

Notice of Meeting

Licensing Sub-Committee

Tuesday 3rd July 2012 at 10.00 am

**in Council Chamber, Council Offices,
Market Street, Newbury**

Members Interests

Note: If you consider you may have an interest in any Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Wednesday, 27 June 2012

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Denise Anns - Tel: (01635) 519486 - Email: dannas@westberks.gov.uk.

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

Newbury Racecourse plc, Newbury RG14 7NZ

To: Councillors Jeff Beck (Chairman), Paul Bryant and Mollie Lock
Substitute: Councillor Peter Argyle

Agenda

Part I

Page No.

- | | | |
|-----|--|--------|
| 1 | Declarations of Interest
To receive any declarations of interest from Members. | |
| 2 | Schedule of Licensing Applications | |
| (1) | Application No. 12/00778/LQN - Newbury Racecourse, Newbury, Berkshire RG14 7NZ
Proposal: Review of the Premises Licence.
Location: Newbury Racecourse, Newbury, Berkshire RG14 7NZ
Applicant: West Berkshire Council, Trading Standards | |
| (2) | Newbury Racecourse Existing Licence | 1 - 6 |
| (3) | Application to Review the Premises Licence | 7 - 38 |

Andy Day
Head of Strategic Support

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format, such as audio tape, or in another language, please ask an English speaker to contact Moira Fraser on telephone (01635) 519045, who will be able to help.



West Berkshire District Council

Property and Public Protection, Environmental Health & Licensing, Council Offices, Faraday Road, Newbury,
Berkshire RG14 2AF
Tel: (01635) 519209 Fax (01635) 519172

Licensing Act 2003 Premises Licence

Uniform Ref: 10/01531/LQN

Premises licence number 013199

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Newbury Racecourse
Newbury, West Berkshire, RG14 7NZ

Licensable activities authorised by the licence

Performance of Plays
Exhibition of Films
Indoor Sporting Events
Performance of Live Music
Recorded Music
Performance of Dance
Provision of Music Facilities
Provision - Dancing Facilities
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Performance of Plays

Monday to Saturday: 08:00 to 02:00

Performance: Indoors and Outdoors

Further Details: Occasional indoor and outdoor plays. No outdoor plays would take place after 11pm.

Indoor plays after 11pm would only be performed at private pre-booked functions.

Exhibition of Films

Monday to Saturday: 08:00 to 02:00

Sunday: 8:00 to 00:00

Performance: Indoors and Outdoors

Further Details: Occasional indoor and outdoor films. Films would not be shown outside after 11pm. Films shown inside after 11pm would only be at private pre-booked functions.

Indoor Sporting Events

Monday to Saturday: 08:00 to 02:00

Sunday: 8:00 to 00:00

Performance of Live Music

Monday to Saturday: 08:00 to 02:00

Sunday: 8:00 to 00:00

Performance: Indoors and Outdoors

Further Details: Occasional indoor and outdoor live music. Live music would not be played outside after 11pm. Live music inside after 11pm would only be played at private pre-booked functions.

Recorded Music

Monday to Saturday: 08:00 to 02:00

Sunday: 8:00 to 00:00

Performance: Indoors and Outdoors

Further Details: Occasional indoor and outdoor recorded music. Recorded music would not be played outside after 11pm.

Performance of Dance

Monday to Saturday: 08:00 to 02:00

Sunday: 8:00 to 00:00

Performance: Indoors and Outdoors

Further Details: Occasional indoor and outdoor performance of dance. This would not take place outside after 11pm.

Provision of Music Facilities

Monday to Saturday: 08:00 to 02:00

Sunday: 8:00 to 00:00

Performance: Indoors and Outdoors

Description of Facilities: For example karaoke. This would take not place outside after 11pm.

Provision - Dancing Facilities

Monday to Saturday: 08:00 to 02:00

Sunday: 8:00 to 00:00

Performance: Indoors and Outdoors

Further Details: Dancing outdoors would not take place after 11pm.

Late Night Refreshment

Monday to Saturday: 23:00 to 02:00

Sunday: 23:00 to 00:00

Indoors

Supply of Alcohol

Monday to Saturday: 08:00 to 02:00

On and Off the premises

Further details: Alcohol will not be sold outside after 23:00.

