

# Licensing (Licensing and Gambling) Sub-Committee

Thursday, 2nd June, 2011  
at 9.30 am

## PLEASE NOTE TIME OF MEETING

Committee Rooms 1 and 2 - Civic Centre

This meeting is open to the public  
**Members**

Councillor Drake  
Councillor Parnell  
Councillor Thomas

### Contacts

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## **PUBLIC INFORMATION**

### **Terms of Reference**

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act, 2003 and Gambling Act 2005, including:-

- Personal licences for the sale of liquor Licensing Act 2003;
- Premises licences, various permits, variations and reviews (Licensing Act 2003 and Gambling Act 2005);
- Club certificates, variations and reviews Licensing Act 2003;
- Registration and deregistration of designated premises supervisors Licensing Act 2003;
- Determination of police objections to temporary event notices Licensing Act 2003

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest.

**When dealing with Licensing Act matters the Sub-Committee can only take into account the following statutory Licensing Objectives:-**

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

**Likewise, when dealing with Gambling Act matters the Sub Committee can only take into account the statutory Licensing Objectives below:-**

- Preventing gambling being a source of crime
- That gambling is conducted in a fair and open way
- To protect children and other vulnerable children from harm

### **Southampton City Council's Six Priorities**

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

### **Smoking policy**

The Council operates a no-smoking policy in all civic buildings.

### **Mobile Telephones –**

Please turn off your mobile telephone whilst in the meeting.

### **Fire Procedure –**

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

### **Access –**

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Potential Meetings: Municipal Year 2010/11**

<b>2011</b>	<b>3 NOVEMBER</b>
<b>19 MAY</b>	<b>17 NOVEMBER</b>
<b>2 JUNE</b>	<b>1 DECEMBER</b>
<b>16 JUNE</b>	<b>15 DECEMBER</b>
<b>30 JUNE</b>	<b>2012</b>
<b>14 JULY</b>	<b>5 JANUARY</b>
<b>28 JULY</b>	<b>12 JANUARY</b>
<b>11 AUGUST</b>	<b>9 FEBRUARY</b>
<b>24 AUGUST</b>	<b>23 FEBRUARY</b>
<b>8 SEPTEMBER</b>	<b>8 MARCH</b>
<b>22 SEPTEMBER</b>	<b>22 MARCH</b>
<b>6 OCTOBER</b>	<b>5 APRIL</b>
<b>20 OCTOBER</b>	<b>19 APRIL</b>

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference are contained in the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Quorum 3**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

### **Disclosure of Interests**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

### **Personal Interests**

A Member must regard himself or herself as having a personal interest in any matter

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
  - (a) any employment or business carried on by such person;
  - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
  - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

Continued/.....

## **Prejudicial Interests**

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

Agendas and papers are available via the Council's website.

### **1 ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### **2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

### **3 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer prior to the commencement of this meeting.

### **4 STATEMENT FROM THE CHAIR**

### **5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meetings held on 21<sup>st</sup> April 2011 and 19<sup>th</sup> May 2011 and to deal with any matters arising, attached.

### **6 EXCLUSION OF THE PRESS AND PUBLIC**

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### **7 APPLICATION FOR A REVIEW OF A PREMISES LICENCE - GUAVA BAR (PREVIOUSLY KNOWN AS HAMPTONS), 180-182 ABOVE BAR STREET, SOUTHAMPTON, SO14 7DW**

Report of the Solicitor to the Council detailing an application for a review of a premises licence by Hampshire Constabulary in respect of Guava Bar (previously known as Hamptons), 180-182 Above Bar Street, Bargate, Southampton, S014 7DW, attached.

**8 APPLICATION FOR A REVIEW OF A PREMISES LICENCE - OLD FAT CAT, 166 ABOVE BAR STREET, BARGATE, SO14 7DU**

Report of the Solicitor to the Council detailing an application for a review of a premises licence by Hampshire Constabulary in respect of Old Fat Cat, 166 Above Bar Street, Bargate, Southampton, SO14 7DU, attached.

Tuesday, 24 May 2011

SOLICITOR TO THE COUNCIL

# Agenda Item 5

To approve and sign as a correct record the Minutes of the meetings held on 21<sup>st</sup> April and 19<sup>th</sup> May 2011 and to deal with any matters arising, attached.

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LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 21 April 2011

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Present: Councillor Drake, Parnell and Osmond

Apologies: Councillor Don Thomas

72. **ELECTION OF CHAIR**

**RESOLVED** that Councillor Parnell be appointed Chair for the purposes of the meeting.

COUNCILLOR PARNELL IN THE CHAIR

73. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Osmond was in attendance as a nominated substitute for Councillor Thomas in accordance with Council Procedure Rule 4.3.

74. **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a pre-determined point whilst the Sub-Committee reach its decisions.

75. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - RAFIQUE FOOD CENTRE, 51 DERBY ROAD, SOUTHAMPTON, SO14 ODY**

The Sub-Committee considered the application by Trading Standards for a review of a premises licence in respect of Rafique Food Centre, 51 Derby Road, Southampton, SO14 ODY. (Copy of report circulated with the agenda and appended to signed minutes).

Mr Rafique, Owner and Mr Marshall, Trading Standards representative were present and, with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

**RESOLVED**

- (i) that the premises licence be suspended for a period of three days, namely the first Friday, Saturday and Sunday following the expiry of the appeal period (21 days from receipt of decision letter).

- (ii) that the proposed conditions by Trading Standards as amended and detailed below be implemented:-
1. the holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the Licensing Authority proving that individual to be 18 years of age or older. 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. Notices regarding the store's "Challenge 25" policy must be displayed;
  2. all staff who sell alcohol will be trained to NCPLH (National Certificate of Personal Licence Holder) level. All sales of alcohol must be directly supervised and authorised by a Personal Licence Holder until such staff have achieved training to NCPLH level. **The content of the training shall be as approved in writing by Trading Standards prior to implementation;**
  3. that staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records, signed and dated by the member of staff, are kept of this refresher training. Records of training will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other responsible authorities on request.
  4. the holder of the premises licence shall keep a written record, namely a refusals book, of those incidents where a person who a member of staff believes to be under the age of 18 and is unable to produce acceptable means of identification providing that they are of 18 years or more, attempts to purchase alcohol and is refused. The record shall include details, in English, of the date, time, a brief description, including estimated age, of the person who attempted to purchase the alcohol, the type of alcohol and the name of the person who refused the sale. Staff shall be trained in the use of the refusals book and it should be kept in a readily accessible place known by all members of staff. The record will be regularly checked by the premises licence holder or the designated premises supervisor to ensure that all staff are completing records and this person will sign and date the record as evidence that they have checked it. **The refusals book will be immediately available for inspection at the premises by Hampshire Constabulary, the Licensing Authority, Trading Standards and other relevant authorities on request;**
  5. the holder of the premises licence must ensure that all alcohol is marked in a way that will identify its place of purchase for a

- period to be agreed with the police and Trading Standards which shall not be less than 3 months;
6. a CCTV system shall be installed and maintained in the licensed premises to the satisfaction of Hampshire Constabulary. As a minimum it shall enable surveillance of both external and internal areas of the premises including entrances and exits. Recordings from the system shall be of a quality acceptable as evidence in a court of law and shall be securely retained at the licensed premises for a minimum period of 30 days after the recording and shall be surrendered to Hampshire Constabulary immediately on request;

### **REASONS FOR DECISION**

The Sub-Committee considered the application for the review of a premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted Statement of Licensing Policy and representations made both written and given orally by all parties and accepted the agreed conditions with additional amendments.

The Sub-Committee had considered the proposed one month suspension of the licence and accepted legal advice relating to 11.22 of the Guidance that where a suspension is imposed the financial impact could be borne in mind.

The Sub-Committee accepted that underage sales of alcohol was a serious matter. However, in light of the specific circumstances of this premises and the work already undertaken to rectify the situation, the Sub-Committee felt that the proposed one month suspension would be disproportionate and that a 3 day suspension would be more proportionate as a deterrent, given the likely risk of issues reoccurring.

76. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE - CLOWNS WINE BAR, 112-118 BEVOIS VALLEY ROAD, SOUTHAMPTON, SO14 OJZ**

The Sub-Committee considered the application for a review of a premises licence by Hampshire Constabulary, in respect of Clowns Wine Bar, 112-118 Bevois Valley Road, Bevois Valley, S014 OJZ. (Copy of report circulated with the agenda and appended to signed minutes).

Mr J Gray, Solicitor for Clowns Wine Bar, Mr N Green, Mrs L Green and Mr C Green, Owners, PC J Harris and PC H Channel were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

### **RESOLVED**

(i) that the Sub-Committee noted that the parties had reached agreement on conditions and a policy regarding alcohol and responsible drinking, detailed below:-

1. CCTV conditions added to the licence to include:-

- 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 should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas;
- 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;
- there shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies at the request of the police or authorised officer. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any windows based programme acceptable to the police, or DVD player. This will be without the requirement for additional software to be installed;
- 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 and recordings to be kept for a minimum of 28 days;
- CCTV warning signs to be fitted in public places;
- the DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with ie password protected; and
- all systems, signage, hardware and procedures are to be installed and implemented to the satisfaction of Hampshire Constabulary.

2. incident and refusals condition to be added to the licence to include:-

- an incident book will be provided and maintained at the premises and there will be a daily debrief of door staff at the close of business to the reasonable satisfaction of Hampshire Constabulary;
- the incident book will remain on the premises at all times and will be available to the police on request and this will include a refusals log which will evidence persons refused entry to the venue and refused to be served alcohol.

3. introduce and implement a responsible drinking policy at the premises that all staff must be trained in, a copy of such policy to be supplied to Hampshire Constabulary;
4. staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18 (challenge 21); that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records, signed and dated by the member of staff are kept of this refresher training. Records will be available for inspection by Hampshire Constabulary and the Licensing Authority;
5. the Manager of the premises will ensure that an employee of the business (which could include them) will monitor persons buying alcohol, to ensure they are not mixing multiple shots or measures together to ensure responsible alcohol consumption. Those found **participating** in such activities will be asked to leave the premises. A record will be maintained to show who the nominated employee (**the manager for the purposes of this condition**) is each night, which will be available for inspection by Hampshire Constabulary and the Licensing Authority.

### **REASONS FOR DECISION**

The Sub-Committee considered the application for the review of the premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted Statement of Licensing Policy and representations made by all parties both written and made orally.

The Sub-Committee accepted the terms of the agreement reached between the parties and saw no reason, on the evidence received, to go beyond that agreed.

#### **77. APPLICATION FOR A REVIEW OF A PREMISES LICENCE - ROYAL OAK, HOUNDWELL PLACE, SOUTHAMPTON, SO14 1HU**

The Sub-Committee considered the application by Hampshire Constabulary – Licensing for a review of a premises licence in respect of Royal Oak, Houndwell Place, Southampton, SO14 1HU. (Copy of report circulated with the agenda and appended to signed minutes).

Mr T Shields, Solicitor for Royal Oak, Mr T Reurdon, Area Manager, Trust Inns Limited, Mr N Le Druillerec, Designated Premises Supervisor, PC J Harris and PC H Channel were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

## **RESOLVED**

- (i) that the licence allowing the sale of alcohol at the premises be suspended for a period of 48 hours (2 days) as a deterrent and to enable staff to be trained prior to making sales; and
- (ii) that the following additional conditions as set out below be attached to the licence:-
  1. Challenge 25 – there will be a Challenge 25 policy operated at the premises. Challenge 25 meaning that the holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the Licensing Authority proving that individual to be 18 years of age or older. 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;
  2. staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records are signed and dated by the member of staff and records are kept of this refresher training. Records will be available for inspection by Hampshire Constabulary and the Licensing Authority. Training shall be approved by the Police in writing prior to implementation and all staff shall receive training prior to making any sale of alcohol;
  3. the premises licence holder or his nominated representative will maintain membership of any existing Barwatch scheme, or join any future scheme, which is not currently in existence and approved/supported by the local police. He/she will ensure co-operation with the relevant scheme, abide by any rules and ensure meetings are regularly attended;
  4. an incident book will be provided and maintained at the premises and there will be a daily debrief of door staff at the close of business to the reasonable satisfaction of Hampshire Constabulary. The incident book will remain on the premises at all times and will be available to police upon request; and
  5. 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 should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas. 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. There shall be sufficient members of trained staff available during

operating hours to be able to provide viewable copies at the request of the Police or authorised officer. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any Windows based programme acceptable to the police, or DVD player. This will be without the requirement for additional software to be installed. 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. CCTV warning signs to be fitted in public places. Recordings to be kept for a minimum of 28 days. The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, ie password protected. All systems, signage, hardware and procedures are to be installed and implemented to the reasonable satisfaction of Hampshire Constabulary and approved in writing.

