

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 14th June, 2012
at 9.30 am

PLEASE NOTE TIME OF MEETING

Civic Centre

This meeting is open to the public
Members

Councillor Cunio
Councillor Parnell
Councillor Thomas

Contacts

Democratic Support Officer
Sharon Pearson
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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 Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support to the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

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 2012/13

2012	15TH NOVEMBER
10TH MAY	29TH NOVEMBER
31ST MAY	13TH DECEMBER
14TH JUNE	2013
28TH JUNE	3RD JANUARY
12TH JULY	17TH JANUARY
26TH JULY	31ST JANUARY
9TH AUGUST	14TH FEBRUARY
23RD AUGUST	28TH FEBRUARY
6TH SEPTEMBER	14TH MARCH
20TH SEPTEMBER	28TH MARCH
4TH OCTOBER	11TH APRIL
18TH OCTOBER	25TH APRIL
1ST NOVEMBER	

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) (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 10th May 2012 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 REVIEW OF PREMISES LICENCE - BRICKLAYERS ARMS, 165 WIMPSON LANE, SOUTHAMPTON, SO16 4QD (Pages 3 - 36)

Report of the Head of Legal, HR and Democratic Services detailing an application by Hampshire Constabulary for review of a premises licence in respect of Bricklayers Arms, 165 Wimpson Lane, Southampton, SO16 4QD, attached.

Wednesday, 6 June 2012

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 10 May 2012

Present: Councillors Mrs Blatchford, Cunio and Parnell

112. **ELECTION OF CHAIR**

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

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

RESOLVED that the minutes of the meetings held on 22 March and 5th April 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

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

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 the press and public be excluded at a predetermined point in the hearing whilst the Sub-Committee reached its decisions and specifically in respect of any consideration of Item 116. The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998. Having applied the public interest test it was considered inappropriate to disclose this information as the individual's legal expectation of privacy outweighed the public interest in the hearing taking place in public.

115. **REVIEW OF PREMISES LICENCE - JOINER'S ARMS, 141 ST MARY STREET, SOUTHAMPTON, SO14 1NS**

RESOLVED that the matter be adjourned. It was noted that agreement had been reached by all parties to adjourn the application for review of the premises licence to 28th June 2012.

116. **VARIATION APPLICATION FOR PREMISES LICENCE - DPS VARIATION**

The Sub-Committee considered the objection by Hampshire Constabulary to a DPS variation application.

The applicant, Mr Winterbottom, representing the DPS, PC Wood and PC Harris, Hampshire Constabulary were present and with the consent of the Chair addressed the meeting.

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

RESOLVED that the variation application for a DPS at the premises be granted and that such variation have immediate effect.

REASONS

The Sub-Committee considered very carefully Hampshire Constabulary's objection to a DPS variation application and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and all evidence presented both written and given orally today, including the additional evidence supplied by both parties at the hearing.

The Sub-Committee listened carefully to the evidence regarding the one incident leading to a conditional caution in December 2008. It noted the considerable experience of the proposed DPS gained, both prior to and subsequent to that incident. Whilst the particular circumstances of the incident were of concern, the fact that this was an isolated incident and the actions of the proposed DPS in writing a letter of apology and paying for damage caused, showed his remorse.

It was noted that Section 37 (5) of the Licensing Act 2003 made reference to "Exceptional Circumstances", leading to the crime prevention objective being undermined. Whilst the Sub-Committee noted the concerns raised, it did not feel that such were sufficiently exceptional to warrant a refusal.

Agenda Item 7



Reference: 2012/00871/01SRAP

Hearing:

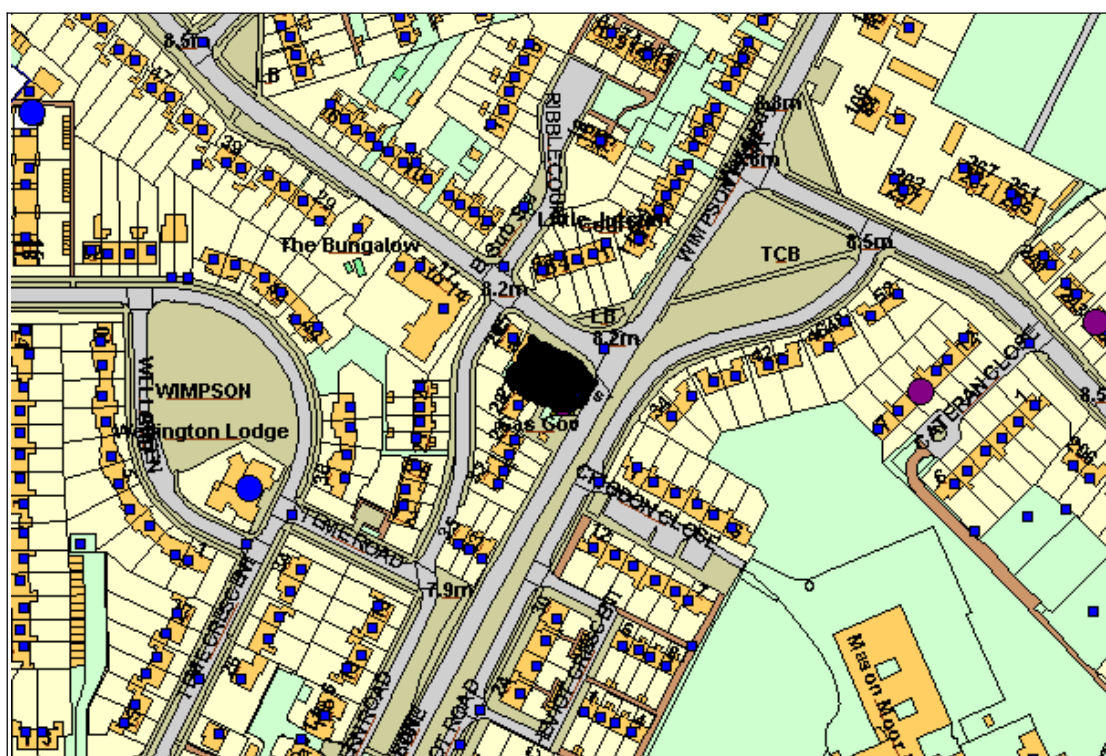
14th June 2012

Application for Review of Premises Licence

Premises Name: Bricklayers Arms
 Premises Address: 165 Wimpson Lane
 Southampton
 SO16 4QD

Application Date: 18th April 2012
 Application Received Date: 20th April 2012

Application Valid Date: 20th April 2012



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No response received	
Hampshire Fire And Rescue - Licensing	Yes	

Environmental Health - Licensing	Yes	No representations P D Wainwright
Planning & Sustainability - Building Control - Licensing	No response Received	
Planning & Sustainability - Development Control - Licensing	No response received	
Police - Licensing	No	
Trading Standards - Licensing	Yes	

Other Representations

Name	Address	Contributor Type
None received		

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; 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

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 Natasha 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:	Bricklayers Arms 165 Wimpson Lane Southampton
Postcode (if known):	SO16 4QD

Name of premises licence holder or club holding club premises certificate (if known)
Scottish & Newcastle Pub Company (Management) Ltd

Number of premises licence or club premises certificate (if known)
2011/02384/01SPRD

Details of responsible authority applicant

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

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





[REDACTED]

**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 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, because of the recent test purchase failures at the premises which impacts on the licensing objective of the Protection of Children from Harm.