The opening hours of the premises

Monday to Saturday: 07:00 to 02:30

Sunday: 07:00 to 00:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On and Off Sales :

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Newbury Racecourse Plc
Newbury, Berkshire, RG14 7NZ

01635 40015/41485

Registered number of holder, for example company number, charity number (where applicable)

00080774

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Ms Samantha Ellis
Thrupenny Cottage, West Street, Aldbourne, Wiltshire, SN8 2BS

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

KK / PA0675 - Wiltshire Council

Date: **Signed:**

Authorised Officer

Licence granted 25/01/2006
DPS Variation 07/10/2008
DPS Variation 08/06/2010
DPS Variation 23/09/2010

Annex 1 - Mandatory conditions

Premises - Supply of Alcohol

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Premises - Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where-
 - a) the film classification body is not specified in the licence, or b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section-
children means persons aged under 18; and
film classification body means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Conditions agreed with Environmental Health - Pollution Team

1. Notices will be placed in prominent positions at the exits asking customers to leave quietly.
2. All staff will be trained on the requirements of the Licensing Act 2003 and the Conditions of the licence when they are recruited and updated as necessary. Records of this training are to be retained and made available for inspection upon request.
3. All staff will be trained in customer dispersal methods in order to encourage that people leaving or entering the premises do so in an orderly manner and not cause annoyance at nearby properties.
4. Whenever regulated activities as defined in sections A,B,C,E,F,G,I,J,L and M (Performance of Plays, Exhibitions of Films, Indoor Sporting Events, Performance of Live Music, Recorded Music, Performance of Dance, Provision of Music Facilities Provision - Dancing Facilities, Late Night Refreshment, Supply of Alcohol) are taking place the licensee shall:
 - a) Ensure that staff are trained in noise monitoring for public nuisance during events. All training in noise monitoring shall be recorded and made available for inspection upon request.
 - b) Ensure monitoring of the event with respect to public nuisance throughout the period of the activity every hour, with more frequent checks every 30 minutes after 2300hrs. Records of all monitoring should be recorded and available for inspection upon request.
 - c) Ensure that as a result of monitoring if the noise level is likely to cause a public nuisance then the volume and/or tone must be adjusted accordingly so as not to cause a public nuisance at nearby properties if this is not sufficient then the volume must be turned down or off with immediate effect in order to prevent public nuisance.

5. When accepting bookings for events which include any of the regulated activities defined in sections A,B,C,E,F,G,I,J,L, and M (Performance of Plays, Exhibitions of Films, Indoor Sporting Events, Performance of Live Music, Recorded Music, Performance of Dance, Provision of Music Facilities, Provision - Dancing Facilities Late Night Refreshment, Supply of Alcohol) an assessment shall be made as to which structures are suitable to be booked for that type of regulated activity so as to minimise the risk of noise nuisance at nearby properties.

6. The licensee shall ensure that all potential hirers of the licensable structures are made fully aware of the licence conditions in order to prevent public nuisance.

Annex 4 - Plans

Licensing Act 2003 Mandatory Licensing Conditions order 2010

The order, made on 16th March 2010 came into force on 6th April with the exception of paragraphs 4 & 5 of the Schedule which came into force on 1st October 2010.

The conditions in paragraphs 1 to 3 and 5 of the Schedule apply to existing and future premise licences and club premises certificates where the licence or certificate authorises the supply of alcohol but NOT where the licence or certificate authorises the sale by retail or supply of alcohol ONLY FOR CONSUMPTION OFF THE PREMISES.

SCHEDULE

Mandatory Licensing Conditions (from 6th April 2010)

1.

1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3.

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

Mandatory Licensing Conditions (from 1st October 2010)

4.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

5.

The responsible person shall ensure that–

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Anna Aston on behalf of West Berkshire District Council, Trading Standards Service (a Local Weights and Measures Authority)

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Newbury Racecourse	
Post town Newbury	Post code (if known) RG14 7NZ
Name of premises licence holder or club holding club premises certificate (if known) Newbury Racecourse Plc	
Number of premises licence or club premises certificate (if known) 013199	

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below)



- 3) a member of the club to which this application relates (please complete (A) ☐ below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes
☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Anna Aston - Senior Trading Standards Officer Trading Standards Service (The Local Weights and Measures Authority) West Berkshire DC Council Offices Market Street Newbury RG14 5LD
Telephone number (if any) 01635 519930
E-mail address (optional)

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

Please tick one or more boxes

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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

During the 12 months from November 2010 to November 2011, the Racecourse Licensed premises has failed five times on joint test purchase exercises carried out by West Berkshire Trading Standards Service and Thames Valley Police.