### **REASONS FOR DECISION**

The Sub-Committee considered the application for the review of the premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted Statement of Licensing Policy and representations made by all parties both written and orally.

The Sub-Committee had considered carefully the need for suspension in light of the action proposed and already in place at the premises and felt that a short period of suspension would enable staff to be trained prior to making sales and the additional requirement under condition 2 that the police approve the training in advance would satisfactorily address underage sales.

### **Recommendation**

The Sub-Committee recommended that the Designated Premises Supervisor undertook BIIAB Level 2 training but did not feel that this required to be a condition attached to the licence.

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LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON 19 May 2011

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Present: Councillors Drake, Osmond and Parnell

Apologies: Councillor Don Thomas

1. **ELECTION OF CHAIR**

**RESOLVED** that Councillor Parnell be appointed Chair for the purposes of the meeting.

COUNCILLOR PARNELL IN THE CHAIR

2. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Osmond was in attendance as a nominated substitute for Councillor Thomas in accordance with Council Procedure Rule 4.3.

3. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the meeting held on 7<sup>th</sup> April 2011 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

4. **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a pre-determined point whilst the Sub-Committee reach its decisions.

5. **APPLICATION FOR A PREMISES LICENCE - PREMIER ALDERMOOR CONVENIENCE STORE, 237-239 ALDERMOOR ROAD, SO16 5NU**

The Sub-Committee considered the application for a premises licence in respect of Premier Aldermoor Convenience Store, 237-239 Aldermoor Road, Southampton, SO16 5NU. (Copy of report circulated with agenda and appended to signed minutes).

Mr B Pottival, Owner, Mr Spink, Counsel for Premier Aldermoor Convenience Store, PC T Prior, PC J Harris and PCSO B Woods, Hampshire Constabulary and Councillor Thomas, Ward Councillor representing objectors were present, and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee carefully considered all representations made by the applicant, Hampshire Constabulary and local residents, both written and given orally, and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted Statement of Licensing Policy and was satisfied that in order to promote the licensing objectives, the application for a Premises Licence should not be granted.

**RESOLVED** that the application be refused.

#### **REASONS FOR DECISION**

The Sub-Committee noted that all parties had accepted that there were difficulties and issues within the locality relating to anti-social behaviour, which was enforced by the professional evidence of the Police showing issues both whilst the premises previously had a licence permitting the sale of alcohol and recently, prior to a licence being granted. The number of residential representations also outlined the strength of feeling on the issue.

The Sub-Committee noted that the applicant had shown a willingness to amend the application and operating schedule if required and considered all of the proposed methods of dealing with such issues as put forward by the applicant and whether anything additional could successfully address them. The Sub-Committee determined that in this instance, the issues relating to crime and disorder and the protection of children would likely significantly increase if alcohol was sold at this location and on balance, decided to accept the Police's evidence that these issues could not be resolved by conditions.

The Sub-Committee considered whether the refusal of the application was necessary and proportionate and felt that in this instance it was necessary to promote the licensing objectives of crime and disorder, the prevention of public nuisance and the protection of children from harm.

# Agenda Item 7



Reference: 2011/00944/01SRAP

Hearing:

2nd June 2011

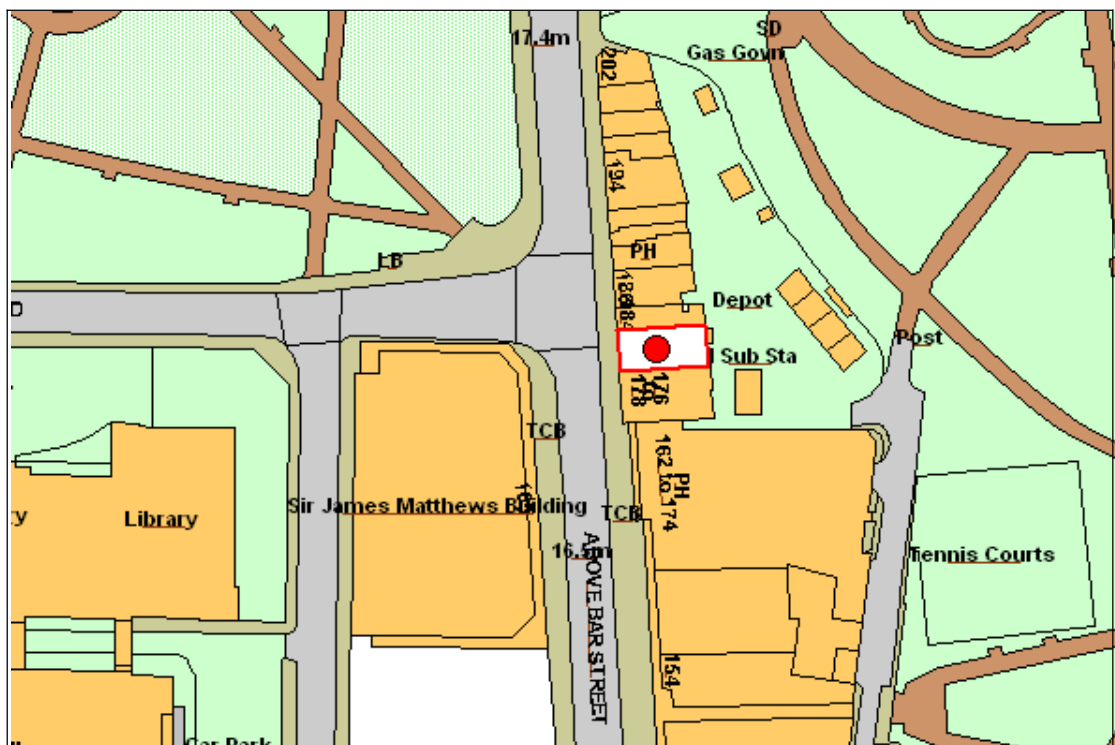
## Application for Review of Premises Licence

Premises Name: Guava Bar (Previously known as Hamptons)  
 Premises Address: 180 - 182 Above Bar Street  
 Bargate  
 Southampton  
 SO14 7DW

Application Date: 6th April 2011

Application Received Date: 7th April 2011

Application Valid Date: 7th April 2011



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## Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No Response Received	

Hampshire Fire And Rescue - Licensing	No Response Received	
Environmental Health - Licensing	No Response Received	
Planning & Sustainability - Building Control - Licensing	No Response Received	
Planning & Sustainability - Development Control - Licensing	No Response Received	
Hampshire Constabulary - Licensing	No	
Trading Standards - Licensing	Yes	

### ***Other Representations***

<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
None		

### ***Legal Implications***

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
  - that the grounds for review are not relevant to one of more of the licensing objectives and;
  - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.
5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises;

6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.
7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:
  - modify the conditions of the licence;
  - exclude a licensable activity from the scope of the licence;
  - remove the designated premises supervisor;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.
10. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
11. Copies of the application for review and the Police objection are annexed to this report.
12. The sub-committee must also have regard to:-
13. *Crime and Disorder Act 1998*

Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
14. *Human Rights Act 1998*

The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.



Application for the review 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 20920 Prior, on behalf of the Chief Officer of Hampshire Constabulary, (Insert name of applicant)

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

Premises or Club Premises details

Postal address of premises: Hamptons 180 - 182 Above Bar Street Bargate Southampton
Postcode (if known): SO14 7DW

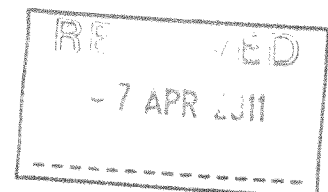
Name of premises licence holder or club holding club premises certificate (if known) Nicholas John Stone

Number of premises licence or club premises certificate (if known) 2010/01674/01SPRD

Details of responsible authority applicant

Mr Mrs Miss Ms Other title / Rank: PC
Surname: PRIOR First Names: Natasha
Current postal address: Southampton Central Police Station Haverlock Road, Southampton. Hants
Postcode: SO14 7LG
Daytime telephone number: 023 80 674 768
E-mail address: southampton.licensing@hampshire.pnn.police.uk

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003





**Application for the review 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
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

*Select one or more  
boxes*



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, because of failures in the management of Hamptons, which impact on the licensing objectives.

On the basis of the evidence outlined below, Hampshire Constabulary would wish to achieve the following:

1. A change in DPS or for the current DPS to manage only one premise.
2. The DPS should also complete a nationally recognised Level 2 DPS course
3. To have CCTV in the venue covering the internal areas and smoking area that is kept for 28 days and can be operated and downloaded onto disc on request
4. To have an incident book on the premise that is signed off daily by the manager and doorstaff if in operation
5. To be a member of the 'Licensing Link' scheme
6. All glasses & bottles used at the premises will be polycarbonate or the contents of all glass bottles to be decanted into polycarbonate glasses
7. A member of doorstaff on a Friday and Saturday night from 1930 hours until close
8. There will be a Challenge 25 policy operated at the premises.
9. Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; that records are kept of all training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records are signed and dated by the member of staff. Records will be available for inspection by Hampshire Constabulary and the licensing Authority on request and within 24 hours.



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In summary, the Police evidence to support these points is as follows:-

There is a repeated issue with glass leaving the premise, the door is not managed so patrons go out to have a cigarette and take glasses with them. Apart from the outside of the premise falling into a drinking control area under a designated public places order (DPPO) then is a safety issue with glass being out on the street. The management at the premise have been spoken to on a number of occasions about this and one of these occasions was recorded on Body Worn Video camera on the 15/01/11. Due to this being a recurring problem a meeting was arranged by PS Marshman with the DPS during which he fully explained the problem and that it was not just with smokers outside as he had found a patron approximately 100 meters away from the premise with a glass. The DPS stated that he would put up signs and ensure that his staff monitor the situation to stop any further issues. At that meeting the DPS advised that he would be putting in CCTV in the near future.

The issue with the glasses has still not be resolved with persons outside the premise with glass bottles on Saturday 26/03/11 of which there is body worn video footage. On that night the manager on duty was spoken to and he clearly stated that he had been regularly checking outside for people with bottles but that the night had been unexpectedly busy, it was also clear to us on attendance that there were signs up. This shows that the staff monitoring it and signs being up is insufficient. This manager has stated that they are applying for table and chairs permission outside and seems to be under the impression that this will solve the problems which shows a lack of knowledge and research on the subject. It was highlighted to him that the seating area is not a standing, smoking and drinking area and the permission ends at 2200 hours.

It is felt that polycarbonate glasses and bottles throughout the premise would minimise the risk of incidents occurring by those leaving the premise with glasses. If doorstaff are employed on the busier nights then that person would be able to manage the door and ensure no glasses were being taken outside.

In addition to the concerns about glasses leaving the premise there is evidence that the premise has been operating past its licensed hours with a direct causal link to a serious public order incident. This became apparent as the police were called on the 18th February 2011 (police reference 44110071672) at 0307 hours to an affray incident where there was a fight inside Hamptons to which nine police officers attended. This time is over two hours past their last licensed activity on their licence.

On attendance police found there to be about 20-25 persons on the premise and were told that two males had started fighting and that then numerous others had joined in. One male had a head injury and staff pointed to a piece of wood that had been used to cause the injury. The injured person was also identified as an aggressor threatening people with a mop handle. The manager there provided a statement to police about that incident. In the statement he has put that "he was working in the bar for a private party for another one of the managers" Another statement taken from a witness states "The incident started inside Hamptons Bar which I would describe as a pub, it is very small. The tables and chairs were moved to the edge to make space in the middle for people to dance as there was two DJ's... I was at Hamptons Bar for my friends birthday" This then goes on to describe the start of the incident and explains that the male involved "was very drunk. I remember asking him a few





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times to calm down because the manager was not going to keep the bar open until 3am if he continued" This shows that the premise was planned to be open until 0300 hours. Due to the incident two males were arrested and when interviewed one of the males stated that he had attended a party at Hamptons and that the music had been playing until around 0230 hours and that he had purchased his own drinks throughout the evening with the bar being open until 0230 hours. The other male stated that he went to Hamptons as a friend told him a party was happening there which started at around 2300 hours. Whilst there they were playing music and serving drinks that had to be paid for until 0230 hours and that there was also a £4 entry fee.