On the basis of the evidence outlined below, Hampshire Constabulary would wish to achieve the following as conditions on the licence: (proposed wording attached)

- 1) Challenge 25
- 2) Refusal Book
- 3) Staff training
- 4) Staff trained to NCPLH (National Certificate of Personal License Holder) level
- 5) DPS to complete a nationally recognised Level 2 DPS Course

The premises was visited by the Police Licensing team in October as the premises had re-opened under new management and there had been some complaints received by the local officers about persons leaving the premises. A visit was conducted by PS Marshman on the 14/10/11 where he discovered that none of the licence conditions were being adhered to (Exhibit A page 8). A meeting was held on the 27/10/11 which was attended by the area manager for the premises licence holder and the DPS. At this meeting it became apparent that the premises licence holder had little or no involvement in the business as they employed a company to run it on their behalf. It was clearly explained to the premises licence holder that they were the premises licence holder and therefore responsible to ensure that the premises was being operated appropriately. Whilst at this meeting we asked about the age verification policy and staff training and were told that the staff were verbally trained by the DPS. It was explained that the premises required a written age verification policy and that the police recommended to operate a Challenge 25 policy. It was advised that there should be a written staff training pack which should include precautions around sales to anyone under 18 years old, what forms of ID the staff should accept and refusal of sales to drunk persons. This was reiterated in a letter to the DPS and premise licence holder dated 27/10/11 (Exhibit B). A copy of our suggested condition wording was included with the letter to ensure what the police expectations with regards to supporting the licensing objectives were understood. The letter also reminded them of the offer made for police to attend and support any training the premises provided to staff.



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

On the 3rd December 2011 during a test purchase operation a 17 year old female and a 15 year old male (Exhibit C) entered the premises and purchased a bottle of Bulmers Cider and a bottle of WKD, this was witnessed by SO Charnley (Exhibit D) and PC Smith (Exhibit E). A fixed penalty notice was issued by PC Wood (Exhibit F) to the member of staff who made the sale. No formal action was taken against the member of staff by the premises as she resigned soon afterwards.

The DPS was on site and spoken to at the time of the offence and the premises licence holder informed via e-mail. There was no response from the premises licence holder therefore a meeting took place with the DPS at which it became apparent that she had made some steps to improve her due diligence training. She had created a sheet of paper for staff to sign stating they understood challenge 25 and not to serve anyone under the age of 18 or drunk persons. She had put up examples of types of identification that would be suitable for age verification purposes and had put a date of birth reminder on the till. The training was lacking in details in all areas and there was still no formal training package which was highlighted to the DPS and the premises licence holder by a letter dated 28/12/11 (Exhibit G)

On the 25th February 2012 a further test purchase operation was conducted and a staff member sold one bottle of Bulmers and one bottle of Smirnoff Ice to test purchasers aged 15 and 17 years old (Exhibit H). This was witnessed by PC Hercock (Exhibit I). A fixed penalty notice was issued by PC Prior (Exhibit J) to the member of staff who made the sale, again the staff member resigned shortly afterwards.

A further meeting was held on the 15th of March 2012 where I again explained to the premises licence holder that they are responsible to ensure that these matters are addressed and clearly have not been doing so. There was still no formal training package in place and nothing further had been added to what the DPS had put in place previously. The refusal log had shown an increase in refusals since the first test purchase failure but this was not consistent. It was clear that whilst the DPS was not working the remaining staff were not operating the challenge 25 policy. This highlights that the staff have not taken on board the minimal training they have received and that a comprehensive training package is required. A letter was then sent out to the DPS and the premises licence holder in relation to what was discussed (Exhibit K)

It is felt that to support the licensing objective of the protecting of children from harm the premises licence requires the suggested conditions to ensure that staff and management are fully aware of their responsibilities in relation to the sale of alcohol.

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





[Redacted]

**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 Natasha Prior
Signature: [Redacted]

Collar Number: 20920
Date: 18/04/12

Signature of Authorising Officer (Inspector or above)

Name [Redacted]
Signature: [Handwritten Signature]

Collar Number: 1399
Date: 18/04/12

[Redacted]

Suggested wording of conditions requested

Challenge 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

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

Refusals book

A refusals book will be kept and maintained at the premises and will be available for police inspection upon request. All refusals for the sale of alcohol and the reasons for refusal should be recorded. Any age challenge or identification seizures should also be recorded.

Training

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and that records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

All training records will be made immediately available for inspection by Hampshire Constabulary and the licensing Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

Bar Staff

All staff who sell alcohol will be trained to APLH(EDI Level 2 Award for Personal License Holders) level. All sales of alcohol must be directly supervised and authorised by a personal licence holder until such staff have achieved training to APLH level.

DPS Level 2 Course

The DPS should also complete a nationally recognised Level 2 DPS course .
The BIIAB Level 2 National Certificate for Designated Premises Supervisors

A

Bricklayers – Working Sheets

15/03/12

Meeting at premises with Premises Licence Holder and company running premises

A few days before the meeting the DPS had called me as I had left messages, she wanted to ensure me that the sale was made by a member of staff who was not actually working there anymore, he had just briefly helped out behind the bar when the manager was busy.

I asked the DPS if she would be at the meeting on Thursday and she stated she was not aware of any meeting and Thursday was her day off.

The meeting was therefore held with the premises licence holder represented by [REDACTED] he had also brought along someone from the holding company. I explained clearly that I could understand why he was there but as stated previously the responsibility fully lies with the premises licence holder. It was explained to me that the staff member who served was not on rota that night and therefore made the error as it was busy. The holding company said it was quite usual for 'customers' to help out. I raised concerns about someone who was in the pub socially, with friends, probably drinking was being allowed to work behind the bar and how that leads the premises open to situations like these. I asked what the training was as clearly the male was still someone used by the premises for bar work so should have received some training. I was advised that the challenge 25 posters were up and all staff were told about the policy daily and there was a DOB prompt written on paper taped to the tills. I explained to the premises licence holder that twice I had asked the premises licence holder to assist the DPS and I wanted to know what training package had been provided and what support. Clearly there was no training package whatsoever and the response to me was what was expected in a training package. I advised of the expectations and that they had received an example of our condition wording in the first letter sent to them when concerns about staff training was raised.

I asked what action had occurred with regards to the staff member who made the sale, [REDACTED] who was on site updated that the male had resigned.

I advised them that they were likely to get a 48 hour closure and / or review of the premises licence.

I checked that other conditions were being adhered to, there was the incident book that had the sound checks when entertainment on, garden closure (these are all pre-filled in and then signed on the night) which is worth a check on a visit that it is being done rather than just signed.

There was also ID checks and refusals in there, these were constant and then more sporadic which I pointed out that I believe that was evidence of it not being done on the nights that the DPS was not on site. There had been substantial checks of ID made since the failure. I explained the training was to be done to ensure that these checks continued not petered out.

From: 5 OCU Licensing Mailbox **Sent:** 29 February 2012 13:14 **To:** [REDACTED]
Subject: BRICKLAYERS - 2nd Test Purchase Failure at premises in 3 months

[REDACTED] At the weekend, 25/02/12, we conducted another test purchase operation and as is our policy and national guidelines we re-tested the premises which previously failed. Bricklayers were one of the premises that were re-tested and they failed by serving a 16 year old lad who was with a 17 year old female. [REDACTED] was not on site at the time, the manager in charge was [REDACTED] who was informed of the failure once the male member of barstaff was issued with a Penalty Notice in relation to the offence. I have not yet managed to speak to [REDACTED] she is apparently due in tonight. A meeting will need to be arranged Natasha PC 20920 PRIOR Violent Crime Reduction & Licensing Southampton

Police TP OP 25/02/12 – Failure

44120078511 refers to TP failure

Manager on site was [REDACTED] she is apparently incoming DPS but not yet got the CRB check for the personal licence so has not taken over though is in place.

[REDACTED] who is current DPS was not on site and will need contacting

2nd TP failure in 3 months - review likely

14/02/12

The CCTV footage that I was given on a previous visit did not play on our computers though it was clear that a player had been downloaded with the footage. On getting our licensing laptop back from IT I have tried to play the footage on it and the player does load up and the footage can be played. The lighting of the pub does not get turned down so picture quality is ok as is frame rate and reasonable coverage. Smoking area does not appear to be covered though.