On 27th November 2010 at 12.50pm a 15 year old male volunteer and a 16 year old female volunteer were served with two alcoholic drinks, bottles of WKD (ABV 4%). Although identification was asked for at the time of the sale, none was shown, and the volunteers were still served.

At 1.15pm, the same volunteers entered a different bar at the racecourse and were again served with two alcoholic drinks - two pints of Fosters lager (ABV 4%). No identification was asked for at the time of the sale.

Both salespersons were issued with Penalty Notices for Disorder by officers from Thames Valley Police.

On 21st May 2011 at 6.00pm a 15 year old volunteer and a 16 year old volunteer, both female, were served with two gin and tonics (ABV 40%). The volunteers were not asked for identification. The salesperson was issued with a Penalty Notice for Disorder by an officer from Thames Valley Police.

On 26th November 2011 at 1.30pm a 17 year old male volunteer was served with a pint of Carling lager (ABV 4%). On the same day at approximately 2.10pm the same volunteer was served with a pint of Guinness (ABV 4%) at another bar within the Racecourse grounds.

No questions were asked of the volunteer by either of the bar staff, and he was not

asked to show his wristband or any other form of identification.

On the same day at another bar, the salesperson put a small bottle of wine on the bar near to the volunteer, but at the last moment asked their supervisor and they asked to see the wristband of the volunteer. On this occasion the sale did not take place.

Therefore, in the opinion of West Berkshire Council Trading Standards the premises licence holder has failed to uphold the licensing objectives of protecting children from harm and the prevention of crime or disorder.

Please provide as much information as possible to support the application
(please read guidance note 2)

Test purchasing is the most effective way of enforcing the legislation relating to safeguarding children from underage drinking. It is carried out at regular intervals by West Berkshire Trading Standards Service. Premises are selected on intelligence received from local Police and others, concerns raised by members of the public and officer concerns about how the premises is being run in general, and how the premises has performed in previous test purchasing operations.

On 27th November 2010 a joint test purchasing operation was carried out between West Berkshire Council Trading Standards and Thames Valley Police. Two officers from Trading Standards and a Police Officer attended the Racecourse. At 12.50pm inside the Dubai Enclosure the two volunteers, a sixteen year old female volunteer and a fifteen year old male volunteer were served with two bottles of the alcoholic drink WKD. At the time the female volunteer was asked if she had any identification, to which she replied 'no', but this was not pursued by the seller, and the drinks were served despite this. At another bar within the enclosure, another sale of alcohol took place at 1.15pm to the same volunteers - two pints of Fosters lager. This time no identification was asked for. Statements from the officers involved are attached to this report as Appendix TS1. Both sellers were issued with Penalty Notices for Disorder.

On 16th December 2010 Mr Stephen Higgins, representing the Premises Licence Holder and Ms Samantha Pedder, the Designated Premises Supervisor for Newbury Racecourse, attended a Licensed Premises Management Meeting at Newbury Police Station with Thames Valley Police, West Berkshire Council Trading Standards and Licensing Officers. This meeting was to discuss the measures in place to prevent underage sales and share ideas for best practice. The notes of the meeting are attached as Appendix TS2. A Challenge 25 Policy was already in place at the Racecourse, but it was recommended that staff be given reminders of this at the beginning of each race meeting and during the day. Other recommendations were that a wristband policy should be introduced at the Racecourse. This policy involved anyone entering the Racecourse under the age of 25 who wished to purchase alcoholic drinks having to obtain a coloured wristband from a kiosk within the grounds after showing their identification. This system aimed to take the pressure off bar staff having to check identification of younger patrons when they may be busy at the bar. Details of the policies agreed including posters produced are attached as Appendix TS3.

This policy has since been introduced at the Racecourse. Since the introduction of this, more test purchasing operations have been carried out, and three sales have taken place during two test purchasing operations.

