

Reference: 2011/01036/01SRAP

Hearing:

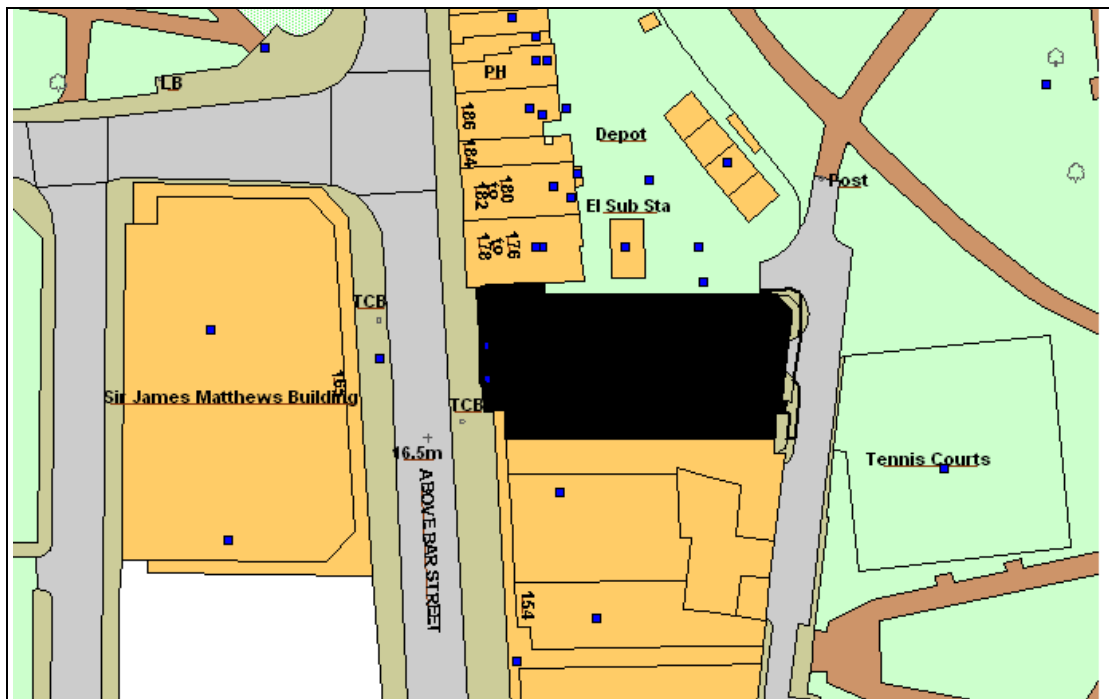
2nd June 2011

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

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	See attached application for review
Trading Standards - Licensing	Yes	

Other Representations

Name	Address	Contributor Type
None		

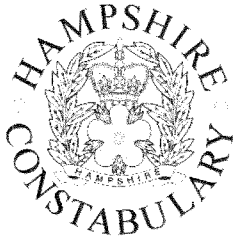
Legal Implications

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:

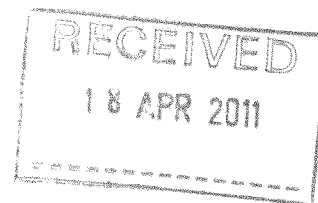
18th April 2011

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

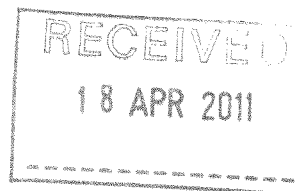


Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

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)

- | | <i>Select one or more
boxes</i> |
|---|-------------------------------------|
| 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 31st 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"

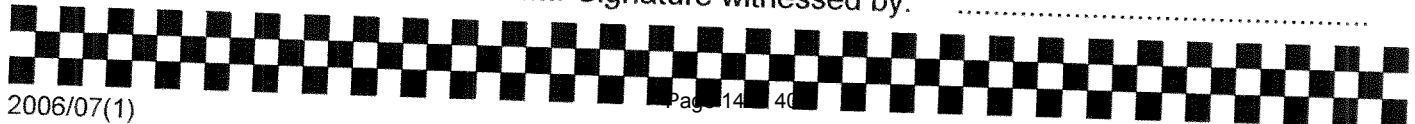
I pointed out the offence and read the caution to him at 1755 hours, he made no reply.