From: Lindley, Jamie **Sent:** 09 January 2012 12:53 **To:** Prior, Natasha **Subject:** Bricklayers

Tasha, [REDACTED] called from the Bricklayers. She states she will continue as DPs for another couple of weeks but she'll let you know when things change. Jamie Lindley PC 3942

From: Marshman, Ivan **Sent:** 08 January 2012 03:36 **To:** Prior, Natasha; Harris, Jonathan; Wood, Bethan; Lindley, Jamie **Cc:** Marshman, Ivan **Subject:** The weekend

Bricklayer 7/1/12 Visted at 2340 hours there were only 3 people in the main bar area and a few playing pool(who left when we arrived). The DPS advised that she would be handing over the role of DPS to another person who is being trained up. Toilets checked and there was no evidence of drug use. The DPS said it had been this quite all night. She will contact PC Prior to meet the new DPS when she has passed her course. Ivan PS 3555 MARSHMAN

28/12/11

DPS states that she intend to give her notice in just after the New Year and if possible only work a week's notice but that will be dependant on her company and what they might offer her to stay on. She has been advised to withdraw herself as DPS as soon as she leaves

CCTV disc provided - this has a player and footage on it but our systems will not allow the player to install and the Siraview does not play the footage. Laptop not tried as currently unavailable

From: 5 OCU Licensing Mailbox **Sent:** 28 December 2011 13:22 **To:** [REDACTED] **Cc:** [REDACTED] **Subject:** RE: Test Purchase Failure at the Bricklayers PH, Wimpson Lane, Southampton

[REDACTED] As I had no response from you about a meeting at the premises it was arranged without you. This letter summarises the main points and failings in staff training - which were highlighted at the last meeting with [REDACTED] and in the letter to the premises licence holder Natasha PC 20920 PRIOR Violent Crime Reduction and Licensing Team Southampton Central

20/12/11

Meeting at premises with PC Rebecca Day and myself meeting with DPS. Premises licence holders area manager never responded to e-mail [REDACTED]

Noise Nuisance Checks / incident book - this is being filled in and there have not been any particular incidents she has recorded that on the 29th November she had a funeral party and a few males got rowdy and aggressive and were asked to leave which they did. She is also noting incidents outside the premises which are nothing to do with her premises so that she can evidence that if any future reports are made by local residents.

Garden area - she is calling a close on the garden at same time she calls last orders at the bar at 2250 hours.

Toilet checks - being done but not recorded, she detailed that on one check she discovered someone had vomited in the urinals blocking it, that she suspected it was a group of football players she'd had in.

Staff Training - After the test purchase failure [REDACTED] sat down all 4 members of staff and advised them of the new challenge 25 policy (although they'd already had the posters up for that) and what ID was acceptable and what was not. Also that they should not be serving drunks. She has got them to sign a sheet of paper that states they have been told that. There is also the DOB reminder (month and year that makes someone 18 - to be changed each month) by the till.

Refusals log - [REDACTED] did not have one in place but had been explaining that they are now ID'ing a lot of people and that she had refused 3 people at the weekend for having no ID but she was surprised that most people do have ID. Advised to record ID's as a tally chart in checks/incident book and to actually write down details of refusals with date and time and why refused.

CCTV - she has got the disc she burnt for me that I previously requested but realised someone had moved it so will find it and have it ready for collection.

Throughout the meeting the DPS took notes. I did address the victimisation comment and explain the job we needed to do and that she had not known about her conditions and not adhered to them and that was going to result in repeated visits then had failed the Test Purchase. With regards to wanting to have proof that the test purchasers were underage this was quite confusing as [REDACTED] seemed to be under the impression that the test purchasers would have ID on them and that staff would ID but not get the DOB right. I explained that the test purchase operation was about checking that the premises were looking to check ID and if there was no ID then there was no sale. I showed her an edited photocopy of the TP's driving licence that only had DOB on show and she accepted that 1996 was definitely underage.

When discussing ID she said that she had not yet seen a Pass Logo ID but she knew that she had to make sure that it hadn't been changed and how to feel across it for that - she has a poster up about acceptable ID with that all on it. I explained that she had to show due diligence and need to make her staff aware that people can buy false driving licences that are almost the same except with say "driving permit" or "european driving permit" at top.

13/12/11

I visited 13/12/11 to arrange meeting around TP failure - [REDACTED] would like to see ID of TP's to prove that they were underage. [REDACTED] feels victimised and is noting down every attendance. She has spoken to friends at other premises in the area and they all say that they have not had visits from the police licensing. I suggested that some premises might just not want to share that information with her.

Meeting booked for Tuesday 20th at 1100 hours at the premises

08/12/11

Attempted to call DPS to arrange meeting but no reply at this time - message left

From: Prior, Natasha **Sent:** 08 December 2011 15:18 **To:** [REDACTED]
Subject: Test Purchase Failure at the Bricklayers PH, Wimpson Lane, Southampton

██████████ I would hope that you are aware but if not on Saturday there was a test purchase failure at the Bricklayers where a 16 year old male was served, a ticket was issued to the member of bar staff doing the selling. The DPS was briefly spoken to and did show us some of what had been put into place regarding training and ID'ing I am currently trying to arrange a suitable meeting time with the DPS. As premises licence holders I am making you aware of the situation, I would request that you attend the meeting but if you are unable then it needs to take place sooner rather than later and will go ahead without you. Natasha PC 20920 PRIOR

Premises failed a test purchase 3/12/11 - bar staff served and PND issued.

RMS 44110510389 refers

friday 18th nov

Bricklayers – 2240hrs. Things went wrong here as we left the ██████████. A public order incident was called in with many units rushing to it. One CS'd and arrested. Upon our arrival this was some 100 metres or so down the road from the premises. The premises was all in darkness but I could see about 6 people inside the bar through the window. When I knocked on the door I heard someone say "SHIT, IT'S IVAN." Then there was relief when they realised it wasn't. ██████████ (DPS) spoken to inside. She stated there was no issues on the premises at all and everyone was kicked out at closing time at 2300ish. She was keen to point out that they had CCTV and that would show that nothing happened. I'll re-visit early tomorrow evening to look at CCTV

PC 3942 Lindley

Bricklayers – 2240hrs on 18/11/11. A public order incident was called in with many units rushing to it. One CS'd and arrested. Upon our arrival this was some 100 metres or so down the road from the premises. The premises was all in darkness but I could see about 6 people inside the bar through the window. ██████████ (DPS) spoken to. She stated there was no issues on the premises at all and everyone was kicked out at closing time at 2300ish. She was keen to point out that they had CCTV and that would show that nothing happened.

Re-visited @ 1945hrs on 19/11/11 to review CCTV. Upon arrival there was an older male on the premises who was drunk and tried to dance with us and appeared a little confrontational. DPS stepped in and told him off and told him he needed to leave.

CCTV confirms that nothing occurred on site but there were clearly some words being exchanged by some outside of the premises. DPs was seen outside for some of the time taking signs in etc and would've known that something was going on. One male is seen to be half heartedly pulled away by another. No offences seen on CCTV. DPS was advised about the level of intoxication of her customers and the fact she is responsible for them if they leave the premises in an intoxicated state and cause problems. The initial incident with the drunk on our arrival was pointed out to her as an example of drunken issues and that more diligence is required.

PC 3942 Lindley

Visit 5/11/11

Bricklayers Arms

Visited at 2320 hours the pub was locked but there were 3 males inside (1 was the DPS partner) . She opened the door and was friendly... she advised she had had hardly anyone in the pub. She showed me her incident book and her perimeter checks and the fact that she found someone outside her premises with a glass from ██████████ (recorded in book) and that she had barred someone(recorded in the book). On the nights without entertainment she wrote " no checks " . I asked her just to put no incidents in

future if there aren't any. The book was very small and scrappy(she was using a 2012 book with the correct day replaced). I suggested a page a day and from January she will do this.

Toilets checked and someone had ripped up a toilet roll tube and there was white powder residue on this. I showed the DPS and suggested once more to do toilet checks even on quite nights and record them. She said she would.

PS Marshman

Meeting with DPS and area manager 27/10/11 1145 hours

PS Marshman and I attended a meeting with DPS, [REDACTED] and Area Manager [REDACTED]. Through out the meeting [REDACTED] came across as disinterested and was on his laptop although he did switch his mobile off.