On 21st May 2011 a joint test purchasing operation took place between West Berkshire Council Trading Standards Service and Thames Valley Police. A fifteen year old and sixteen year old female volunteer accompanied the officers. Within the bar the volunteers were served with two gin and tonics. The statements of the officers involved are attached as Appendix TS4.

On 26th November 2011, a test purchasing operation was carried out by West Berkshire Trading Standards at the Racecourse. Two officers attended the Racecourse with a male 17 year old volunteer. At 1.30pm inside the Fullers Bar the volunteer was served with a pint of Carling lager without being asked for his wristband or identification. At a wine bar within the second floor of the Grandstand the volunteer was initially served with a small bottle of wine, but before the seller had taken any money they spoke to their supervisor who then asked to see their

wristband, and the sale was eventually refused.

At 2.10pm the same volunteer was served in the Copper King Marquee with a pint of Guinness. No identification was asked for, and the volunteer was not asked to show a wristband. The statements of the officers involved are attached as Appendix TS5.

It is clear that although Mr Stephen Higgins and Ms Samantha Pedder have taken on board the recommendations of the Management Review Meeting, there are still issues relating to the implementation of the wristband policy and the use of external contractors operating the bars within the Racecourse.

West Berkshire Council Trading Standards would respectfully suggest that the Licensing Authority give consideration to the implementation of the following steps if they consider them to be conducive to achieving the licensing objectives of the prevention of crime and disorder and the protection of children from harm:

1. Random internal test purchasing could be carried out to identify staff members that are not following the policy. As the Racecourse operates a 'Challenge 25' policy, this could be achieved using 18 year olds, as they should still be challenged for identification before being served. Records of these checks should also be maintained.
2. There appears to be a lack of clarity relating to the bars that are under the management of external contractors and the responsibility of the Racecourse in relation to these bars. The licence covers the whole Racecourse, including those run by external companies. A formal system needs to be adopted to ensure that the licensing objectives are met across all bars at the racecourse.
3. The panel may also wish to consider whether a period of suspension of the licence is appropriate in light of the matters set out in this application.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

0							
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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

9th May 2012

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WEST BERKSHIRE DISTRICT COUNCIL

STATEMENT OF WITNESS

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2010, Rule 27.2)

STATEMENT OF: Stephen Colin Hickman

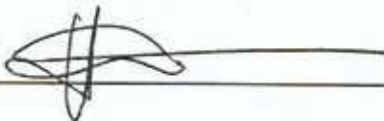
AGE OF WITNESS (IF OVER 18 ENTER "OVER 18"): Over 18

OCCUPATION: Contracted Trading Standards Officer

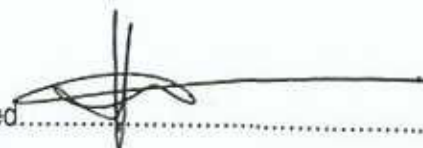
This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the *second* day of *December* *2010*

Signed

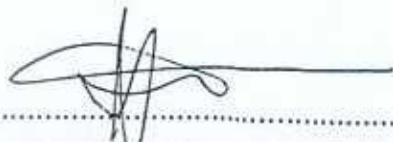


1. I am currently contracted to West Berkshire Council as a Trading Standards Officer and as such I am an authorised officer under the Licensing Act 2003.
2. On 27 November 2010 I was engaged in an alcohol test purchasing exercise with a colleague Heather Parson, a 16 year old female volunteer and a 15 year old male volunteer.
3. Prior to the start of the exercise, Heather and I along with the volunteers met WPC Nikki Flynn at Newbury Police Station. We then drove together to Newbury Racecourse. On arriving there, Heather took some digital photographs of the volunteers, including a photograph of me standing between them.
4. We entered the racecourse at approximately 1245. We had tickets to enter which were scanned by staff to admit us to the concourse. The volunteers did not have tickets but were given free junior tickets. A few minutes later I sent the volunteers to a bar inside the Dubai Enclosure to attempt to purchase alcohol. I waited a few metres away with the police officer. Approximately a minute later I saw the volunteers walk towards me with two bottles, which I took from them.