We also tried to speak to the witnesses about the licensing aspect of this job. Sgt Marshman spoke to one female witness who has provided a statement and states "I arrived with my sister and we paid about £4-5 to enter the venue. I heard about the party from facebook... I brought alcoholic drinks at the bar for myself and for friends.. I remember buying drinks nearly up until the police arrived... I think the last time i brought alcoholic drinks from the bar was about 0230hours, which would have been the early hours of Saturday the 19<sup>th</sup> February 2011"

After the meeting with the DPS on the 21/02/11 we continued to contact witnesses but found that accounts varied. One further witness stating on the 24/02/11 that private party had been arranged by her mother who had spoken to the owner of Hamptons through a mutual friend and arranged it this way. In her account the bar was selling alcohol until 2330-0000 hours and that they had been allowed to bring in their own alcohol. This conflicts with an account from a witness who said the bar was open around 0230 hours and with one of the suspects who stated that he had tried to bring his own alcohol in and it had been confiscated by staff. The witness also states that no-one had paid to get into the premise which conflicts with numerous other accounts including the manager and DPS.

Due to the incident PS Marshman held a meeting with the DPS on the 21/02/11 who explained he was not at the event and was only made aware of it on the date it was arranged for. He explained that a group who were friends of one of the managers, had attended, he believes about 65 people in total and that as far as he was aware it was due to stop at 0100 hours. He said that they would have stopped serving alcohol at 0100 hours as per their licence. When asked about the information of an entry fee he stated that he knew they were charging £4 entry and that they did this to cover cost of things brought. There are no records in relation to the cover charge or what was brought with it or how many people actually attended so he was asked how he knew how much to charge but he said he didn't know. The manager who was there on the night has also confirmed that there was a £4 or £5 charge and said that the charge went to a promoter. He was informed that witnesses stated that alcoholic drinks were being served. He was also informed that the police were extremely concerned about the rear area being used as a smoking area as there is no CCTV there, no doorstaff and it is not patrolled by officers; it is also the service road to numerous other properties and the likely location that the suspects were able to pick up bits of wood and mop handles.

This all shows that it was a licensing activity that took place in clear breach of the licence conditions.



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The premise has been poorly managed in connection to this event and there has been negligence on behalf of the DPS and manager which has resulted in clear breaches of their license which in turn has led to a serious public order incident. As a result we are seeking to review the licence.

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

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

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 PC Natasha Prior Collar Number: 20920
Signature: Date: 6/04/11

Signature of Authorising Officer (Inspector or above)

Name P. BATES (INSPECTOR) Collar Number: 5012
Signature: Date: 6/4/11

## Examples of condition wordings for Hamptons

### **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 should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

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.

There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies at the request of the Police or authorised officer. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any Windows based program acceptable to the police, or DVD player. This will be without the requirement for additional software to be installed.

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.

CCTV warning signs to be fitted in public places.

Recordings to be kept for a minimum of 28 days.

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.

All systems, signage, hardware and procedures are to be installed and implemented to the reasonable satisfaction of Hampshire Constabulary and approved in writing.

### **Incident book**

An incident book will be provided and maintained at the premises and there will be a daily debrief of door staff at the close of business to the reasonable satisfaction of Hampshire Constabulary. The incident book will remain on the premises at all times and will be available to police upon request.

### **Licence Link/ pub watch**

The premise holder or his nominated representative will maintain membership of any existing Barwatch scheme, or join any future scheme, which is not currently in existence and approved/supported by the local police. He/she will ensure co-operation with the relevant scheme, abide by any rules and ensure meetings are regularly attended.

## **Polycarbonate**

All glasses used at the premises will be polycarbonate and the contents of all glass bottles will be decanted into polycarbonate glasses with the exception of wine and champagne bottles consumed in the seating area within the premises. For the avoidance of doubt bottles of beer, lager and alcohol pops will always be decanted into polycarbonate glasses where they are not available in PET or aluminium bottles.

## **Challenge 25**

There will be a Challenge 25 policy operated at the front door of the premises. Challenge 25 meaning that the holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the licensing authority proving that individual to be 18 years of age or older. 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.

## **Training**

Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records are signed and dated. Records will be available for inspection by Hampshire Constabulary and the licensing Authority on request and within 24 hours

Hamptons Review Police Exhibit List

- CS/HAMPTONS/01 & CS/HAMPTONS/02 – Body Worn Video of customers with bottles outside
- IM/HAMPTONS/03 – Body Worn Video of customers with glass outside and manager spoken to
- NAP/HAMPTONS/04 – Statement from manager about public order incident
- NAP/HAMPTONS/05 – Statement from witness about public order incident
- NAP/HAMPTONS/06 – Statement from witness about public order incident
- NAP/HAMPTONS/07 – Statement from witness about public order incident
- NAP/HAMPTONS/08 – Statement from witness about licensing breach
- NAP/HAMPTONS/09 – Statement from officer about information obtained from suspect about licensing breach
- NAP/HAMPTONS/10 – Statement from officer about information obtained from witness about licensing breach
- NAP/HAMPTONS/11 – Statement from officer about information obtained from suspect about licensing breach



**RESTRICTED (when complete)**

NAP/HAMPTONS/04

### WITNESS STATEMENT

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

Statement of: [redacted] [redacted] [redacted]

URN: [ ] [ ] [ ] [ ]

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

Occupation: Bar Manager

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

Signature: .....

Date: .....

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

I am the above named person and currently reside at the address detailed given to police.

I am giving the statement to police reference an incident that occurred at HAMPTONS bar where I work as a manager.

In the early hours of Friday morning at approximately 03:00hrs I was working in the bar for a private party for a number of the manager's [redacted].

By this time in the morning most of the elders of the party had left and was left about 30 younger people.

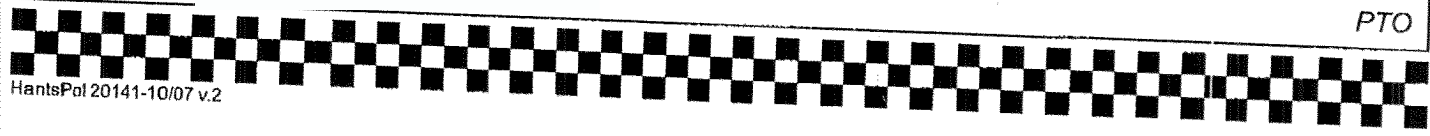
Most of the night has passed without problem however two males did have a little square off because one had got too close to the others gathered.

The two males have now been arrested by police, through the statement I will refer to them as WHITE TOP and CHEQUE TOP.

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: [REDACTED] [REDACTED] [REDACTED]

WHITE TOP and CHEQUE have been outside at approximately 01.00hrs and were bicycling with neither party backing down. This summed down and was resolved by the group.

The rest of night went without problem until about 02.30hrs. CHEQUE TOP came into the bar from the rear entrance with a cut on his head being very pronounced.

He was followed by another male wearing a dark blue tracksuit top and dark jeans, I will refer to him as TRACKSUIT. He was carrying a length of wood that looked like a mop handle. In fact it looked like my mop as it had white tape on it.

I stepped in and took the mop handle off of tracksuit, I moved ~~WHITE TOP~~ <sup>CHEQUE TOP</sup> out to the back of the bar. I then sent TRACKSUIT out the back door and asked them to leave.

They were leaving out the back driveway when CHEQUE TOP came from inside the bar with another piece of mop handle, not the same piece. He was walking towards a group screaming and shouting and so I went and grabbed the mop off of him and threw it in the skip. I could see a large separate group heading down

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: Colin New HINES.

the alleyway but I cannot say who any of these people are.

I brought CHECKE TOP back inside the bar and the police arrived shortly after that.

I did not see WHITE TOP actually being violent but know he was originally angry with CHECKE TOP.

When the police were inside the bar I saw WHITE TOP come back inside and the police took hold of him and arrested him for being violent.

I would say that CHECKE TOP was violent and threatening with the mop, he was in my opinion provoked however maybe a little too aggressively. He was a white male with short cut brown hair and clean shaven, he was wearing a blue and white checkered shirt, dark navy blue jeans with dark brown work picker shoes.

I would describe WHITE TOP as a white male, shorter cut hair, maybe grade 2 style long sleeve white top, dark blue denim maybe leather jacket. I didn't see WHITE TOP offer any violence other than the earlier scuffle between him and CHECKE TOP.

Signature: .....

Signature witnessed by: .....





CONFIDENTIAL

NAP/HAMPTONS/OS MG11  
Page 1 of 3

# WITNESS STATEMENT

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

Statement of: [redacted] URN: | | |  
Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Premises manager/Joint owner

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

Signature: [redacted] Date: 18/02/2011

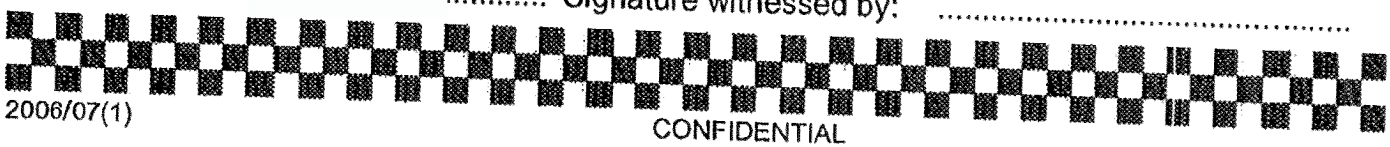
Tick if witness evidence is visually recorded  (supply witness details on rear)

I am [redacted] of the address overleaf. This is a statement about an act of violent disorder I witnessed at the rear of HAMPTONS PUBLIC HOUSE in the early hours of Friday 18<sup>th</sup> February 2011. The incident itself initiated in the rear of the Council Depot which is to the rear of the HAMPTONS. I can confirm that I reside and manage my own premises which share the same rear area in question. My premises [redacted] up from HAMPTONS. I can confirm that I had just finished work and had not been drinking.

I will refer to the main offender in the disorder as "LONG SLEEVE TOP" male throughout my statement. The actual physical altercation involved a group of around 25 people of varied sexes, ages and nationalities. My attention was first drawn to a loud and rowdy noise which I could hear from within my premises at around 02:45 hours. I immediately looked out of my rear fire door exit to witness a large physical altercation between two groups of people shouting at one another. I noticed "LONG SLEEVE TOP" to be the main offender amongst the group. He was displaying aggressive and abusive stance and demeanour. The male was directing his actions towards the other group of people. I noticed him to be shouting aggressively [redacted]. He was pushing and shouting out at the males in the rival group and making threatening and abusive gestures towards them. My attention was drawn to another male in the rival group who then become aggressive back towards "LONG SLEEVE TOP". I will refer to him as "GREY TOP" male. "LONG SLEEVE TOP" and "GREY TOP" then become aggressive with one another. It was clear that both were shouting at one another [redacted]. They were both giving as good as they got and were displaying an irate demeanour.

I then noticed "LONG SLEEVE TOP" return back into HAMPTONS. He came back outside a matter of seconds later brandishing a wooden mop handle with the mop attached to it. He started waving it around aggressively gesturing towards "GREY TOP" and the rival group. They moved away from him and as he moved off he smashed the mop off of the floor causing it to splinter into several pieces. "LONG SLEEVE TOP" kept a hold of the wooden shank and then ran at the rival group. I noticed that he hit out at several in the group including "GREY TOP". He actually connected with "GREY TOP'S" upper body. "LONG SLEEVE TOP'S" behaviour was completely out of control and erratic. He fought off his friends as they tried to gain control of him and calm him down. They were unsuccessful in doing so and "LONG SLEEVE TOP" continued his aggression

Signature: [redacted] Signature witnessed by: [redacted]





# WITNESS STATEMENT

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

towards the rival group. The rival group managed to fend off "LONG SLEEVE TOP". I believe "GREY TOP" then engaged in a physical altercation with "LONG SLEEVE TOP". They fought with one another for several minutes. Numerous members of both groups dispersed prior to Police arrival. The manager of HAMPTON'S took the wooden shank from "LONG SLEEVE TOP" and threw it in the skip adjacent to the premises. The club's owner then appeared and started to shout in anger towards "LONG SLEEVE TOP". Police then arrived a couple of seconds later to diffuse the remaining groups of people. I did not see where "GREY TOP" went. Upon Police arrival I entered HAMPTONS to point out "LONG SLEEVE TOP" as the main offender and instigator. Police remained with him for the duration whilst I was within HAMPTONS. I could see "LONG SLEEVE TOP" had sustained an injury to his head.