PS Marshman started by explaining the concerns that he had on attendance on the 14th October 2011, he explained that her attitude was unacceptable regardless of whether she knew what her conditions were. That as DPS she should have known her conditions and that we would expect support from her with regards to the behaviour and attitude of others towards us not that she would also have an attitude and use unacceptable language. The DPS did apologise saying she did not know the conditions and that it was a busy night and she was highly strung. PS Marshman explained that she was almost childish in her response about toilet checks and that on checking there was drugs residue in there, that although he was impressed to see she had put rubber down in an attempt to stop use it had not worked and that toilet checks might assist. The DPS said that she had put artex down now and reacted to the checks with the fact that she already had to do checks outside every 30 minutes when she had a DJ or Karaoke and to do toilet checks as well she would have to pay more staff which would make no point as would have been making no money. PS Marshman also explained that on his attendance there were three males at the bar who then left at the same time as him who were very drunk and should not have been served. The DPS said she knew who that was and they had come down from the [REDACTED] but that in the future she will tell them soft drink or nothing. The DPS says that she knows the DPS of the [REDACTED] and that although the [REDACTED] felt they were in competition she did not want his customers and she would speak to him about any banned individuals that she should also ban. She asked if there was a pub watch and it was explained that there used to be but it fell apart as premises went back on agreements. That although licensing link is up and running in the city the Night time Economy manager had not rolled it out this far.

Resident complaints - read out to the premises and the DPS disputed them based on the fact that when the residents complained she had only been in the premises 2 weeks not the 3 that they suggest. Advised that this was the information that we were receiving and she needed to know about it so she could address it. Advised that if more complaints came in she could consider a residents meeting to hear what they had to say and to explain to them what she was trying to do to minimise the problems. I explained we would be happy to attend and would try and get a representative from the SNT as well.

Incident book - the DPS has a book that she notes down the 30 minute checks for the outside when regulated music is on, she says that if there was an incident then that would have been written in there but that there hadn't been. That she saw no police and no incident on the Saturday night though did see a van parked a bit further down about 2330 hours. Explained that the allegation of assault was inside the pub but that on arriving officers may have dealt with people outside. She said she was helping the chap pack away the karaoke machine at the time, asked if another member of staff might have seen something and she said she'd ask. Advised they should be aware of the incident book. That the concerns was that the male had drugs on him which highlights the drug problems. Advised to record 30 minute toilet checks in the incident book as well as incidents, refusals and the outside checks.

Beer Garden - sign up saying it shuts at 2300 hours and that from 2245 hours she goes out and tells them to finish up and move inside

Leave Quietly - signs up by the door, advised to check on the sign in case someone removes it

Drinks outside - she asked about that policy as she said it never used to be like that though Sue Tait had put it in at the Maybush when the DPS worked there. Explained that the whole city was now a no

drinking zone and also the police were concerned about the public safety aspect of drinks being out on the street. She says she struggles as the two bars are separated without an internal route through so patrons have to go outside and back in so try and take their drinks with them. She has to get them to pass it to staff to pass through the bars which are adjoined.

DPS stated that on Saturday the takings were down a quarter and she spent her whole night whinging at people

CCTV - The DPS can work the system for playback following the guide written down. She does not have any DVDR's so could not try and download but did have that written on the guide too. I have requested a disc and she says that she will buy some DVDR's and burn the footage requested off and call when that was done.

Staff Training - asked if she did any staff training and she said that she told staff to ID anyone under 18 and that the ID had to have photo and hologram and to check the date of birth on it. Advised that any training should be recorded and sign to protect herself should a test purchase failure occur. At this point [REDACTED] was asked if they had a package to give to the DPS and he was adamant that although they do Indigo Taverns should do that. Advised that as premises licence holder he should ensure that he is satisfied with staff training package. DPS informed that if she wanted our assistance then we can come along at the end of the training and give an input. Advised that staff training should include drunk sales

Authorisation to sell alcohol - the DPS had not done a sheet detailing who she authorised to sell alcohol

Conditions - children, under 18, in the premises after 2200 hours - breached when a lad on a bike was seen on the premises at 2345 hours on the 1/10/11. The DPS stated that she knew who that was and would make sure it would not happen again and that she did have problems with youths on bicycles hanging around outside but not coming in and having to move them on. Advised of the 101 number to report it so that the police community support officers if in the area can attend.

Document taken to preemies

Visit 1/10/11 2346 hours - new management - locals, we walked in and entire pub cleared of the 10 people in there, one very young lad who had apparently just "popped in to see his mum"

14 October 2011 11:26 Bricklayers Arms 165 Wimpson Lane, The pub has just re-opened under new management about 3 weeks ago. When customers are leaving the pub drunk they are often fighting and swearing in the carpark. They are also throwing their glasses and bottles causing a real nuisance for neighbours especially children. The pub has also been reported to environmental health [REDACTED]

14/10/11 2305 hours - it was reasonable busy and I believe they had karaoke on. Upon entering I requested to speak to the new DPS [REDACTED] She was not happy to see police in her venue. I asked if she had seen her premises licence and she said she had. I asked why there were people still outside in the smoking area (at least 7 people) She kept trying to argue she was allowed to sell alcohol until midnight. I had to explain her licence to her as she did not have the full copy. i.e. she was missing the conditions. She kept saying she knew what she was doing and at times started to swear. I had to remind her not to swear. She kept asking to shake my hand and constantly ask me were she could get the licence full licence from. I had given her details of the council. I'm not sure if she was under the influence of drugs or alcohol her behaviour was very strange. I then asked if she could operate her CCTV- she couldn't. All the time during this her son kept chipping in with various comments about how the brewery isn't helping her. I explained the concerns raised by the complaint from EHO regarding people fighting and being generally anti social when they left the premise. She was un aware that she had to patrol the perimeter whilst there is live music. We checked the toilets- and she has put a rubber carpet on all flat surfaces. As we entered the men's toilet this had been ripped free and you could clearly see a white powder over the cistern. As I entered the premise a male was taking a bottle out of the pub.... This was also raised with the DPS. I explained we needed a meeting with her and the brewery as she was breaching all her licence conditions and did not have a copy of the licence. She was blaming the brewery for every thing. I pointed out her responsibilities. As I was leaving 3 males were also leaving and were extremely drunk.....I have little confidence on the evidence from this visit in the DPS. A meeting is needed with the brewery and DPS to address the issues. Weekly visits are required. I provided a copy of the conditions in the interim. PS 3555 MARSHMAN

15/10/2011 09:25 Could you please circulate this to all SY to bear in mind for Friday and Saturday nights? I have attended [REDACTED] and the occupants have reported damage to me. When speaking to the resident and doing house to house, I have been told that since the new owners have taken over the pub there have been lots of disorder incidents. They state the visitors to the pub stand outside on the pavement drinking, they throw beer glasses over residents cars and there are regularly fights outside. The aggrieved attributes the damage to patrons of the pub but has no evidence of this. Can officers please bear in mind and patrol the area to monitor what is going on? PC 20488 THOMAS

20 October 2011 12:54 [REDACTED]@inndegotaverns.com I have discussed all issues that have been raised with DPS [REDACTED]. The action that we have taken is as follows: No 1 The garden will be closed from 10.45p.m. giving us that extra 15 minutes to clear it, signs will be posted around the pub and staff briefed to deal with this: No 2 [REDACTED] will monitor every evening when there is entertainment by doing a walk of the outside of the building every half an hour and keep a record of any issues with regards noise: No 3 [REDACTED] will produce some posters near the entrances to stop people from taking drinks outside, which she will also monitor: No 4 All the toilets flat surfaces have had artex or cloth added so it makes it useless for any drug taking again [REDACTED] will monitor: No 5 I have arranged training from [REDACTED] the CCTV installer to come to site and guide [REDACTED] through the system

20 October 2011 19:55 [REDACTED] area manager wanting to postpone meeting for a month

20 October 2011 21:40 Response sent by PC PRIOR to say that the meeting should go ahead

22/10/11 2309 Female called police to state that she was violently shoved up against a pillar by her boyfriend in the premise. Police attended and drugs found belonging to male who was then arrested (44110449656)

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LICENCE CONDITIONS

At a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7 The responsible person shall ensure that -

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

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

A CCTV system shall be maintained in the licensed premises to the satisfaction of the Licensing Authority and Hampshire Constabulary. As a minimum, it shall enable surveillance of both bars. Recordings from the system shall be of 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 recording, and shall be surrendered to Hampshire Constabulary or the Licensing Authority immediately on request.

