

# Summary of Licensing Sub-Committee Decision(s) taken on 3 July 2012

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## Part I

### **Application No. 12/00778/LQN - Newbury Racecourse, Newbury, Berkshire RG14 7NZ (Item 2(1))**

The Licensing Sub-Committee of West Berkshire Council met on **Tuesday 03 July 2012** and resolved to approve **Application 12/00778/LQN** in respect of premises known as **Newbury Racecourse** subject to a number of conditions which are set out below.

In coming to their decision, the Sub-Committee had regard to the four licensing objectives, which are:

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

They also considered the Department of Culture, Media and Sport Guidance on the Licensing Act 2003 and West Berkshire Council's licensing policy.

The Sub-Committee heard representations made by:

1. The Applicant: Anna Aston on behalf of West Berkshire Trading Standards
2. The Premises Licence Holders represented by: Chris Pritchett (Solicitor), Samantha Pedder (Designated Premises Supervisor) and Stephen Higgins (Managing Director)

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that the Premises Licence be amended to include the following conditions, with immediate effect:

1. The Licence Holder shall implement an age verification procedure, the content of this procedure and any changes to it shall be agreed in writing with the Licensing Authority, to assist in the identification of those persons aged over the age of 18 years and eligible to purchase alcohol

REASON: The Prevention of Crime and the Protection of Children from Harm

#### Test Purchasing

2. The Licence Holder shall carry out internal test purchasing exercises at a minimum of

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**If you have any queries regarding this/these decision(s), please contact:**

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## Summary of Licensing Sub-Committee Decision(s) taken on 3 July 2012 (continued)

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4 race days or large one-off events (including standalone outdoor concerts) per calendar year, such events to be identified in accordance with a risk assessment to be undertaken by the Licence Holder, in order to establish the threat posed by the event to the licensing objectives.

REASON: The Prevention of Crime and the Protection of Children from Harm

3. The Licence Holder shall use persons between the ages of 18 and 25 when carrying out the internal test purchasing exercises, such exercises to be carried out in accordance with the Licence Holder's test purchasing policy, the content of this policy and any changes to it shall be agreed in writing with the Licensing Authority.

REASON: The Prevention of Crime and the Protection of Children from Harm

4. The results of the internal test purchasing exercises shall be kept for a minimum of two years and shall be made available for inspection by the Licensing Authority, Police and Trading Standards on demand.

REASON: The Prevention of Crime and the Protection of Children from Harm

### Bar Spotters

5. On any day where the actual or expected attendance at the premises is in excess of 10,000 persons, the Licence Holder shall undertake a risk assessment (a copy of which is to be kept for a minimum of 2 years and made available for inspection by the Licensing Authority, Police and Trading Standards on demand) to determine those bars/catering concessions that are likely to pose a risk to the implementation of the Challenge 25 Policy as a result of potential crowding or queuing ("At-Risk Bars").

REASON: The Prevention of Crime and the Protection of Children from Harm

6. The Licence Holder shall deploy a minimum of one additional security operative per At-Risk Bar to assist bar/catering staff with the implementation of the Challenge 25 Policy, queue management, implementation of the age verification procedure, monitoring for proxy purchasing and consumption of alcohol by those under the age of 18 years ("Bar Spotters").

REASON: The Prevention of Crime and the Protection of Children from Harm

7. Bar Spotters shall be Security Industry Authority (SIA) Registered and shall be given additional training in relation to their role by the Licence Holder on each relevant event day.

REASON: The Prevention of Crime and the Protection of Children from Harm

### Third Party Contracts

8. Contracts made between the Licence Holder and any of its third party contractors

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## Summary of Licensing Sub-Committee Decision(s) taken on 3 July 2012 (continued)

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who will be selling alcohol on the premises shall specifically state that all sales of alcohol are made under the authority of the Licence Holder's premises licence and that the contractor will comply with the Licensing Act 2003 and the conditions of the premises licence.

REASON: The Prevention of Crime and the Protection of Children from Harm

9. The Licence Holder shall provide all its third party contractors who will be selling alcohol with suitable and sufficient training materials in relation to alcohol sales and in particular age verification processes and policies, which are in place at the premises. The Licence Holder shall require that its third party contractors provide training records for each staff member who will potentially be involved in the sale of alcohol on the premises, such training records to be signed and dated by the employee to acknowledge that they have received the training.

REASON: The Prevention of Crime and the Protection of Children from Harm

10. All permanent racecourse staff involved in licensable activities at the premises, shall every six months receive appropriate training from the Licence Holder relating to the licensing objectives, age verification, serving of alcohol to persons who are drunk and refusals, and those staff shall sign and date a record to acknowledge that they have received the training.

REASON: The Prevention of Crime and the Protection of Children from Harm

11. A record of the training provided by the Licence Holder to members of staff shall be retained for one year.

REASON: The Prevention of Crime and the Protection of Children from Harm

The Licensing Authority considers the sale of alcohol to underage persons to be a very serious issue. The Licensing Authority recognises the previous shortcomings in the operating procedures of the Licence Holder and having considered the representations put forward on behalf of West Berkshire Trading Standards and the Licence Holder, they are satisfied that the addition of the above conditions to the Premises Licence will be sufficient to address the concerns raised in the application for review.

In reaching its decision the Licensing Authority had regard to the fact that since the last test purchases were carried out by Trading Standards, the Licence Holder has gone to considerable length to liaise with all the appropriate responsible authorities, to put in place the necessary measures to prevent the sale of alcohol to underage persons on the premises. The Licence Holder has also shown a willingness to constantly review and update, in consultation with responsible authorities, the measures that they are taking in order to ensure no further sales to underage persons occur on the premises.

The Licensing Authority had regard to the fact that Trading Standards, as applicant for the review, were content that the addition of the above conditions would be effective as a means of dealing with their concerns regarding the premises. In addition, it was noted that the other

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appropriate responsible authorities (the Police, the National Health Service and Children's Services) had no further comments to make regarding the issues raised in the review application and the inclusion of the above conditions on the Premises Licence.

The Licensing Authority, in reaching its decision, had regard to Part 11 of the Guidance issued under Section 182 of the Licensing Act 2003. In particular, it was noted that paragraph 11.21 states any remedial action taken as a result of a review should be an appropriate and proportionate response to the causes for concern. Bearing in mind all of the above considerations, the Licensing Authority is satisfied that the imposition of the additional conditions on the Premises Licence would be appropriate and proportionate in these circumstances.

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<b>Cllr Jeff Beck</b> (Chairman)
<b>Cllr Mollie Lock</b>
<b>Cllr Paul Bryant</b>
<b>Date:</b> 04 July 2012

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