At approximately 03:25 hours outside of the HAMPTONS I noticed that Police detained and arrested "GREY TOP". I can confirm that "GREY TOP" was also a main offender and displayed equal violent tendencies during the earlier incident. "GREY TOP" was then hand cuffed and escorted to the rear of an awaiting marked Police vehicle. The whole incident lasted around twenty minutes. Both "LONG SLEEVE TOP" and "GREY TOP" were the main perpetrators in both groups. I had a clear and unobstructed view of the initial incident. The lighting although artificial, was good enough for me to identify both "LONG SLEEVE TOP" and "GREY TOP" and to witness their threatening and unruly behaviour. Both males in my opinion were as bad as each other. At the closest I was no further than three feet away from both groups.

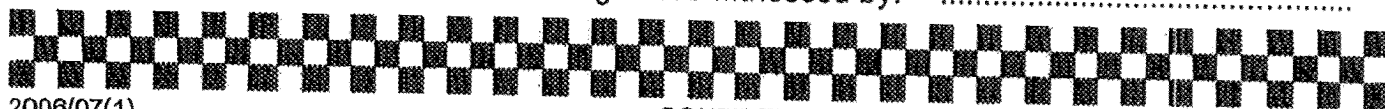
I would describe "LONG SLEEVE TOP" as a white European male of around 25 years of age. He was of a proportional build and approximately 5 feet 9 inches tall. He had short dark hair which was styled. He had an obvious injury to his right side forehead which was bleeding. He was wearing a long sleeved white jumper with dark vertical diamond patterns. He had dark denim jeans. I can confirm Police were dealing with him within HAMPTONS and that it was him I pointed to them as a main offender. I would be able to recognise him again if asked to do so.

I would describe "GREY TOP" as a white European male of around early twenties. He was of a thin build and approximately 5 feet 11 inches tall. He had short fair hair. He was wearing a grey jacket and dark denim jeans. I can confirm that Police arrested "GREY TOP" and that he was also equally responsible for the earlier incident. I physically witnessed Police detain the male, arrest him and place him in the rear of a Police van. After his arrest I no longer had any dealings with "LONG SLEEVE TOP" but was aware that Police were still dealing with him inside HAMPTONS.

I am willing to support Police in their investigations. I personally find both "LONG SLEEVE TOP'S" and "GREY TOP'S" behaviour completely irresponsible, threatening and abusive. I believe both males to be heavily in drink. As were the two groups in question. As a personal license holder myself I feel that HAMPTONS allowed all the involved to become overly intoxicated and that this was a factor that fuelled the situation. I also believe that if Police had not intervened the situation could have been a lot worse with far more casualties. I can confirm that I made Police aware of the location of the wooden shanks that was used as a weapon by "LONG SLEEVE TOP" during the altercation.

7

Signature: ..... Signature witnessed by: .....







**RESTRICTED**

NAP / HAMPTONS / 06

Statement of: [redacted]

URN: | | |

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

Occupation: Student

This statement (consisting of 3 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: 18/02/2011

[redacted signature]

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

I am the above named person of the address overleaf and this is a statement about an incident which I have witnessed on Friday 18<sup>th</sup> February 2011 between 02:30 - 03:00. This incident occurred at Hamptons, Above Bar Street, Southampton, Hampshire and it was an incident in which a friend of mine was assaulted and a large number of people then got involved.

During my statement I will be mentioning my friend [redacted] I do not know his surname so I will refer to him only as [redacted] is my friend who was assaulted. During my statement I will also be mentioning a male who was speaking Russian but I believe he was Latvian so shall refer to him as LATVIAN throughout my statement. LATVIAN is the male responsible for assaulting [redacted] with a piece of wood. There were other various people involved with trying to stop the fight but I do not recall any particular person beyond the two above.

The incident happened to the rear of Hamptons, Above Bar Street and this is a large area that backs onto a park. There are various different items scattered around in this area such as barrels and refuse.

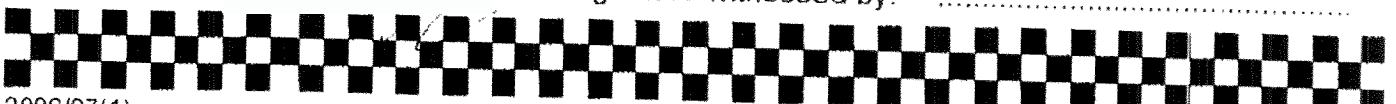
I was in Hamptons from about 22:30 and was generally having a good time and dancing with my friends. I went out to the rear of Hamptons at about 02:30 to have a cigarette and I saw LATVIAN shouting swear words to the effect of "FUCK YOU MOTHERFUCKER" in Russian followed by further abusive language towards [redacted] I saw [redacted] getting confused and I don't know if he can speak Russian and in English said "WHAT DO YOU WANT, WHATS GOING ON?". At this point LATVIAN grabbed a piece of wood I think may have been part of a brush and hit [redacted] around the head with it and this caused [redacted] head to split open and blood to come out. [redacted] then got angry and shouted "WHAT THE FUCK?" in English towards LATVIAN. At this point they started to scuffle with each other and other members of the crowd came over and started to try and separate them. I then saw a member staff tell LATVIAN to calm down. At this point LATVIAN continued to become very angry and continued to shout offensive language in Russian and took his t-shirt off and looked as if he wanted to fight with the staff member. At this point the staff member pulled LATVIAN to the floor and restrained him. I went towards [redacted] to talk to him and ask if he was okay and the next thing I knew the police had arrived and were asking where the male that had hit [redacted] had gone. When I looked LATVIAN had already left.

I would describe LATVIAN as a white male with light brown to blonde hair, wearing a white t-shirt and light blue jeans I would say he was approximately 22 years old and of a skinny build. He was speaking Russian but I had heard him earlier in the evening talking Latvian which makes me think he may be Latvian.

I would say the whole incident lasted approximately ten minutes from when I first saw LATVIAN shouting at [redacted] to when the police arrived. I had LATVIAN in sight for approximately 9 of those 10 minutes during the incident. I had noticed LATVIAN early in the evening as he had been talking to various people within the club. The closest distance I saw LATVIAN from was from about 1 metre and this was when he was assaulting [redacted] with the piece of wood. I felt that visibility was good in the yard area of Hampton as there was lighting from electrical floodlight type devices. I

Signature: .....

Signature witnessed by: .....





**RESTRICTED**

do not know who LATVIAN is and I have not seen him prior to this evening, if I were to see him again I think I would definitely recognise him again.

This incident left me feeling very upset as my friend has been injured and the party atmosphere was ruined. Whilst this was going on I felt frightened for my safety as it seemed to be a completely unprovoked attack and LATVIAN was clearly very aggressive and did not care about any repercussions from his actions and was hell bent on fighting someone.

Signature: .....

Signature witnessed by: .....

**RESTRICTED**



**PROTECTIVE MARKING (when complete)**

**WITNESS STATEMENT**

NAP/HAMPTONS/07

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

Statement of: [redacted]

URN: | | |

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

Occupation: Waitress

This statement (consisting of 3 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: 18.02.2011

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

I am the above named person and this is my statement about a fight I saw which started inside HAMPTONS BAR, ABOVE BAR, SOUTHAMPTON and ended outside the back of the bar in the smoking area where I saw a man hit my friend on the head with a wooden stick.

In my statement I will be mentioning two people my friend, who I will refer to as [redacted] and the other male who hit him. I will refer to him as white top.

The incident started inside HAMPTONS BAR which I would describe as a pub, it is very small. The chairs and tables were moved to the edge to make space in the middle for people to dance as there was two DJ's. Tonight was a private party for a friend's party. There were a maximum of 30 people at the party when the incident happened. Outside to the rear there is a smoking area. To get to this you have to walk through a small corridor and down a few steps leading outside.

On the 18<sup>th</sup> February 2011 I was at HAMPTONS BAR for my friend's birthday. This incident first started inside the bar when I saw [redacted] and white top having words. This was over [redacted] girlfriend who was dancing with white top. There were no actions but I could see [redacted] was upset and a little angry. I had noticed white top through out the night, he was outside a lot in the smoking area when I was out there. He was shouting, swearing and being abusive. He was very drunk. I remember asking him a few times to calm down because the manager was not going to keep the bar open until 3am if he continued.

I took [redacted] outside to the smoking area to calm down and to talk. After a few minutes white top come outside and he was shouting and swearing. He turned towards [redacted] and started to swear in Russian but [redacted] did not understand Russian. [redacted] did understand that white top was being aggressive to him and could pick out a couple of swear words. [redacted] just continued to smoke but I could see he was getting angry and then he walked off. The door leading

Signed :

Signature witnessed by :

2006/07(1)

reference



# HAMPSHIRE CONSTABULARY

## PROTECTIVE MARKING (when complete)

### WITNESS STATEMENT

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

Continuation of Statement of: [REDACTED]

to the smoking area is held open by a mop and bucket. I saw white top walk up the steps take the mop or brush which had a wooden stick. He went to [REDACTED] and hit him over the head, striking down with it. This hit [REDACTED] on the head above his eyebrow causing a bleeding wound. White top then walked back in HAMPTONS [REDACTED] and me follow white top in, I don't know what was happening but it all escalated and starting involving more and more people. I do not know where white top went.

I would describe white top as a white male. He was wearing a white t-shirt and light blue jeans which look like they had maybe rips in them around the knees. He had short blonde hair. Hew had a silver necklace and a silver watch or bracelets. He was about 1 meter 80, fit and about 25 years old.

The whole incident lasted about 15 minutes. The part where [REDACTED] got hit I had no obstructions in my way. It was dark outside but there was lightning. I had never seen white top before. I would recognise him again.

This incident has left me stressed. I was really enjoying my night until this happened. Everyone had too much to drink and this left me feeling upset that mine and everyone else's night had been ruined. . 1. A

✓

Signed :

Signature witnessed by :

2006/07(1)

reference





**RESTRICTED (when complete)**

**WITNESS STATEMENT**

NAP/HAMPTONS/08

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

Statement of: [Redacted]

URN: [ ] [ ] [ ] [ ]

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

Occupation: Waitress

This statement (consisting of 2 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: 5/4/11

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

I am the above person and live at the address overleaf. I am giving an additional statement in connection with a fight I saw inside Hamptons Bar above bar street Southampton.  
This fight took place on Friday the 18th of February 2011. This statement is in addition to the statement I gave on the early hours of Saturday the 19th of February 2011.  
I attended Hamptons Bar on the 18th February 2011 at about 2230 hours. It was my friend's birthday party which was being held at Hamptons. My friend is called [Redacted]. I arrived with my sister and we paid about £4-5 to enter the venue. I heard about the party from Facebook and then Douie decided to celebrate her party there.  
I bought alcoholic drinks at the bar for

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 :

--	--	--	--

Continuation of Statement of: .....



myself and for my friends throughout the evening. I remember buying drinks nearly up until the police arrived. I always drink Jack Daniels and coke. I think the last time I bought alcoholic drinks from the bar was about 0230 hours - which would have been the early hours of Saturday the 19th of February 2011. Just before the police arrived there was at least 20-30 people still in the bar and lots of them were still buying ~~alcoholic~~ alcoholic drinks.

There was a DJ at the premises and I think he left about 0200 hours. After this music was played (recorded) and people were still dancing. This continued until the fight occurred which was about 0300 hours or bit before

Signature: .....

Signature witnessed by: .....





# WITNESS STATEMENT

NAP/HAMPTONS/09 Page 1 of 2 MG11

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

Statement of: [redacted] URN: | | |  
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [redacted] Date: 30/03/11

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

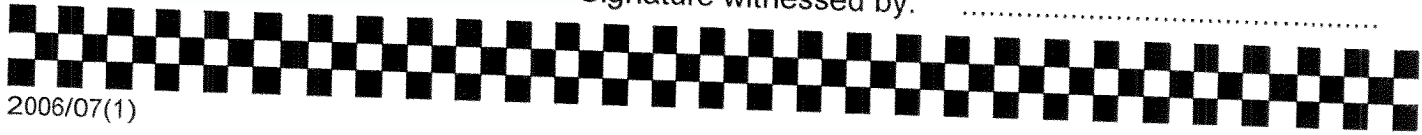
I am PC 3340 [redacted] of Hampshire Constabulary currently stationed at Southampton Central Police Station.