No customers carrying open or sealed bottles containing alcohol shall be admitted to the premises at any time.

Anyone who appears to be under the age of 18 years and is attempting to buy alcohol must be required to provide proof of age before such sales are made.

Windows and doors (except for entrance and exit purposes) will be kept shut when amplified musical entertainment is provided.

No one under the age of 18 will be allowed to remain on the premises after 22:00 hours.

The patio area will be closed and cleared of all customers at 23:00 hours.

The premises licence holder or club official shall ensure that prominent, clear and legible notices are displayed at all exits requiring customers to respect the needs of local residents and leave the area quietly.

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

The management of the premises will undertake inspections around the perimeter of the premises every 30 minutes when regulated entertainment takes place to ensure sound levels are not causing a noise nuisance to nearby residential properties. Records of these inspections will be kept in writing on the premises and will be made available for inspection by the Licensing Authority or Responsible Authorities upon request. Records will be kept for a minimum of three months



B

Hampshire Constabulary
Chief Constable Alex Marshall

Scottish & Newcastle Pub Company
(Management) Ltd
2- 4 Broadway Park
South Gyle Broadway
Edinburgh
EH12 9JZ

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

Our ref: 44080538521

Your ref:

Telephone: 0845 045 45 45

Fax No: 0845660037

Deaf/speech impaired minicom: 01962 875000

Email:

27th October 2011

Sir,

This letter is in reference to our licence meeting on the 27th October 2011 at Bricklayers Public House. At the meeting were PS Marshman, PC Prior, DPS [REDACTED] and Area Manager [REDACTED]. These discussions are summarised on the attached sheet.

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

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

We wish to continue a good working relationship with the premises and will routinely conduct licensed visits at the premises and check on conditions, policies and procedures in place. If you would like our assistance in either the residents meeting suggested or staff training then please call. We will pass on your concerns about the lack of pub watch on to the night time economy manager but appreciate that you've stated you will try and work with the nearest pub around who should be banned.

Sincerely

PC 20920 PRIOR
Violent Crime Reduction & Licensing Team
Southampton Central Police Station



Hampshire Constabulary Chief Constable Alex Marshall

Meeting regarding Bricklayers 27th October 2011

Breaches in Licence conditions

Discussed: That the conditions on the licence were not known by the DPS and should have been; that the DPS did not have a good attitude or behaviour and that the police had concerns about the drunks and drugs use in the premises evidenced on the visit. That glasses should not be allowed to be taken outside as the whole city is a designated area and that police have concerns about glass being on the street due to public safety. That a child under the age of 18 was seen by police on the premise at 2345 hours and regardless of the bar staff stating that he had just popped in to see his mum it still constituted a breach in the licence

Updated: The DPS apologised and stated that she had tried to limit drugs use by putting mats down on surfaces in the toilets but these had been pulled up but she has now artexed the surfaces. That there are "no drinks outside" signs up and that due to the bars being separated it is difficult to manage but the message will be put across. The below is also in place for the conditions:

- Beer Garden - sign up saying it shuts at 2300 hours and that from 2245 hours staff go out and tell them to finish up and move inside
- Leave Quietly - signs up by the door, advised to check on the sign in case someone removes it
- Noise Book – now up and running and detailing 30 minute checks outside when regulated entertainment in place
- CCTV – DPS has a guide to viewing and burning CCTV and has shown ability to view, once DVDR are brought DPS will burn off footage.

Advised:

- That toilet checks are conducted every 30 minutes to try and reduce drug usage.
- That although the DPS has stated that with this and all the other checks she would have to hire more staff that she needs to adhere to conditions and support the licensing objectives.
- That drunk people are asked to leave and are refused sale of alcohol.
- That under 18's are not allowed in after 2200 hours and if experience any problems with youths hanging around outside to report them using the 101 police non emergency number for the information to be passed to local police community support officers
- CCTV should be regularly checked and if not working the police licensing officers should be informed immediately, regular checks could be noted down in the incident book.

Incident & Refusals book

Discussed: That an incident book was in place as part of the noise book but there had not been any incidents that the DPS or staff were aware of

Advised: To have a diary in use for the noise checks, toilet checks, any incidents and that the DPS records if there is no incidents or no regulated entertainment to keep the use of the book as a daily measure. Refusals can also be recorded in there as well as ID requests where ID is produced

Resident Complaints

Discussed: The residents complaints were read through and although the DPS refutes what is being said but it is information that is coming through to us

Advised: That if the complaints continue the a residents meeting could be considered by the premises and that police licensing and local safer neighbourhood team would attend to support that

Staff Training

Discussion: The DPS has not written down a list of who she authorises to sell alcohol and that she does tell staff to ID and to check the photo, hologram and date of birth

Advised: That a list of staff authorised to sell alcohol should be done. Any staff training should be recorded and signed by the staff to say that they have had the training, that the training should cover age related sales and drunk sales. As the premises licence holder is responsible for the sale



Hampshire Constabulary

Chief Constable Alex Marshall

of alcohol that they should assist or at least ensure that the training package put into place is to their satisfaction

Wordings for conditions in relation to incident book, toilet checks, staff training and current CCTV, these are only included for the information of the DPS and premises licence holders as to what is expected

The public toilets within the premise shall be checked every 30 minutes when the premises are open for a licensable activity. A record shall be kept by the premise and presented on request by Hampshire constabulary. Toilet check records shall be kept for a minimum period of 3 months.

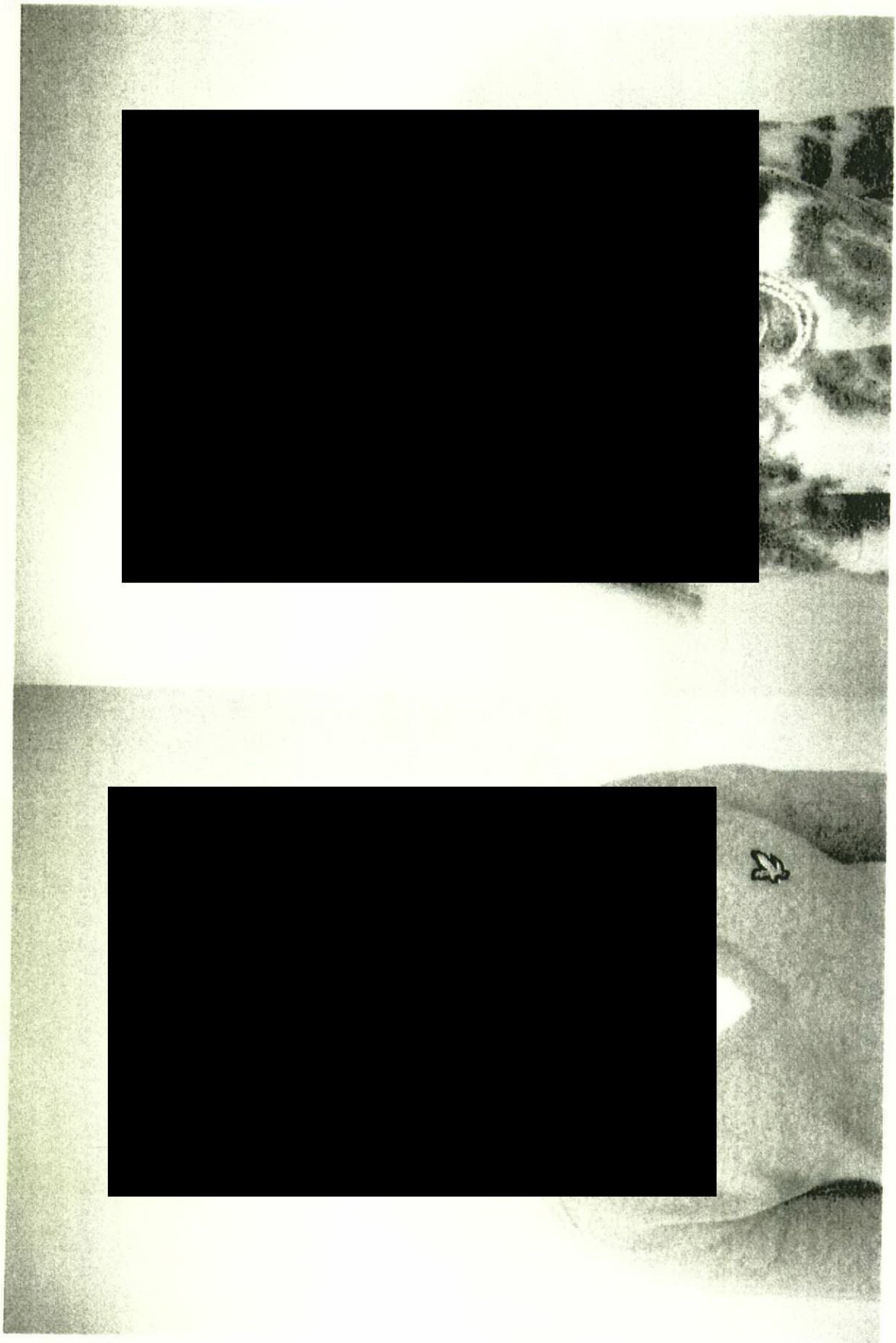
Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; signs and symptoms of drunk persons, refusal of sale due to intoxication and that records are kept of such training, which are signed and dated by the member of staff who has received the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