Continuation of statement of Stephen Colin Hickman

5. Together with WPC Nikki Flynn we spoke to the female who had made the sale and then to security staff. A few minutes later a member of staff who introduced herself as Samantha Ellis came to speak to us. She said she was the Designated Premises Supervisor. She took WPC Nikki Flynn and myself to her office along with the salesperson. In the presence of Samantha Ellis I poured the two opened bottles, labelled WKD, into clean sampling bottles which I then placed along with the two empty WKD bottles into an evidence bag containing a sampling label with the sample number SCH001. I then sealed the evidence bag. I asked Samantha Ellis to show me her personal licence (KK/PAO675 2/9/2020) and to confirm the name of the company (Newbury Racecourse Limited, Registered Office Newbury RG14 7NZ). I was present when WPC Nikki Flynn gave the salesperson a fixed penalty notice and noted in my notebook that the salesperson gave her name as Diana Kaijage.
6. As we were concluding dealing with Diana Kaijage, Heather Parson telephoned at approximately 1320 and said there had been a further sale to the volunteers. I waited in Samantha Ellis' office while WPC Nikki Flynn attended the incident. She came back a few minutes later with a male salesperson and two pints of drink. In the presence of Samantha Ellis I poured the two pints, which the salesperson said were Fosters lager, into clean sampling bottles which I then placed along with the two empty plastic glasses into an evidence bag containing a sampling label with the sample number SCH002. WPC Nikki Flynn assisted me in sealing the evidence bag. I was present when WPC Nikki Flynn gave the salesperson a fixed penalty notice and noted in my notebook that the salesperson gave his name as Chas Latham.
7. After dealing with these incidents, I advised Samantha Ellis that the matter would be reported and that she and the company could expect to hear from the Trading Standards Service in due course. WPC Nikki Flynn and I left the racecourse at approximately 1350 and returned to the car where we met Heather Parson and the volunteers.



Witness Statement

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s. 5B; Criminal Procedure Rules 2011, Rule 27.2)



Statement of (Full Name) *HEATHER PARSON*

Age (if over 18 enter 'Over 18') *Over 18*

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

Dated the 2nd day of December *2010*

Signed

H Parson

I am a Trainee Fair Trading Officer employed by the Trading Standards Service of West Berkshire Council. On 27th of November 2010 I carried out a test purchasing exercise at Newbury Race Course, with my colleague Steve Hickman a 16 year old female volunteer and a 15 year old male volunteer.

I collected the volunteers from their homes and met Steve Hickman and the police officer Nikki Flyn at the police station at approximately 12:00 pm.

I drove all parties to Newbury Race Course, and took photographs of the volunteers, in one of them Steve was between them.

At approximately 12.45pm we entered the race course, I had previously bought 3 tickets for myself, Steve Hickman and the police officer. And was told that minors didn't need tickets, we were given 2 tickets for the volunteers at the door which were of a different colour to ours. The volunteers attached them to themselves.

We entered the Dubai enclosure at the race course and proceeded to the first bar on the right, it was a small bar with fosters advertisements all around, the volunteers proceeded to the bar and I followed behind them. The female volunteer asked a female seller for 2 bottles of WKD blue, the seller asked if they had ID to which the

Signed

H Parson

Dated:

2/12/10

Statement of

female volunteer replied no, she turned round to get the drink, the volunteers paid for the drinks and walked away towards Steve Hickman and the police officer.

We gave them the bottles of drink and they walked towards the bar whilst I took the volunteers out of eye site from the bar and staff.

At about 13:15 Nikki Flynn came back and we proceeded to the next bar, which was located to the left of the entrance and in front of the first bar. The volunteers went up to the bar, and the male volunteer asked a male seller for 2 pints of Fosters, no ID was asked for. The volunteers paid for the drinks and walked away from the bar round the corner. The police officer went up to the bar while I called Steve Hickman to let him know of another sale. The police officer took the drinks from the volunteers and I took them outside while Nikki Flynn took the male seller to where Steve Hickman was.

I then took the volunteers to the car where we waited for Steve Hickman and Nikki Flyn to come back.