On 18th February 2011 I interviewed [redacted] in relation to an affray at Hamptons on 18<sup>th</sup> February 2011. Part of this interview covered the activities taking place within Hamptons and [redacted] said that his friends told him that Hamptons were having a Russian party and he attended and paid £4 for a ticket. He said that the party started at approximately 2300 hours and he drank alcohol which he paid for including 5-6 shots of vodka and 2 bottles of beer whilst there.

He continued that whilst there the bar was open and the Russian music was still playing until the party finished and everyone left. He said he stayed right until the end but could not say what time this was. He continued that the incident, for which he was arrested, happened as soon as he left and he was arrested shortly after this time.

From looking at [redacted] arrest record I can see that he was arrested at 0325 hours on 18/02/11.

Signature: \_\_\_\_\_ Signature witnessed by: .....





# HAMPSHIRE CONSTABULARY

**RESTRICTED (when complete)**

## WITNESS STATEMENT

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

Statement of **Ivan Marshman** ..... URN: 

--	--	--	--

Age if under 18 **Over 18** ..... (if over 18 insert 'over 18') Occupation: **Police Officer** .....

This statement (consisting of: ...2... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: \_\_\_\_\_ Date: 31/3/11

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

I am Police Sergeant 3555 Ivan MARSHMAN based at Southampton Police station. On Friday the 18<sup>th</sup> of February 2011 I spoke to Indre Klevlinskiene on the telephone. She had been at Hamptons on Thursday the 17<sup>th</sup> of February 2011 leading into Friday the 18<sup>th</sup> of February 2011 when there had been a fight between several males. She explained that it was a private party but they were buying alcohol over the bar. She advised that she would be happy to give a statement about the incident.

On Monday the 21<sup>st</sup> of February 2011 at 1400 hours I had a meeting with Nick Stone the designated premise supervisor of Hamptons. He explained to me that he only knew about the event on the 17<sup>th</sup> February 2011, but only on the day that it had been arranged for. He explained that it was a group of Russians who were some friends of Unis (another Manager who works at the premise). He said that it was set up as a way of saying thank you to some of the people had helped him to renovate the property. I asked him how many people attended, he said he didn't know and then said about 65. I explained that we had been advised that alcohol was being sold at the premise at least until 0230 hours. He stated they should have

Signature: ... Signature witnessed by: .....

**Restricted (when complete)**



# HAMPSHIRE CONSTABULARY RESTRICTED (when complete)

Continuation of Statement of **Ivan Marshman** .....

only sold it until 2330 hours. I discussed the fact that I had heard there was a £4 entry fee. Nick then stated that he did know about this and it was to cover the cost of different things bought. I asked how he would have known that would cover costs if he didn't know how many people were attending and he didn't know.

I explained that he had been trading illegally as the cost of the event wasn't at the expense of the owner of the premise and hence needed to adhere to the conditions on his licence. I did check the till role and unfortunately it had no times or dates on it. Nor was there any CCTV in the premise.

On Wednesday the 30th of March 2011 at approximately 1500 hours I visited Hamptons and I spoke to Colin Hines. He was having a new CCTV system fitted. I discussed the issued regarding the assault on the 17<sup>th</sup> of February 2011 and asked about the £4 cover charge to get in. He explained that it was about £4-£5 each to enter the venue and the money went to the promoter of the event.

Signature: .

Signature witnessed by: .....

**RESTRICTED (when complete)**



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

NAP/Hampton/10

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

Statement of: [redacted]

URN: | | |

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

Occupation: Police service

This statement (consisting of 1 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: 28/03/2011

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am PC 24084 [redacted] of Hampshire Constabulary, currently stationed with the Violent Crime and Licensing Team at Southampton Central Police Station.

On Thursday 24<sup>th</sup> February 2011 I spoke with a female over the telephone by the name of [redacted] [redacted] was a witness to a public order incident, which had occurred at Hamptons bar on Above Bar Street, Southampton on Friday 18<sup>th</sup> February 2011 at approximately 03:15 hours in the morning.

[redacted] told me the following information about her evening at Hamptons bar.

She told me that the 'private party' there had been arranged by her mother, who had spoken to the owner of Hamptons through a mutual friend and then arranged it this way. They had been allowed to bring some of their own alcohol into Hamptons (2 bottles of vodka) but the owner said that they would have to buy some drinks as he would need to make a profit. They arrived at about 20:00 - 21:00 in the evening and did buy some drinks as the vodka ran out quite quickly due to the amount of people there.

The bar shut between 23:30 - 00:00 midnight as the manager told them all it was illegal to serve them alcohol after this time. They did pay for soft drinks - juice and tea and coffee. No one drank any alcohol between midnight and the incident approx. 02:30) as they were all already drunk.

No one had to pay to get into Hamptons as it was for her birthday (which is on the 25/02) and she knew everyone that was there.

This was all [redacted] could recall about her evening in general. She had already provided a statement to police regarding the public order incident involving one of her friends.

Signed :

[redacted signature]

Signature witnessed by :

-----



# HAMPSHIRE CONSTABULARY

NAP/HAMPTONS/11

## RESTRICTED – For Police and Prosecution Only

### WITNESS STATEMENT

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

Statement of: [REDACTED]

URN //

Age if under 18:	Over 18	(if over 18 insert 'over 18')	Occupation:	Police Constable 20920
------------------	---------	-------------------------------	-------------	------------------------

This statement (consisting of 1 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 anything in it, which I know to be false, or do not believe to be true.

Signature: \_\_\_\_\_ Date: 06/04/2011

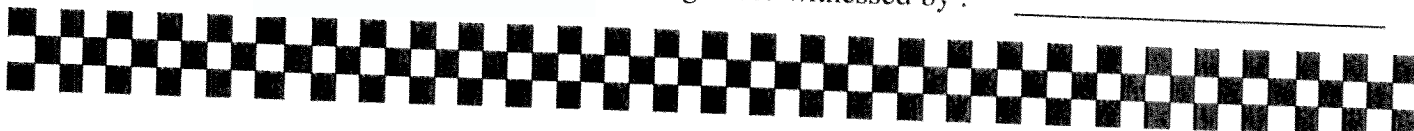
Tick if witness evidence is visually recorded  (supply witness details on rear)

I am PC 20920 [REDACTED] currently serving for Hampshire Constabulary at Southampton Central Police Station.

On the 23<sup>rd</sup> March 2011 I spoke with [REDACTED] who was one of the suspects arrested at the public order incident at Hamptons. He did not wish to co-operate with police by providing a statement and was not very forthcoming with answering questions. He stated that he could not remember much of the night and the only information he would provide is that he went to the premise with a friend and he knew no-one else there. He had taken his own cans of alcohol with him but these had been taken off him at the door by staff. He cannot remember what time this happened at. He stated that he was not buying alcohol and cannot remember if others were. He could also not remember whether any music was being played saying that he went in to play billiards and that was it.

Signed: [REDACTED]

Signature witnessed by: \_\_\_\_\_



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# Agenda Item 8



Reference: 2011/01036/01SRAP

Hearing:

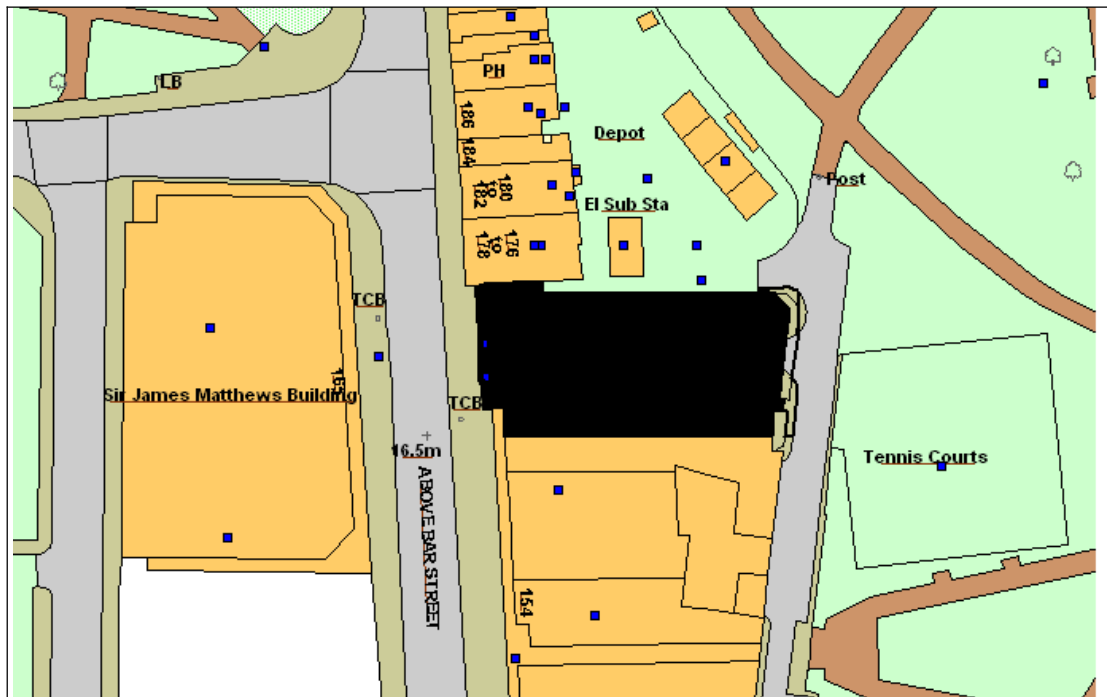
2nd June 2011

## Application for Review of Premises Licence

Premises Name: Old Fat Cat  
Premises Address: 166 Above Bar Street  
Bargate  
Southampton  
SO14 7DU

Application Date: 14th April 2011  
Application Received Date: 18th April 2011

Application Valid Date: 18th April 2011



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## ***Representation From Responsible Authorities***

<b>Responsible Authority</b>	<b>Satisfactory?</b>	<b>Comments</b>
Child Protection Services - Licensing	No response received	
Hampshire Fire And Rescue - Licensing	No response received	
Environmental Health - Licensing	No response received	
Planning & Sustainability - Building Control - Licensing	No response received	
Planning & Sustainability - Development Control - Licensing	No response received	
Hampshire Constabulary - Licensing	No	See attached application for review
Trading Standards - Licensing	Yes	

## ***Other Representations***

<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
None		



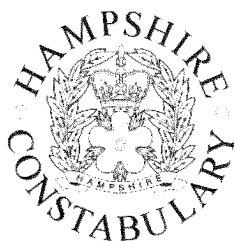
## ***Legal Implications***

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
  - that the grounds for review are not relevant to one or more of the licensing objectives and;
  - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.
5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity or the responsible authorities may make representations in that period.
6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.
7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:
  - modify the conditions of the licence;
  - exclude a licensable activity from the scope of the licence;
  - remove the designated premises supervisor;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.
10. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
11. Copies of the application for review and the Police objection are annexed to this report.
12. The sub-committee must also have regard to:-
13. *Crime and Disorder Act 1998*

Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

#### *14. Human Rights Act 1998*

The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.



**Hampshire Constabulary**  
Chief Constable Alex Marshall

Southampton City Council  
Southbrook Rise.  
4-8 Millbrook Road East,  
Southampton.  
SO15 1YG

Southampton Central Police Station  
Civic Centre  
Southampton  
Hampshire  
SO14 7LG

**Telephone:** 0845 045 45 45

**Our ref:**  
**Your ref:**

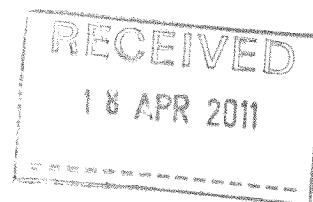
18<sup>th</sup> April 2011

Dear Sir,

On behalf of Hampshire Constabulary, I submit the following application for the Old Fat Cat, Above Bar Street, Southampton in order to review their license. They have recently failed two separate test purchase operations within a period of three months. The review is brought to ensure that one of the licensing objectives is upheld i.e. the protection of children from harm.

Therefore, I submit this application to review the licence of the Old Fat Cat.