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 on request of the Police or local authority. Any images recovered must be in a viewable format on either disc or VHS. The recording system will be able to capture a minimum of 4 frames per second. 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. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Southampton Police Licensing Unit.

An incident book will be provided and maintained at the premises and there will be a daily debrief of door staff (where used) at the close of business which will be evidenced in writing by the Manager on duty. Should there be no incidents then this will also be recorded at the end of the shift in the incident book. The incident book will remain on the premises at all times and will be available to police upon request. The book shall detail in brief, incident of injury/ejection/refusals/drug misuse/I.D seizure/age challenge. Where there is an injury, ejection of physical altercation the entry shall be timed, dated and signed by the author. If the member of staff involved has difficulties reading or writing then the entry may be written by another party. This should however be read back to the person involved and counter signed. Should there be any physical interaction by members of staff and public the entry will include what physical action occurred between each party. A refusals book to be kept detailing numbers, dates and times of incident and description of people refused service of alcohol with reasons why (Including incidents relating to disorder) to the reasonable satisfaction of Hampshire constabulary. The refusals book will remain on the premises at all times and will be available to police upon request.

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

C



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: **SO ANDREW CHARNLEY** URN: | | |
Age If under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police service

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: 03/12/2011
SO ANDREW CHARNLEY


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

I am special constable 9398 CHARNLEY currently based at Southampton Central Police Station. At about 22:10hrs on Saturday 3rd December 2011 I was on duty in plain clothes on a Test Purchasing operation with the licensing department at Southampton Central. I was required to enter The Bricklayers Arms, Southampton and stand by the bar to ensure that the area was safe for the two underage test purchasers to enter the premises. At about 22:12hrs my colleague 24133 Russell SMITH who was with me, also in plain clothes, ordered a couple of bottles of 'Tiger', we paid, and stood at the bar with them.

about 22:13hrs the two underage test purchasers who we were working with came in and approached the bar. Test purchaser 1 ordered two drinks. One was a bottle of 'Bulmers' and the other was a bottle of 'WKD'. I could not hear the conversation that was being had between the member of bar staff, and the test purchasers as, in the pub there were several people singing loudly along to a loud karaoke track. I could however see that the member of bar staff was holding up a bottle of Bulmers as if to check that it was the one the test purchaser wanted.

At about 22:14hrs the member of bar staff placed the two bottles on the bar and then came closer to me as I was sat next to the cash register; I heard her say "IS THAT EVERYTHING" to which test purchaser 1 replied "YES". She stated the price and test purchaser 1 handed over some money.

The two test purchasers then stood for about 20 seconds at the bar before leaving the pub. 24133 Russell SMITH then telephoned the uniformed officers outside the pub and asked them to come in. At about 22:15hrs the two

Signed:  Signature witnessed by :
SO ANDREW CHARNLEY



HAMPSHIRE CONSTABULARY

MG11T

Page 2 of 3



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: **SO ANDREW CHARNLEY**

uniformed officers walked into the pub and went behind the bar to speak to the staff. I then seized the two bottles that were on the bar and walked out of the pub. I exhibit these bottles as AC/BA/01 "BULMERS BOTTLE AND WKD BOTTLE".

At about 22:18hrs I tipped out the liquid from the bottles onto the grass opposite the pub and took the bottles back to Southampton Central Police Station. At this point I had no further dealings with this incident. During the time I was in the pub I could clearly see the member of staff who was behind the bar and the test purchasers. I was at most three metres away from the test purchasers and the staff at all times. The total time the incident took was about five minutes. I would describe the member of bar staff as white female wearing a black top with silver sequins on it. Her identity was obtained by the uniformed officers who attended.

Signed :



SO ANDREW CHARNLEY

Signature witnessed by :

..... 2

E



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 RUSSELL SMITH URN: | | |
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police service

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: 03/12/2011

PC RUSSELL SMITH

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

I am PC 24133 SMITH of Hampshire Constabulary, currently attached to Southampton Central Police Station. On Saturday 3rd December 2011 I was on duty in plain clothes and conducting a test purchase operation with the Licencing Team, PC 20920 PRIOR and PC 24191 WOOD.

The purpose of the operation was for a test purchaser, aged under 18, to enter a licensed premises in order to attempt to purchase alcohol.

In relation to my involvement in the test purchase operation at 2215 hours I attended BRICKLAYERS ARMS, Mansel Road East, Southampton in the company of SC CHARNLEY.

Whilst standing at the bar, the test purchasers entered the premises and approached the counter near to where we were stood. From my position I was not able to hear whether anything was asked in relation to their age but the test purchasers did not show any form of identification and were able to purchase 2 bottles of alcohol (a Bulmers and a WKD) which were seized by SC CHARNLEY.

The licensing team were advised to attend the premises following the failure of the test purchase and the female who served the test purchasers was identified to them.



Signed :



PC RUSSELL SMITH

Signature witnessed by :

.....

WITNESS STATEMENT

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

Statement of: PC 24191 WOOD

URN

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

Occupation: Police Constable

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

Signature:

[Redacted Signature]

20191

(witness) Date: 03/12/11

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

I am PC 24191 Bethan WOOD of Hampshire Constabulary, currently stationed at Southampton Central police station, attached to the Violent Crime & Licensing Team.

On the 3rd December 2011 from 1800hrs I conducted a test purchase operation with two test purchasers, one of whom was 17 years old and the other 16 years old. I was in company with PC 20920 PRIOR throughout.

Section 149 and 152 of the Licensing Act 2003 allows for the test purchaser to buy alcohol without committing an offence and for us to direct them to buy alcohol without an offence being committed.

The operation involved three plain clothes officers, PC 24133 SMITH, PC 20488 THOMAS, and SO 9398 CHARNLEY. Their role in the operation was to monitor the test purchaser at all times, ensure their safety, and give evidence in relation to any offences committed.

around 2210hrs I directed PC SMITH, and SO CHARNLEY into The Bricklayer PH, WIMPSON LANE and then once they were in the premises PC THOMAS advised the two test purchasers to enter the premises and attempt to buy alcohol. Shortly after entering the premises PC PRIOR received a phone call from PC SMITH to advise that a sale had been made. We attended the premises and were shown by PC SMITH the two bottles of WKD and Cider that had been purchased.

I then spoke with the duty manager, [Redacted] and the member of staff who had made the sale, now known to me as [Redacted]. I explained that [Redacted] had failed a test purchase operation. At 2218hrs I cautioned [Redacted]. Her response was "I'VE DONE WRONG, I ACCEPT IT". [Redacted] advised that she hadn't really even looked at the two test purchasers. Despite describing them to her, it was only when advised what drinks they had bought that she recalled them coming into the premises. At 2224hrs [Redacted] was reported for the offence of selling alcohol to a person under the age of 18 yrs contrary to S146 (1) of the Licensing Act 2003, and cautioned, to which she then made no direct reply. [Redacted] was issued with Fixed Penalty Notice 2024170 4 in relation to this matter.