HMA Parson

Signed: HMA Parson

Dated: 2/12/10

Page 2 of 2

**Licensed Premises Management Meeting with the Premises Licence Holder,
of Newbury Racecourse on 16/12/2010.
Endeavouring to Improve the Management of the Premises With a View to
Reducing the Opportunities of Sales of Alcohol to Underage Persons.**

Present: Mr. Stephen Higgins (Representing Premises Licence Holder), Ms. Samantha Pedder (DPS), Insp. Dave Milsom (Neighbourhood Team) Mr. Steve Deane (Police Licensing Officer), Mr. Brian Leahy & Mr. Alan Lovegrove, (West Berks Council Licensing Officer), Mr. Kevin Thompson (Trading Standards).

The meeting was convened due to a joint Trading Standards Police Test Purchase Failure at 12: 50 hrs and 13:20 hrs and on 27/11/10 when Diana Kaijage and Chas Latham sold alcohol to two under age persons.

Existing Condition on Licence – Non listed in respect of: SIA Staff, Challenge 25, Licensing Qualifications for Staff, Staff Training etc. (see recommendations below)

Relevant questions re offences:

Age verification policy produced? (Required by law since 1/10/10)

Staff training records produced? Was this training given to seller? How often is training given?

What proof of ID was accepted? Refusals Register Produced / Used?

Sam explained that agency staff was used at the course and personally briefs them as to what is expected of them in regards to the Licensing Act at the Challenge 25 was adopted. Of the two persons who sold one was a regular attendee the other not. The female seller in fact requested identification. Unfortunately, she did not follow the enquiry up when informed no identification was available. It was not known if agency staff paid their own fixed penalty fine.

The Main Grand Stand Bar has 1 x Manager, 1 x Team Leader and 6 staff.

It was pointed out that the poster headed "How to spot Fake ID may be confusing as it would be more productive just to learn and adhere to the Passport, Driving Licence & Pass Hologram Cards.

POSSIBLE REPRESENTATIONS TO BE DISCUSSED

1. All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with the incident shall also be recorded. Where known, any offenders name shall also be recorded.
2. A challenge 25 policy shall be implemented at the Premises to ensure that any customer who attempts to purchase alcohol who appears to the staff member to be under the age of 25 years, shall not be served any alcohol unless they have provided an acceptable form of identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the "Pass" hologram are to be accepted as identification.
3. Notices advertising the Challenge 25 and documentation required for checking proof of age policies shall be displayed in prominent positions on the premises.

4. a) All staff with the exception of Personal Licence Holders shall be trained in the requirements of the Licensing Act 2003 in relation to age restricted sales of alcohol before being authorised to sell alcohol.
- (b) Staff authorised to sell alcohol shall be accredited to BII Level 1 Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation curriculum, within four weeks for existing and subsequent new employees.
- (c) Records of training, refresher training and proof of the date of the commencement of employment (e.g. signed contract) shall be retained and must be made available to officers of West Berkshire Council and Police on request.
5. The Premises Licence Holder shall keep written records of initial staff training and refresher training on the law relating to underage sales of alcohol, utilising the Challenge 25 policy. Written Records of the training and reminders given shall be retained whilst staff are retained in employment by the Racecourse or their appointed agents.
6. The Premises Licence holder shall ensure each bar has a Personal Licence Holder in attendance for the sale of alcohol. The nominated Personal Licence holder shall have responsibility for a single bar only.
7. The Premises Licence holder shall ensure the premises' digitally recorded CTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. Data recordings shall be made immediately available to an authorised officer of West Berkshire Council or a Thames Valley Police officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.
8. The Premises Licence holder shall participate, as far is practicable, in the "Local" Town Radio Scheme when the premises are opened for licensable activities.

9. DOOR SUPERVISION

- a) An adequate number of Security Industry Authority licensed door supervisors, at a minimum ratio of 1 to 100 patrons shall be provided at the premises whenever licensable activities take place and the last customer has left the premises. These licensed door supervisors shall be employed solely for vetting, regulating, controlling and supervising patrons whilst entering and whilst on the premises and to ensure the maintenance of good order, public safety, internal security and reducing the opportunities of underage sales of alcohol to persons under the age of 18 years.
- b) The Premise Licence holder shall keep and maintain a register of door supervisors. The register will show the following details:
- i) The name, home address and registration number of all door supervisors working at the premises.
 - ii) SIA registration number.
 - iii) Date and time that the door supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.
 - iv) Any occurrence or incident of interest must be recorded giving names of the doorsafe supervisors involved.