Yours faithfully,



PC 24084 CHANNELL

Violent Crime & Licensing Department

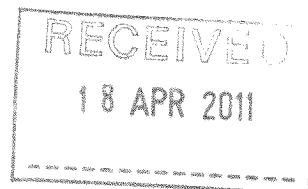


### Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

I PC 24084 Hayley Channell, on behalf of the Chief Officer of Hampshire Constabulary,  
(Insert name of applicant)

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



#### Premises or Club Premises details

Postal address of premises:	Old Fat Cat 166 Above Bar Street Bargate Southampton
Postcode (if known):	SO14 7DU

Name of premises licence holder or club holding club premises certificate (if known) Greene King Brewing and Retailing Ltd Abbot House PO Box 337 Bury St Edmunds Suffolk IP33 1QW
--

Number of premises licence or club premises certificate (if known) 2010/01653/01SPRM
---

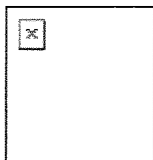
#### Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: PC
Surname: Channell First Names: Hayley
Current postal address : C/o Southampton Central Police Station Southern Road Southampton
Postcode: SO15 1AN
Daytime telephone number:
E-mail address: (optional)



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

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



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

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

*Select one or more  
boxes*

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

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

This review is brought by Hampshire Constabulary as a responsible authority under the Licensing Act 2003, in light of recent test purchase failures at The Old Fat Cat public house. We believe that these failures can be directly linked to the poor staff training currently delivered at the venue.

Hampshire Constabulary request that the following conditions be applied to the current licence to prevent any future failures. We also request that the venue be subject to a period of closure as a deterrent but also to ensure that any conditions that are applied to the licence, could be properly implemented to support the four licensing objectives.

The conditions that Hampshire Constabulary would seek to have added to the current licence are:

1) Challenge 25 - There will be a Challenge 25 policy operated at the front door of the premises. Challenge 25 meaning that the holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the licensing authority proving that individual to be 18 years of age or older. 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.

2) All staff who sell alcohol will be trained to NCPLH (National Certificate of Personal License Holder) level. All sales of alcohol must be directly supervised and authorised by a personal licence holder until such staff have achieved training to NCPLH level.

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

4) For the Designated Premises Supervisors to be trained to BIIAB Level 2.



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

DPS course.

5) The premise holder or his nominated representative will maintain membership of any existing Barwatch scheme, or join any future scheme, which is not currently in existence and approved/supported by the local police. He/she will ensure co-operation with the relevant scheme, abide by any rules and ensure meetings are regularly attended.

6) An incident book will be provided and maintained at the premises and there will be a daily debrief of door staff at the close of business. The incident book will remain on the premises at all times and will be available to police upon request.

7) (To replace point 5, Annex 2 currently on the premise licence) CCTV - The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance/exit. The system should be able to cope with all levels of illumination throughout the premises as well as outside areas.

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.

There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies at the request of the Police or authorised officer. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any Windows based program acceptable to the police, or DVD player. This will be without the requirement for additional software to be installed.

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.

CCTV warning signs to be fitted in public places.

Recordings to be kept for a minimum of 28 days.

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.

8) A record will be kept at the premise of any persons that the DPS has authorised to supply alcohol. Further to this when the DPS is absent from the premise a list will be made available stating who will be managing the venue.

9) To clarify point 3(a) in Annex 2 on the current premise licence with regards to what is meant by 'external background music' - to state:

'For the avoidance of doubt, no music to played outside of the premise after 21:00 hours'.

As stated above the venue has failed two test purchases by selling alcohol to juveniles, which does not support one of the licensing objectives - the protection of children from harm. The following information provides further details on the failures.

On 31/01/2011 a staff member sold one bottle of Becks beer and one bottle of Smirnoff Ice to two test purchase operatives. The same staff member also provided the operatives with money in which to play upon the gaming machines. The staff member was issued with a fixed penalty notice for the offence of selling alcohol. The staff member was retained as staff





## Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

by the venue following a period of suspension. This staff member had received his initial staff training on 29/09/2009. Following this date the staff member has signed a 'NO ID NO SALE' document on 26/10/2010 and 28/12/2010, so over a year after he was initially trained and then again two months later. This staff member was then trained again on 05/02/2011, 05/04/2011 and 06/04/2011. These last three dates follow the test purchase failure and there would appear to be a discrepancy within the last two since it is unlikely that he would receive the same training two days in a row. All of these dates show that there is a severe inconsistency in the training provided and that the dates provided may be incorrect.

On 16/02/2011 a meeting was held at the premise between the police, the DPS and the area manager in order to discuss the first test purchase failure. During this meeting it was agreed that to avoid any future failings the DPS would be implementing the following:

- 1) The premise would operate under a Challenge 25 age verification policy.
- 2) The present staff training provided was not good enough. All future staff training should be recorded and signed for as well as recording the details of the actual training that has been delivered. The DPS could request police attendance at any such training sessions and it was agreed that the DPS/area manager would get in contact with police regarding this.
- 3) Any entries made into the incident book should be more thorough and signed off by the duty manager.
- 4) Fortnightly checks should be made with the CCTV to ensure that it is working. Any such checks should be recorded along with any CCTV problems in the incident book

Second test purchase failure:

On 26/03/2011 another staff member sold one pint of Fosters and one bottle of Smirnoff Ice to 2 test purchase operatives. This staff member was issued with a fixed penalty notice for the offence and was suspended. This staff member had received her initial staff training on 03/12/2010. This staff member has also signed a 'NO ID NO SALE' document on 26/10/2010, 28/12/2010, 02/01/2011 and 04/02/2011. It would appear that she did not complete her Personal Induction Training until after she had already been working at the premise for two months.

A further meeting was held at the Old Fat Cat on 30/03/2011 following this second failure. This was held with the DPS and management representatives of Greene King.

During this meeting the DPS was asked about any changes he had made since the last meeting with the police.

A Challenge 25 age verification policy had been introduced and was included as part of the title on the 'NO ID NO SALE' document.

Refusal numbers were discussed at this meeting as the company records show how many refusals are entered into the till system. There is no way for the DPS at each individual premise can find out which members of staff are making the refusals and therefore recognise who may need further training. We were informed that this information has to be applied for from management.

No improvement had been made to the staff training. The same 'NO ID NO SALE' document was being used with the minor alteration of 'Challenge 25' being in the title. The DPS stated that these sessions were still held once a month and that he also held group 'huddles' once a week on a Saturday to refresh the minds of staff - there was no evidence to support this.





### Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

Despite help being offered, no assistance had been sought from Hampshire Police with regards to them attending any training sessions.

The initial alcohol sales training provided within the Greene King Personal Induction Booklet consists of two pages and covers a Challenge 21 age verification policy and how to deal with refusing alcohol sales. Each employee is required to read the two pages and then answer 5 questions about alcohol sales. The employee then signs at the end of the booklet to acknowledge that they have read and understood everything. The booklet also contains all other types of training with regards to health and safety etc.

Police were informed that all further training completed at the premise consisted of a group session every month where the DPS would refresh the 'NO ID NO SALE', one page document. This document is also a Greene King document, which repeats some of the information included within the Personal Induction Booklet. The police believe that this document is not sufficient in training staff to the required standard, as evidenced by the two test purchase failures. The document repeats information so is easily recognisable to staff, who might not feel the need to pay attention. Some form of training whereby staff are actively involved in decision making would be far more appropriate and would also test their knowledge as opposed to assuming that they have listened and understood.

It is also clear that the monthly training has not been regularly completed until after the initial test purchase failure in January 2011. Since then there has been roughly one refresher session per calendar month. However, the refreshers appear to have followed the two test purchase failures - with the sessions being held on 04/02/2011 and most recently the 06/04/2011.

It would be more beneficial to all staff for any training sessions to be held at specific regular intervals for example every four weeks instead of once per calendar month. The details of these training sessions should be recorded as well as which staff were present.

The two test purchase failures and lack of evidence of staff training sessions ultimately show that there is insufficient staff training provided at the venue. There is no evidence that the first staff member to fail the test purchase had received any further training for a year after his initial training and any training after that was very sporadic.

The second staff member of staff to fail had only received her training just under four months prior to her test purchase failure. Any training that she had received should still have been perfectly fresh in her mind at that time.

It is clear that staff training needs to be vastly improved from the current system in order for the venue to support the licensing objectives and prevent any future sales of alcohol to children. It is vital that details of any future training sessions are recorded and retained within staff records.

Further to any improvements made to the current staff training, the current DPS could also benefit from further training - a nationally recognised Level 2 DPS course.

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 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

**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 Channell Collar Number: 24084  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Authorising Officer (Inspector or above)

Name P. Bates Collar Number: 5012  
Signature: \_\_\_\_\_ Date: 14/4/11

**Old Fat Cat – Index for review application**

- HAC/OFC/1 – Statement of PC Sullivan, dated 31/01/11.
- HAC/OFC/2 – Statement of PC Melhuish, dated 31/01/11.
- HAC/OFC/3 – Statement of PC Holloway-Moger, dated 31/01/11.
- HAC/OFC/4 – Letter sent to Greene King and the Old Fat Cat dated 17/02/11.
- HAC/OFC/5 – Statement of PC Harris, dated 26/03/11.
- HAC/OFC/6 – Statement of PC Pizzo, dated 26/03/11.
- HAC/OFC/7 – Statement of PC Baker, not dated.
- HAC/OFC/8a, 8b and 8c – Copies from the Greene King Personal Induction Training booklet.
- HAC/OFC/9 – Copy of Personal Induction Certificate signed by staff member Darren Ogoo, dated 29/09/09.
- HAC/OFC/10a, 10b, 10c, 10d and 10e – Copies of the ‘NO ID – NO SALE’ document signed by staff member Darren Ogoo, dated 26/10/10, 28/12/10, 05/02/11, 05/04/11 and 06/04/11 respectively.
- HAC/OFC/11 – Copy of Final Declaration signed by staff member Liz Uzzell, dated 03/12/10.
- HAC/OFC/12a, 12b, 12c and 12d – Copies of the ‘NO ID – NO SALE’ document signed by staff member Liz Uzzell, dated 26/10/10, 28/12/10, 02/01/11 and 04/02/11 respectively.
- HAC/OFC/13a, 13b and 13c – Copies of the ‘Challenge 21 & Team Meeting Document’, dated 28/12/10, 02/01/11 and 04/02/11 respectively.



# WITNESS STATEMENT

MG11  
Page 1 of 3

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

Statement of: Michael Sullivan  
Age if under 18: over 18 (if over 18 insert 'over 18')  
Occupation: Police Constable 2193  
URN: | | |

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

Signature: M.Sullivan PC 2193

Date: 31/01/2011

Michael Sullivan

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

I am currently attached the Southampton Police Licensing Unit at Southampton Central Police Station.

On Monday the 31<sup>st</sup> January 2011 I was on duty in company with Police Sergeant Marshman and other officers in plain clothes along with a male and a female test purchase operative conducting an alcohol test purchase operation.

At about 1750 hours in company with Sgt Marshman I went into the Old Fat Cat public house and conferred with the plain clothes officers PC,s Melhuish and Holloway – Moger.

I then spoke to a man who I now as Darran Paul Ogoo b.17/01/66 who had been identified as selling alcohol namely 1 bottle of Becks Beer and 1 bottle of Smirnoff Vodka Ice to the test purchase operatives who are aged 17 years and 16 years.

I explained why I was there and he said " I didn't ask for ID, that's what happens when your busy"

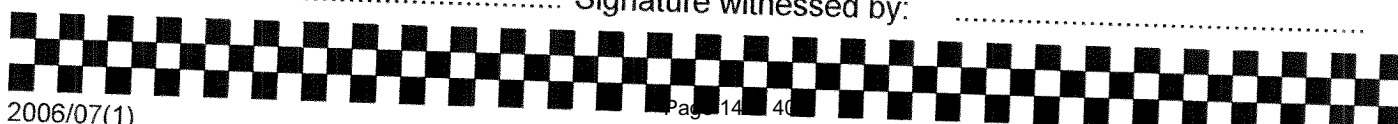
I pointed out the offence and read the caution to him at 1755 hours, he made no reply.

I explained to him that this offence could be dealt with by way of Fixed Penalty Notice and he decided to accept one.

He was issued with Fixed Penalty Notice number 2024162 3.

I reported him for the offence and read a further caution to him at 1808 hours, he made no reply.

Signature: ..... Signature witnessed by: .....



HAC/OFC/1



**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

Statement of: PC 3094 RACHEL MELHUIISH URN: | | |  
Age if under 18: O/18 (if over 18 insert 'over 18') Occupation: Police Officer

HAC/0FC/2

This statement (consisting of 2 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: 31/01/2011

PC 3094 RACHEL MELHUIISH

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

I am Police Constable 3094MELHUIISH. I am employed by Hampshire Constabulary and am currently stationed at Bitterne Police Station.

