and turned away. I am an Exams Invigilator at Noadswood School and can see how some 15 / 16 year olds can appear to be 18 / 19 years old and this is whilst wearing their school uniforms! To see them out of school "dressed up" must be a nightmare for bar staff to differentiate underage or not. However, I repeat it is inexcusable but I would ask on how many occasions has this occurred?

To summarise, I am surprised that this revue has been invoked as "The Glen" is an extremely well-run establishment and I feel that any restrictions / punishments imposed upon them would seem unfair. I will continue using the pub as my local as long as I am still around.

Yours faithfully,

Arthur Prouse

Regional Sales Manager

United Biscuits (Retd.)



* SUPPORT

*Rose Cottage
Hythe Road
Marchwood
Southampton
SO40 4WU
Telephone:*

Licensing Services
New Forest District Council
Beaulieu Road
Appletree Court
Lyndhurst, Hampshire
SO43 7PA

22 June 2014

Dear Sirs

The Glen, Butts Ash Lane, Hythe

We attend 'The Glen' on frequent occasions as a family, including our grandchildren, and have always found it to be a well-run family friendly pub. We visit often for meals, charity events and the Sunday evening quiz and have no concerns that there will be any problems.

I have been in the Brewing Industry for over 40 years and have visited pubs professionally for the last 12 years as an assessor for Cask Marque, where we not only assess the quality of the beer but generally assess the overall standards in the account.

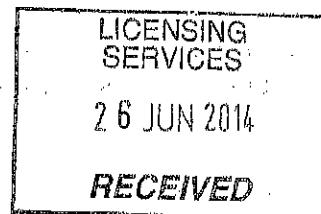
I am pleased to say that 'The Glen' is a pub that has a high standard in the way it is professionally managed and looked after.

The incident that created this situation was due to an assumption by most of the customers, that the four adults in the party could look after one child and that they were all equally responsible as they had been together all evening and should have been in control of the situation.

The managers and staff as always were doing their jobs on the evening in question and no blame should be attached to them for the inability of an apparent family to look after one child.

Yours sincerely

Roger Mitchell
C. Chem. F.I.B.



HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

JUNE 2014

REVIEWS

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- Exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- Suspend the licence for a period not exceeding three months;
- Revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;

- For the sale and distribution of illegal firearms;
- For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- For the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- For prostitution or the sale of unlawful pornography;
- By organised groups of paedophiles to groom children;
- As the base for the organisation of criminal activity, particularly by gangs;
- For the organisation of racist activity or the promotion of racist attacks;
- For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- For unlawful gambling; and
- For the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- When the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- The hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- Day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.