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

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 31st 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 : _____ Signature witnessed by : _____
PC 3094 RACHEL MELHUIISH

HAC/0F/C/2



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.

Signed :
PC 3094 RACHEL MELHUISH

Signature witnessed by :
.....

HAC/OFC/2



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 31st 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**.....

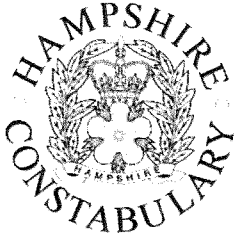
ICE to PC MELHUIH and I. Test purchaser 1 then proceeded to gamble on one of the Game machines within. They then left the premises while I waited for uniformed officers to arrive where PC MELHUIH then handed to bottles of BECKS and SMIRNOFF ICE to PS MARSHMAN 3555. I would describe BAR TENDER as a black 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.

HACUFC/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

17th February 2011

Dear Sir/Madam,

Following our recent visit to your premise (Old Fat Cat, Southampton) on Wednesday 16th 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.

HH010F94



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 26th 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.

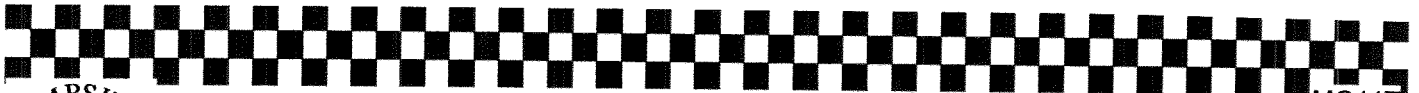
I then introduced myself to UZZELL and I pointed out the offence that she had sold alcohol to persons under the age of 18. I explained that the way I intended on dealing with the offence was by way of a penalty notice for disorder with a fine of £80.00.

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 : _____
PC JONATHAN HARRIS

Signature witnessed by : _____

HAC/DFC/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:



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.
- Apologise.
- Don't antagonise.
- Be firm.
- Use tact.
- 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:

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

Keep Your Distance

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- **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

BARBARA PAUL O'ROG

Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER

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



GREENE KING

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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.

..... 28/12/10

Date

..... *Brian Tomlinson*

Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER

HAC/OF C/10B

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



GREENE KING

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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

05/02/11

.....
Please print your name here

BARRAN LAMM 2900

RETAIN IN EMPLOYEE PERSONNEL FOLDER

HAC/DFC/100

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



GREENE KING
Pub Company

HAC/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

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- * **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.

.....05/06/2011.....
Date

.....*Maecorl*.....
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

HAC/DFC/10E

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.....6/04/11.....
Date

.....*Barman*.....
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 Fleet

Date: 03/12/10

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

Signed (Manager)

Print name: Alex Fleet

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.



HAC/DFC/129

NO ID - NO SALE

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26/10/2010
Date

L. Uzzell
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/12b

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

NO ID - NO SALE

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02/01/2011
Date

L. J. Bell
Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER

HAC/DFC/12C

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



GREENE KING

HAC/OFC/12d

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04/02/11
Date

Liz Uzzell

.....
Please print your name here

RETAIN IN EMPLOYEE PERSONNEL FOLDER

2

CHALLENGE 25 TRAINING

ATTENDANCE SHEET

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

HAC/DFC/132

NAME	SIGNATURE	DATE
✓ Liz Uggell		04/2/11
✓ Jessica King		04/2/11
✓ Faye Loader		04/2/11
✓ ^{POA} Danielle POA		04/2/11
✓ KIRSTY EDWARDS		04/2/11
✓ OLI ROBINS		04/2/11
✓ <i>Alan Lively</i>		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
JERRIE BLY		
A. FIETT	