On the 31<sup>st</sup> January 2011 I was on duty in plain clothes with PC MELHUIISH 3094 and this statement relates to a test purchase operation, where PC 25399 HOLLOWAY-MOGER and I supervised a female and a male under the age of 18 years old attempting to purchase alcohol in licensed premises. I shall identify the male as Test Purchaser 1 and the female as Test Purchaser

2. I shall also mention the male bar tender who I will refer to as BAR TENDER

At approximately 1745hrs PC HOLLOWAY-MOGER and I attended THE OLD FAT CAT Public House. A few minutes later Test Purchaser 1 and Test Purchaser 2 entered the same licensed public house and proceeded to walk to the bar area and engage with BAR TENDER. Test Purchaser 1 and Test Purchaser 2, placed an order for some alcoholic beverages, these being 1 bottle of SMIRNOFF ICE and 1 bottle of BECKS. BAR TENDER then produced the requested alcoholic beverages and paid in cash for the items. Test Purchaser 1 and Test

Signed : PC 3094 RACHEL MELHUIISH Signature witnessed by :



# HAMPSHIRE CONSTABULARY

MG11T

Page 2 of 3

**RESTRICTED (when complete)**

## **WITNESS STATEMENT**

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

Continuation of Statement of: PC 3094 RACHEL MELHUISH.....

Purchaser 2 then handed the bottle of SMIRNOFF ICE and BECKS to me and went over to the fruit machines where they played for approximately 1 minute. They then left the premises while I waited for uniformed officers to arrive. At 1749hrs, I handed to bottles of SMIRNOFF ICE and BECKS to PS 3555 MARSHMAN, and I can exhibit them as RJM/OFC/01.

I would describe BAR TENDER as a black male, about 5ft 11" tall, approximately 28 years old, with a bald head. BAR TENDER was wearing a black shirt and a pair of black trousers. I was observing BAR TENDER for about 3 minutes whilst he was serving Test Purchasers 1 and 2. The bar was quite quiet and had lots of internal lighting so made my visibility very good. I was about 8 meters away from BAR TENDER at the time of this incident. I had no obstructions to my view. I have not seen BAR TENDER before but I would recognise him again. I left the premises shortly after and had no further dealings with BAR TENDER.

HAC/OFC/2

Signed :  
PC 3094 RACHEL MELHUISH

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

Statement of: PC NICHOLAS HOLLOWAY-MOGER URN: | | |  
Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Constable

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

Signature: \_\_\_\_\_ Date: 31/01/2011  
PC NICHOLAS HOLLOWAY-MOGER

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

I am Police Constable 25399 HOLLOWAY-MOGER. I am employed by Hampshire Constabulary and am currently stationed at Bitterne Police Station.

On the 31<sup>st</sup> January 2011 I was on duty in plain clothes with PC MELHUIISH 3094 and this statement relates to a test purchase operation, where PC MELHUIISH and I supervised a male and a female under the age of 18 years old attempting to purchase alcohol in licensed premises. I shall identify the male as Test Purchaser 1 and the female as Test Purchaser 2. I shall also mention the male bar tender who I will refer to as BAR TENDER

At approximately 1745hrs PC MELHUIISH and I attended the OLD FAT CAT PUBLIC HOUSE, ABOVE BAR, SOUTHAMPTON and purchased J2O and a pint of IPA. A few minutes later Test Purchaser 1 and Test Purchaser 2 entered the same licensed public house and proceeded to walk to the bar area and engage with BAR TENDER. Test Purchaser 1 and Test Purchaser 2, placed an order for some alcoholic beverages, these being 1 bottle of BECKS and 1 bottle of SMIRNOFF ICE. BAR TENDER then produced the requested alcoholic beverages' and paid in cash for the items. Test Purchaser 1 and Test Purchaser 2 then handed the bottle of BECKS and SMIRNOFF

Signed : \_\_\_\_\_ Signature witnessed by : \_\_\_\_\_  
PC NICHOLAS HOLLOWAY-MOGER





# HAMPSHIRE CONSTABULARY

**RESTRICTED (when complete)**

## **WITNESS STATEMENT**

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

Continuation of Statement of: **PC NICHOLAS HOLLOWAY-MOGER**.....

ICE to PC MELHUIH and I. Test purchaser 1 then proceeded to gamble on one of the Game machines within. They then left the premises while I waited for uniformed officers to arrive where PC MELHUIH then handed to bottles of BECKS and SMIRNOFF ICE to PS MARSHMAN 3555. I would describe BAR TENDER as a black male, about 5ft 8" tall, approximately 35 years old, cropped black coloured hair. BAR TENDER was wearing a black long sleeved sweat top and black trousers. BAR TENDER has blacked rimmed glasses. BAR TENDER had a muscular build I was observing BAR TENDER for about 6 minutes. The bar was quite quiet and had lots of internal lighting so made my visibility very good. I was about 6 meters away from BAR TENDER at the time of this incident. I had no obstructions to my view. I have not seen BAR TENDER before but I would recognise them again as their hair style combined with their glasses and build made them more recognisable to me than others.

I had no further dealings.

HACUC/13

Signed : \_\_\_\_\_  
PC NICHOLAS HOLLOWAY-MOGER

Signature witnessed by : \_\_\_\_\_



**Hampshire Constabulary**  
Chief Constable Alex Marshall

Greene King Brewing And Retailing Ltd  
Abbot House  
PO Box 337  
Bury St Edmunds  
Suffolk  
IP33 1QW

Southampton Central Police Station  
Civic Centre  
Southampton  
Hampshire  
SO14 7LG

**Our ref:** 44080524791  
**Your ref:**

**Telephone:** 0845 045 45 45

17<sup>th</sup> February 2011

Dear Sir/Madam,

Following our recent visit to your premise (Old Fat Cat, Southampton) on Wednesday 16<sup>th</sup> February 2011, I am writing to confirm the details of the conversation held with Alex Flett and John Walton. Also present during this meeting was PS Marshman.

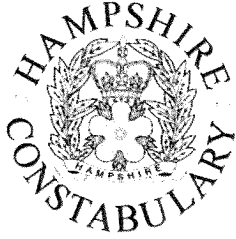
During the visit we discussed the recent test purchase failure at the premise, which occurred on 31/01/2011. Alex stated that as a result of this failure the member of staff who had served the alcohol – Darren - had been suspended. Alex stated that all staff are now using the Challenge 25 scheme at the venue.

The current staff training package was discussed. It was recognised and agreed by all present that the training is not of a satisfactory standard in terms of what is being delivered after the initial training. At present staff are given further verbal training as part of monthly staff meetings. There is no record of what this verbal training includes. Any future training that is given to staff should be recorded and signed for as well as recording details of what the actual training included. Alex was advised that police are happy to attend and assist at any training sessions that are held.

With regards to the incident book we advised that the entries made by door staff need to be more thorough. At present there is not much information in the entries and this may be due to the lack of space on the form. It is fine for door staff to keep their own notebooks however, the main detailed incident log should remain on the premises at all times. Door staff should write up any incidents into the main incident book. A diary is an ideal book to use to record any incidents because on the days where there are no incidents, this can be written down and then every day signed off by the duty manager during the de-brief.

We also advised fortnightly CCTV checks to ensure it is working. These checks should be recorded along with any CCTV problems in the incident book.

HMCP/07-97



**Hampshire Constabulary**  
Chief Constable Alex Marshall

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

We hope to continue our working relationship with Old Fat Cat and anticipate that you will ensure this problem not repeated. Thank you again for your continued support.

Yours Sincerely,

PC 24084 CHANNELL  
Violent Crime & Licensing Department

HAC/0FC/4



**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

Statement of: PC JONATHAN HARRIS URN: | | |  
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police service

This statement (consisting of 1 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: 26/03/2011  
PC JONATHAN HARRIS

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

I am PC 24288 HARRIS, employed by Hampshire constabulary and currently stationed at Southampton police station in the Licensing department.

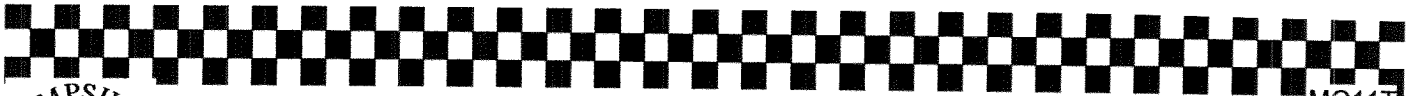
At 16:20 hours on Saturday 26<sup>th</sup> March 2011, I was on duty in full uniform when I attended THE OLD FAT CAT in ABOVE BAR, SOUTHAMPTON, as a positive test purchase of alcohol had taken place to persons under the age of 18. On arrival at the premises, I was met by PC 24328 PIZZO. He then pointed out to me, the member of bar staff that he had seen serve the test purchaser alcohol. I now know this female to be Elisabeth Louise UZZELL, 06/12/88.

I then introduced myself to UZZELL and I pointed out the offence that she had sold alcohol to persons under the age of 18. I explained that the way I intended on dealing with the offence was by way of a penalty notice for disorder with a fine of £80.00.

Having completed the PND URN 2024458 4, I then said to UZZELL "I AM REPORTING YOU FOR THE OFFENCE OF SELLING ALCOHOL TO PERSONS UNDER THE AGE OF 18". I then cautioned her to which she made no significant reply.

Signed : \_\_\_\_\_ Signature witnessed by : \_\_\_\_\_  
PC JONATHAN HARRIS

HAC/0FC/S



URN: | | |

Statement of: PC24328 PIZZO  
Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of 2 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.

HAC/OFC/6

Signature:

Date: 26/03/11

PC24328 PIZZO

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

I am Pc24328 Giulio PIZZO of Hampshire Constabulary, currently stationed at Shirley Police station. On the 26/03/210, I was on duty in plain clothes, as part of a Licensing Operation. The purpose of the Operation is to monitor the illegal sale of alcohol to underage persons, on various licensed establishments across the city.

At 16:15 Hours, on this day, I attended The OLD FAT CAT Public House, Above Bar in Southampton. At this time, I ordered a drink and took my position within a few feet of the serving counter. At 16:20 hours, TP 1, entered the Public House. TP 1 was our Test Purchaser on this evening. At this time, a barmaid working behind the counter served TP 1. I was within a few feet of this transaction. TP 1 requested a Smirnoff Ice – and this was given to TP1 without hesitation, and without any check on ID, or any request of TP1's age.

At this point, in the pre-arranged manner, TP1 walked over to me, after completing the transaction, and handed me the bottle of Smirnoff Ice, complete with contents. TP 1 then left the premises. I then contacted my uniform colleague, PC HARRIS, who then entered the establishment, in uniform. I pointed out to him the staff member that had served TP1, and he then dealt with the staff accordingly.

I seized the bottle of Smirnoff Ice. On leaving the establishment, I emptied the contents of the bottle, and placed it into evidence bag D01105410. I exhibit this as OFC/TP1/1.

Signature: ..... Signature witnessed by: .....





**RESTRICTED**

Statement of: Richard Baker

URN: | | |

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

Occupation: Police Officer

This statement (consisting of 1 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.

HAC/0FC/7

Signature:

Date:

Richard Baker

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

I am PC Richard Baker 21097 of Hampshire Constabulary. I am currently stationed at Portswood Police station. On Saturday 26<sup>th</sup> March 2011 I was on duty in plain clothes taking part in a licensing operation. The objective of the operation was to observe a person under the age of 18 enter a licensed premises and buy an alcoholic drink.

The persons I will refer to in this statement was a 16 year old female. I will refer to her throughout as TESTER PURCHASER 1. PC PIZZO 24235 who was also wearing plain clothes would also be present in the public house.

At 1620 hours I attended THE OLD FAT CAT public house in Southampton with TESTER PURCHASER 1. We both approached the bar area and whilst I pretended to use my mobile phone I heard TESTER PURCHASER 1 ask the female bar staff if she could buy a pint of Fosters and a bottle of Smirnoff Ice. At this point I walked away from the bar area to a nearby table and joined PC PIZZO.

TESTER PURCHASER 1 soon joined myself and PC PIZZO at the table with a pint of Fosters and the bottle of Smirnoff Ice. I then left the premises with TESTER PURCHASER 1.

PC Harris 24288 and PC HUGHES 3114 then entered the public house in full uniform and conducted the necessary procedures.

I had no further dealings

Signature: .....

Signature witnessed by: .....