Signature:...

[Redacted Signature]

20191

Signature witnessed by:

[Redacted]

[Redacted]



G

Hampshire Constabulary
Chief Constable Alex Marshall

Scottish & Newcastle Pub Company
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Police Licensing Unit
Southampton Central Police Station
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Southampton
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Our ref: 44080538521
Your ref:

Telephone: 0845 045 45 45

Direct dial: [REDACTED]

Fax No: 0845660037

Deaf/speech impaired minicom: 01962 875000
[REDACTED]

28th December 2011

Sir,

This letter is in reference to our licence meeting on the 20th December 2011 at Bricklayers Public House. At the meeting were PC Prior, PC Day and DPS [REDACTED]. This meeting was to discuss the recent Test Purchase failure and the discussions are summarised on the attached sheet.

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

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

We wish to continue a good working relationship with the premises and will routinely conduct licensed visits at the premises and check on conditions, policies and procedures in place. If you would like our assistance with staff training then please call.

Sincerely

PC 20920 PRIOR
Violent Crime Reduction & Licensing Team
Southampton Central Police Station



Hampshire Constabulary Chief Constable Alex Marshall

Meeting regarding Bricklayers 20th December 2011

Conditions

Police: The noise nuisance checks & incident book is being filled in including incidents outside that are not related to the premises to evidence that the premises are not responsible. This is better and should continue with any incident recorded providing as much of the following information as possible

"Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author."

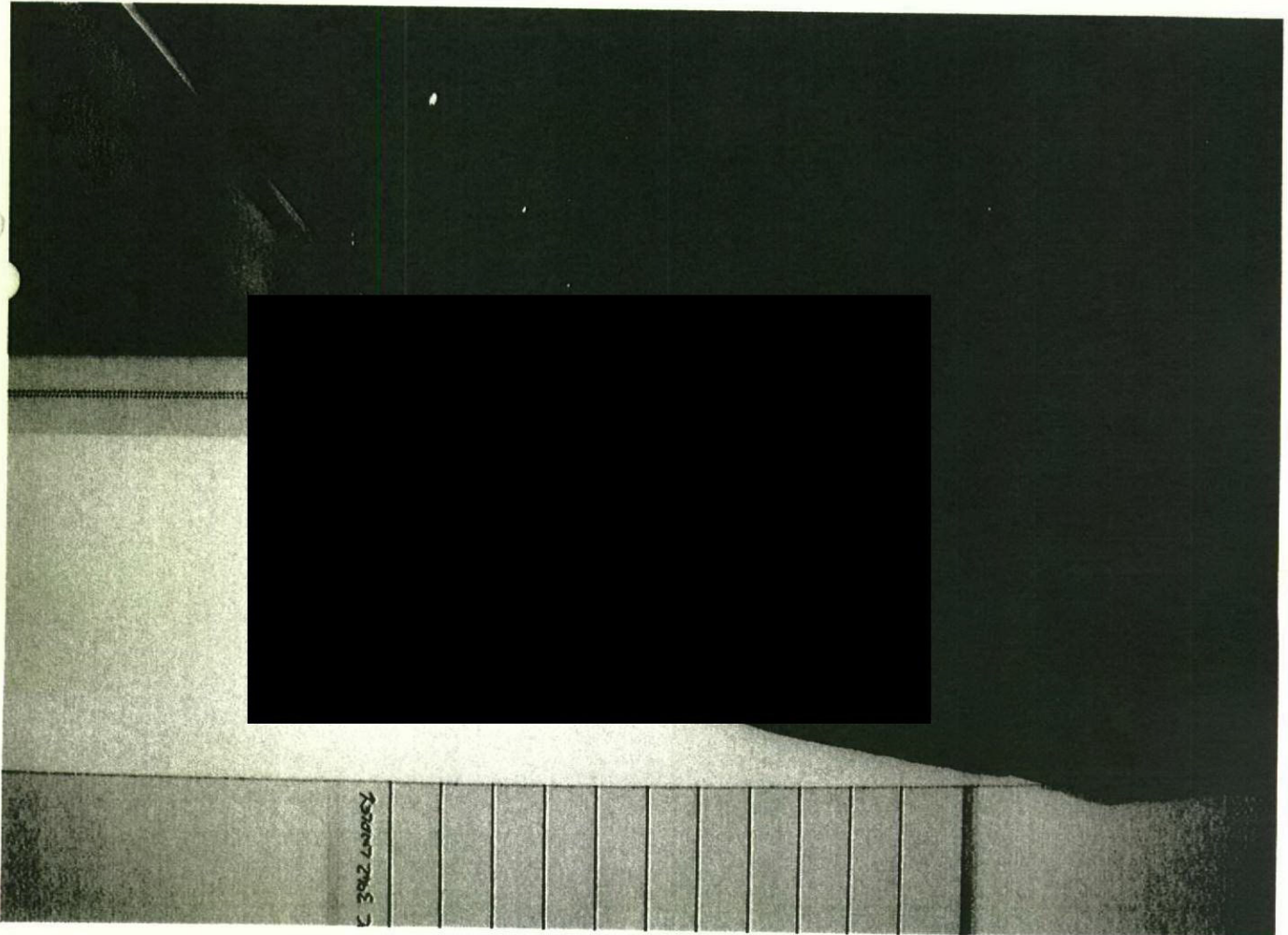
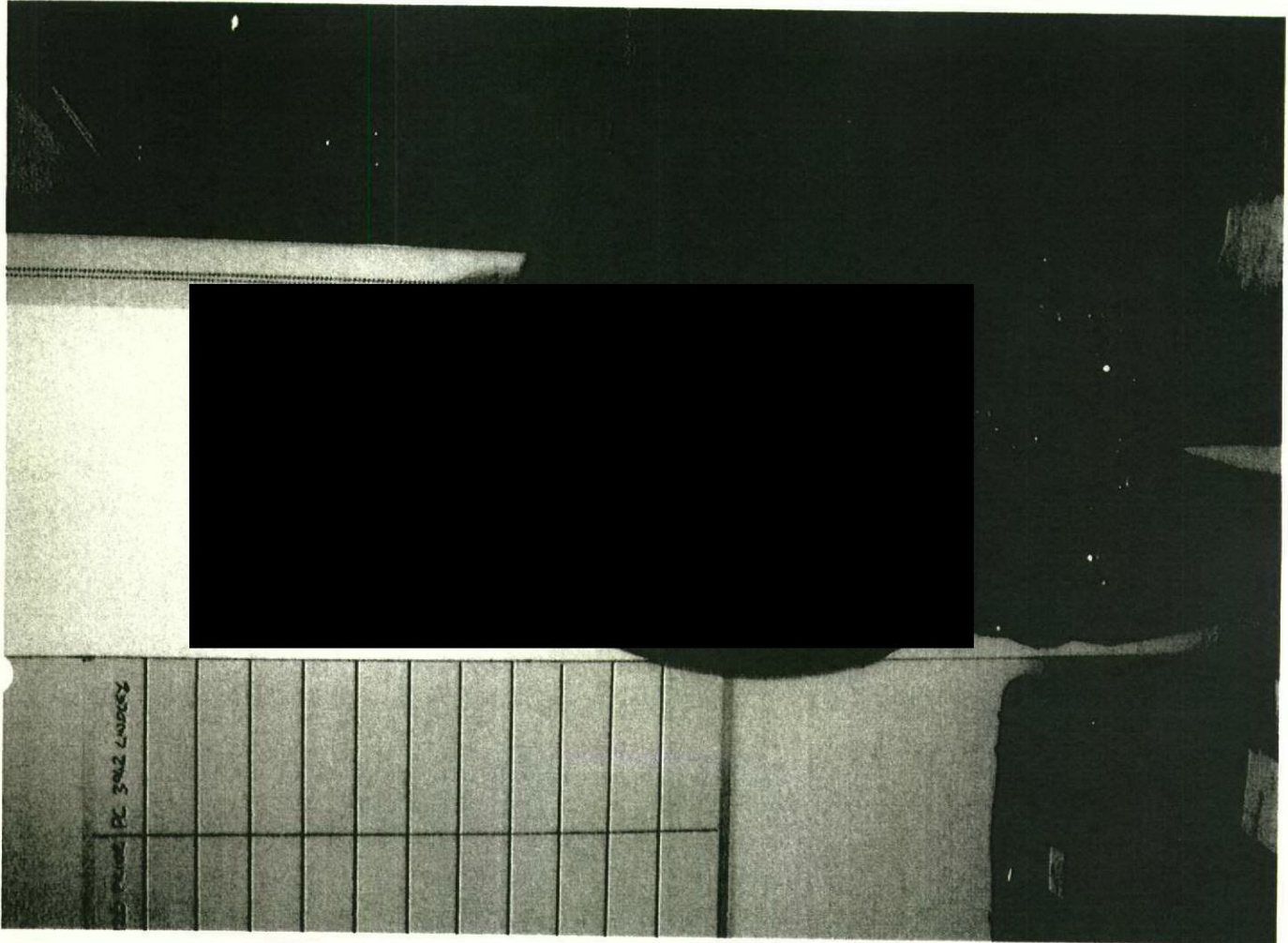
DPS states that toilet checks are being done, however these are not being recorded and it is advisable to do so in the incident book. The DPS commented that on one check she found vomit blocking the urinals that she suspected was due to a group of football players she had had in.