# THE FOLLOWING SECTION IS FOR BAR STAFF ONLY

## SECTION 12 – LICENSING LAW

Working in your pub should naturally be fun. However, never forget selling alcohol is a serious responsibility. You, your Manager and Greene King could be fined for selling alcohol to someone who is...

- Under 18.
- Drunk.

These are serious offences and could result in closure of the pub.

### Think Challenge 21

Your Manager or Supervisor will discuss this with you before you make your first sale.

Golden Rules are...

1. Before service, request ID from any customer who appears to be under 21.
2. Politely refuse service if they cannot produce valid ID.
3. Valid ID is a;
  - Passport.
  - Driving License.
  - Photo ID with a "PASS" hologram.
4. If in doubt politely refuse service.

### How to politely say NO

Many younger customers may not routinely carry ID when going to the pub. They may not be used to being challenged. But challenge them you must. Failure on your part to request ID could result in you receiving a fine of £80 or even a prosecution in court. The following tips will assist you in challenging customers.

### Stand Your Ground

A refusal can embarrass a customer, so be tactful. Always be polite and calm, and don't antagonise by getting annoyed or aggressive. Be professional. Apologise.

If faced with a group, and if possible, move the person you're talking to away from the rest. This lessens the chance of them playing to the crowd.

- Be polite.
- Be firm.
- Apologise.
- Use tact.
- Don't antagonise.
- Don't humiliate.



## SECTION 12 - LICENSING LAW

### Avoid Blame

Politely stress your obligations, when refusing to serve someone. If you're asking for identification for proof of age, emphasise it's nothing personal, but the law requires it. State its policy of the pub to make this request to anyone whom you suspect of being under 21.

- De-personalise the situation.
- Explain your legal obligation.
- Blame the pub policy.
- Don't get angry.

### Keep Your Distance

Stay calm; apologise; use relaxed body language and avoid prolonged eye contact. Use slow and deliberate body movements and try to keep something between you and the possible aggressor. Stay behind the bar -- this provides a barrier should violence result.

- Avoid prolonged eye contact.
- Use relaxed body language.
- Say sorry.
- If possible keep a barrier between you and the customer.

### Tabacco Sales

- It is an offence to sell tobacco products to someone under the age of 18.
- Use the same criteria as you have learned above.
- This applies to sales from vending machines.

I confirm that I have received instruction and understand my legal obligation in respect of age restricted sale of alcohol and tobacco. To achieve this I will challenge all customers whom I suspect may be under 21. I will refuse service to anyone that cannot provide acceptable ID.

### Licensing Law completed:

Employee's signature: .....

Trainer's signature: ..... Date: .....

# SECTIONS 12 – QUESTIONS

## Licensing Law questions / Weights & Measures:

1. Has your Manager demonstrated pulling a pint with a 5% head?

2. What three forms of ID do we accept as proof of age?

3. What do you do if someone either has no proof of age or you are unsure of its va

4. What is the age below which you must ask for ID?

5. After what time are customers no longer allowed to drink outside?

Licensing Law / Weights & Measurements completed:

Employee's signature: .....

Trainer's signature: ..... Date: .....

section 11 - summary questions

Summary questions completed

Final score out of 25 (1 mark per question)..... 25/25 .....

Employee'

Manager's ..... 29/9/09

**Congratulations!**

You have now completed your 'Certificate 1' Induction.

If you're interested in furthering your development, please talk to your manager about the Award Winning Get Ahead Training Programme.



HAC/OFC/19

This is to certify that

Daren O'gar

has successfully completed

# CERTIFICATE 1 PERSONAL INDUCTION

Date: 29/9/09 Line Manager: \_\_\_\_\_



**get ahead**

**GREENE KING**  
Pub Company



DPS MUST ENSURE DECLARATION IS COMPLETED BY ALL BAR STAFF BEFORE SERVING BEHIND THE BAR IS PERMITTED.



GREENE KING

## NO ID - NO SALE

### A Guide to Saying 'No'

Many younger customers may not yet routinely carry ID when going to the pub. They may not be used to being challenged. But challenge them you must. Failure on your part to request ID could result in you receiving a fine of £80 or even a prosecution in court. The following tips will assist you in challenging customers.

#### Stand Your Ground

A refusal can embarrass a customer, so be tactful. Always be polite and calm, and don't antagonise by getting annoyed or aggressive. Be professional. Apologise.

If faced with a group, and if possible, move the person you're talking to away from the rest. This lessens the chance of them playing to the crowd.

- **Be polite**
- **Apologise**
- **Don't antagonise**
- **Be firm**
- **Use tact**
- **Don't humiliate**

#### Avoid Blame

Politely stress your legal obligations, when refusing to serve someone. If you're asking for identification for proof of age, emphasise it's nothing personal, but the law requires it. State it's the policy of the pub to make this request to anyone whom you suspect of being under 21.

- **De-personalise the situation**
- **Explain your legal obligation**
- **Blame the pub policy**
- **Don't get angry**

#### Keep Your Distance

Stay calm; apologise; use relaxed body language and avoid prolonged eye contact. Use slow and deliberate body movements and try to keep something between you and the possible aggressor. Stay behind the bar - this provides a barrier should violence result.

- **Avoid prolonged eye contact**
- **Use relaxed body language**
- **Say sorry**
- **If possible keep a barrier between you and the customer**

I confirm I have received instruction and understand my legal obligation in respect of age restricted sale of alcohol. To achieve this I will challenge all customers whom I suspect may be under 21. I will refuse service to any that cannot provide acceptable ID.

Date

26/10/10

BARREAN PAUL OROG  
Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER

PS MUST ENSURE DECLARATION IS COMPLETED BY ALL BAR STAFF BEFORE SERVING BEHIND THE BAR IS PERMITTED.



GREENE KING

## NO ID - NO SALE

### A Guide to Saying 'No'

Many younger customers may not yet routinely carry ID when going to the pub. They may not be used to being challenged. But challenge them you must. Failure on your part to request ID could result in you receiving a fine of £80 or even a prosecution in court. The following tips will assist you in challenging customers.

#### Stand Your Ground

A refusal can embarrass a customer, so be tactful. Always be polite and calm, and don't antagonise by getting annoyed or aggressive. Be professional. Apologise.

If faced with a group, and if possible, move the person you're talking to away from the rest. This lessens the chance of them playing to the crowd.

- \* **Be polite**
- \* **Apologise**
- \* **Don't antagonise**
- \* **Be firm**
- \* **Use tact**
- \* **Don't humiliate**

#### Avoid Blame

Politely stress your legal obligations, when refusing to serve someone. If you're asking for identification for proof of age, emphasise it's nothing personal, but the law requires it. State it's the policy of the pub to make this request to anyone whom you suspect of being under 21.

- \* **De-personalise the situation**
- \* **Explain your legal obligation**
- \* **Blame the pub policy**
- \* **Don't get angry**

#### Keep Your Distance

Stay calm; apologise; use relaxed body language and avoid prolonged eye contact. Use slow and deliberate body movements and try to keep something between you and the possible aggressor. Stay behind the bar - this provides a barrier should violence result.

- \* **Avoid prolonged eye contact**
- \* **Use relaxed body language**
- \* **Say sorry**
- \* **If possible keep a barrier between you and the customer**

I confirm I have received instruction and understand my legal obligation in respect of age restricted sale of alcohol. To achieve this I will challenge all customers whom I suspect may be under 21. I will refuse service to any that cannot provide acceptable ID.

.....  
Date

28/12/10

.....  
Please print your name here

Brian Thompson

RETAIN IN EMPLOYEE PERSONNEL FOLDER

HAC/0FC/10B

DPS MUST ENSURE DECLARATION IS COMPLETED BY ALL BAR STAFF BEFORE SERVING BEHIND THE BAR IS PERMITTED.



GREENE KING

## NO ID - NO SALE

### A Guide to Saying 'No'

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Date

05/02/11

.....  
Please print your name here

Barran Ian 0200

RETAIN IN EMPLOYEE PERSONNEL FOLDER

HAC/DFC/10C



STAFF MUST ENSURE DECLARATION IS COMPLETED BY ALL BAR STAFF BEFORE SERVING BEHIND THE BAR IS PERMITTED.



GREENE KING  
Pub Company

HAR/OFc/10d

## CHALLENGE 25 NO ID - NO SALE

### A Guide to Saying 'No'

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- \* **Be firm**
- \* **Use tact**
- \* **Don't humiliate**

#### Avoid Blame

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- \* **De-personalise the situation**
- \* **Explain your legal obligation**
- \* **Blame the pub policy**
- \* **Don't get angry**

#### Keep Your Distance

Stay calm; apologise; use relaxed body language and avoid prolonged eye contact. Use slow and deliberate body movements and try to keep something between you and the possible aggressor. Stay behind the bar - this provides a barrier should violence result.

- \* **Avoid prolonged eye contact**
- \* **Use relaxed body language**
- \* **Say sorry**
- \* **If possible keep a barrier between you and the customer**

I confirm I have received instruction and understand my legal obligation in respect of age restricted sale of alcohol. To achieve this I will challenge all customers whom I suspect may be under 25. I will refuse service to any that cannot provide acceptable ID.

.....05/04/2014.....  
Date

.....Dariusz Bus.....  
Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER



DPS MUST ENSURE DECLARATION IS COMPLETED BY ALL BAR STAFF BEFORE SERVING BEHIND THE BAR IS PERMITTED.



GREENE KING

## CHALLENGE 25 NO ID - NO SALE

HAU/DFC/10E

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.....  
Date

6/04/11

.....  
Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER

# FINAL DECLARATION

I confirm that I have read and understood the Safe Ways of Working brochure. Furthermore, I have received practical training, and instruction on this.

I understand that failure to follow the SWOW may result in injury to myself or others and could lead to disciplinary action.

Signed (Employee):

Print name: Liz O'Sell

Date: 03/12/10

Signed (Trainer):

Print name: ALEX FLETCHER

Date: 03/12/10

(Trainer's signature confirms employee has demonstrated adequate competency in this task).

Signed (Manager)

Print name: ALEX FLETCHER

Date: 03/12/10

## CONGRATULATIONS!



You are now a competent and safe employee. Take good care of yourself. You are a very important asset.

**DPS MUST ENSURE DECLARATION IS COMPLETED BY ALL BAR STAFF BEFORE SERVING BEHIND THE BAR IS PERMITTED.**



GREENE KING

HAC/DFC/129

## **NO ID - NO SALE**

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26/10/2010  
Date

L. Ozzell  
Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER

DPS MUST ENSURE DECLARATION IS COMPLETED BY ALL BAR STAFF BEFORE SERVING BEHIND THE BAR IS PERMITTED.



GREENE KING

HAC/DFC/126

## NO ID - NO SALE

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..... 28/12/10 .....  
Date

..... L. Russell .....  
Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER

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GREENE KING

HAC/DFC/12c

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..... 02/01/2011  
Date

..... L. J. Zell  
Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER



DPS MUST ENSURE DECLARATION IS COMPLETED BY ALL BAR STAFF BEFORE SERVING BEHIND THE BAR IS PERMITTED.



GREENE KING

HAC/OFC/12d

**NO ID - NO SALE**

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04/02/11  
Date

Liz Uzzell

Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER





# CHALLENGE 21 & Team meeting

## ATTENDANCE SHEET

I confirm I have received and understand the Challenge 21 training.....

HAC/CFE/136

NAME	SIGNATURE	DATE
Danielle Cox		02/01/4
Kirsty Edwards		02/01/4
Jessica King		02/01/4
Alex Lively		02/01/4
Faye Loader		02/01/4
Emma Pearce		02/01/4
Oliver Roberts		02/01/4
Leo Uzzell		02/01/4
Darran O'Connell → (DEBRIEFED MONDAY 3rd JAN)		03/01/4

2

# CHALLENGE 25 TRAINING

## ATTENDANCE SHEET

I confirm I have received and understand the Challenge 25 training.....

HAC/OFC/132

NAME	SIGNATURE	DATE
✓ Liz Uggell		04/2/11
✓ Jessica King		04/2/11
✓ Faye Loader		04/2/11
✓ Danielle Cox		04/2/11
✓ KIRSTY EDWARDS		04/2/11
✓ OLI ROBINS		04/2/11
✓ Anna Lively		04/2/11
✓ CHRIS EYSON		04-2-11
✓ EMMA PEARCE		04/02/11
✓ ALEX FIETT		04/02/11
DARRAN OGDON @		
WORK (IKEA)		05/02/11
DEBBIE BLY		
A. FIETT		