Test Purchase Failure

Premises: DPS states that after the failure all 4 members of staff advised of the challenge 25 policy and also that they should not be serving drunks and staff signed a sheet to say they had been told that. DPS had already placed a Date of Birth reminder by the till and a copy of what ID is acceptable including Pass Logo cards. DPS states that since the failure she has been asking for ID all the time and has encountered some problems but generally people do have ID on them.

Police: Advised that more detailed staff training is required and that really the premises licence holders should be assisting in that as discussed with them at the previous meeting. The package should include more detail in all areas than is currently given. That the DPS should operate a refusals log with the date and time and why refused and then a tally chart of the amount of times ID is requested. Advised to warn staff that there is a lot of false ID being used that looks exactly like a driving licence but has "drivers permit" or "European Driving Licence" written on it instead of "Driving Licence"

The DPS had stated to police when the meeting was arranged that she felt they were being victimised. Ultimately the police attended initially in response to resident complaints at which time it was discovered that the licence conditions were not being adhered to. This then required a meeting and further visits to ensure that conditions are being adhered to. The test purchase operation is something that the police are actively doing across the entire city and that it is to test whether premises are operating an age verification policy. The DPS had wanted to see proof of the age of the test purchasers and an edited copy of the passport of the male purchasing the alcohol was shown so that the date of birth could be seen. It was clearly explained that had the barstaff asked for ID no ID would have been produced as the police wish to see the no ID, no sale policy in operation.



I

WITNESS STATEMENT

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

Statement of: Constable 23504 K HERCOCK

URN

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

Occupation: Police Officer

1 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] (Witness) Date: 28/02/2012

44170-28523

I am PC 23504 Kevin Hercock, of Hampshire Constabulary currently based at Winchester Police Station in Hampshire.

On Saturday 25th February 2012, I was on duty in plain clothes working on a Test Purchase operation in the Southampton area.

At 1800hours I attended a briefing at Southampton Police Station, with PC Blandford, PC Prior, PC Wood and SC Hoolahan. Also at the briefing were two members of the public that had been chosen to assist as the test purchasers, these were identified to me as a 16YO boy and a 17YO girl. I would describe both as looking younger than 18.

At 1925hours, I attended the Bricklayers PH, Wimpson Lane, Southampton with SC Hoolahan. I purchased two drinks before sitting at the table closest to the main door, allowing me to see the both the door and the bar. My colleague was able to see the rest of the pub.

After a few minutes the two test purchasers walked into the bar and immediately went to the bar. They were served by the male behind the bar, who had previously served me. The male test purchaser asked for a Bulmers and a bottle of Smirnorf Ice. The member of staff only said "DO YOU WANT A GLASS WITH THAT?". The test purchaser said "NO". The member of staff then said "£6.40". The member of staff made no attempt to ask for the test purchaser's age or for identification.

The Test Purchaser then paid and then walked the drinks over to my table. They left the drinks on my table and left the public house. I wait until PC Prior and PC Wood attended the public house. I identified the member of staff to the officers, who by now was sat with friends in the public area of the pub.

I then left the pub taking the drinks outside, the empty bottles were seized and can be produced as KH/Bricklayers/1. The bottles were placed in a sealed bag DO2294268.

I had no further dealings with this investigation.

Signature: [REDACTED]

Signature witnessed by:

J

Statement of Witness

URN

(C.J. Act 1987, 5.9.M.C. Act 1980, ss5A (3)(a) & 5B, M.C. Rules 1981, r.70)

2024608 0

Last Name PRIOR
First Name NATASHA
DOB 23121980

Occupation POLICE CONSTABLE

This statement 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 I know to be false or do not believe to be true.

Signature 

Dated the 29 Day of FEBRUARY 2012

On the 25th February 2012 I was in charge of a test purchase operation with a 16 year old male and 17 year old female going into licensed premises to buy and buy alcohol. Plain clothes officers are always in the premises to witness the sale. At around 1925 hours the test purchasers entered the Bricklayers on Wimpson Lane, Southampton. When the test purchasers exited they informed me that they have been served a bottle of cider and a bottle of smirnoff ice. I then entered the premises and spoke to the plain clothed officers. PC 23504 HERCOCK informed me that an older male member of barstaff had made the sale. The barstaff was not behind the bar but was talking to a group at another table, PC HERCOCK indicated another male. As I approached the male went behind the bar and out back, I followed him and as I passed the male explained I needed to speak to him. The manager called out to him and took us to the stock room where the male identified

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to me was located. I explained the offense and cautioned him. He immediately asked how he was to know how old they actually were. I explained that he had asked that after a previous test purchase failure at the premise, not served by him on that occasion, and that I had provided the DPS [redacted] with proof of age of the male test purchaser but as he had not been in that meeting I was happy to show him the same. I explained the options to the male of either the fixed penalty or to go to court and put his case forward. He chose to accept his ticket which was issued and he was cautioned again. He made no significant comments. [redacted]



K

Hampshire Constabulary
Chief Constable Alex Marshall

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Your ref:

Telephone: 0845 045 45 45

Fax No: 0845660037

Deaf/speech impaired minicom: 01962 875000

Email:

15th March 2012

Sir,

This letter is in reference to our licence meeting on the 15th March 2012 at Bricklayers Public House. This meeting was to discuss the recent Test Purchase failure and the discussions are summarised on the attached sheet. It is clear that there have been significant failings at the premises and advised give previously has not been taken by the premises licence holder. A 48 hour closure notice and review of the premises licence are currently being considered by senior management.

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

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

If you would like our assistance with staff training then please call.

Sincerely

PC 20920 PRIOR
Violent Crime Reduction & Licensing Team
Southampton Central Police Station



Hampshire Constabulary
Chief Constable Alex Marshall

Meeting regarding Bricklayers 15th March 2012

Test Purchase Failure

Police: Requested what staff training was in place since the last test purchase and what action, if any had been taken against the member of staff who failed the test purchase.

Premises: The staff are told what their responsibilities are and about challenge 25 and the information provided on the till for the date of birth of persons 18 years old is to assist staff. The male who was sold the alcohol on this last occasion was a staff member but was not due to work that night but was on site and went behind the bar to assist the manager. He has now resigned from the premises.

Police: It is concerning that someone who is not working but is in the premises so possibly drinking is allowed behind the bar and that should be considered as it can lead the premises open to problems. There is still no adequate staff training in site and it is clear that the premises licence holder has done nothing since our first meeting in October 2011 to assist the DPS in staff training. The below condition wording was sent in the letter after the October meeting to highlight what is expected from a licensed premises with regards to staff training.

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and that records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

All training records will be made immediately available for inspection by Hampshire Constabulary and the licensing Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

Premises: They will look to create and implement a full training package. They will create and circulate a policy document ensuring that no off duty staff work behind the bar.

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