- v) Date and time the doorsafe supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.
- c) The door supervisor register must be kept at the licensed premises and be available for inspection by Thames Valley Police or an authorised officer from West Berkshire Council and shall be retained for period of six months from the date of the event.
- d) The Premises Licence holder shall ensure that all Door Supervisors whilst employed at the premises shall wear 'High Visibility' arm bands to incorporate displaying their SIA badges.
- 10. The Premise Licence holder shall ensure that at least four female door supervisor shall be employed and available where appropriate (e.g., if a female patron is subject to a body search).

Other Possible Control Measures

- 11. Removal of the DPS. **OR** The DPS is only responsible for licensing activities.
- 12. (as 4 wording) Only personal licence holders or ARAR Certification are permitted to sell alcohol.
- 13. The Premises Licence holder shall prepare an Event Management Plan for each event, setting out how the event will be managed and the precautions which have been taken to cater for all reasonably foreseeable contingencies, and which will demonstrate the procedures, roles and specific responsibilities of his management team, security and associated personnel. The finalised version of such a plan must be submitted to and approved by the Safety Advisory Group, not later than 2 months prior to commencement of the events.
- 14. Persons under the age of 18 years shall only be admitted into the Racecourse if accompanied by a person over the age of 18 years. Proof of age shall be required as in accordance with the written age verification policy for the Racecourse.
- 15. The Designated Premises Supervisor will continue to display in a prominent position posters re-their policy on checking proof of age and "Challenge 25".

Good Practices

Staff shall be given reminders ref challenge 25:

- a) At commencement of and during opening hours.
- b) DPS to encourage staff members to challenge and listen as to how they challenge customers.
- c) The refusals / incident book is regularly used and countersigned by the DPS or nominee.
- d) Tills shall require to have a Prompt key ref date of birth and perceived age of customer.

Other Possible Considerations

- i. Different queuing system i.e. Disney queuing method.
- ii. S.I.A. staff to do more proactive age checks.
- iii. Internal age checks re challenge 25.
- iv. Coloured wrist bands.

It was generally agreed that coloured wrist bands depicting age ranges may be feasible. These could be made available at booths where Race Day Cards were purchased. The representatives of the Racecourse acknowledged the seriousness of the offences and wished to do all they could in order to reduce the opportunities of a reoccurrence of the offence.

In conclusion the following was agreed.

- i. Mr. Higgins and Ms Pedder would inform Steve Deane by the end of January 2011 of the feasibility of introducing the wrist bands. If possible, another meeting shall have to be arranged in order to finalise procedures.
- ii. In order to make the above enforceable, minor variation conditions to be considered and placed on the premises Licence.

Steve Deane
Licensing Officer.
Berkshire West Police Area
Tel. 0118 953 6353

16/12/10

Newbury Racecourse
Newbury RG14 7NZ

27th January, 2011

Dear Steve

Following our meeting on 16th December, we have reviewed all of the processes and procedures with regard to underage drinking at Newbury Racecourse.

Below we have affirmed the actions and processes that we will consistently undertake to ensure that we prevent the sale of alcohol to any persons below the age of 18 and that we challenge those persons who appear to look under 25.

In terms of training, we are currently organising an NCPLH course at the racecourse to increase the number of personal license holders on the premises and reviewing the materials and training that is given to casual team members.

The wristbanding proposal is an outline of how we hope to approach this system, I am sure you can appreciate that there is a substantial amount of planning involved for the racecourse and so we are working towards this being ready for the commencement of our flat season in April.

We are very disappointed that the issues arose in November particularly in view of the efforts that we had made to ensure that underage persons are not served at our bars; we are taking our commitment to our premises license very seriously and hope that is exemplified below.

Kind regards

Sam Pedder
Head of Hospitality

Newbury Racecourse Actions January 2011

1. A head office record book is now in place to record any drink refusals as well as incidents which impact on the four licensing objectives. The names of the person recording the incident and those members of staff who deal with the incident shall also be recorded. Where known, any offenders name shall also be recorded.
 - a. the prevention of crime and disorder;
 - b. public safety;
 - c. the prevention of public nuisance;
 - d. the protection of children from harm
2. A challenge 25 policy shall continue to be in place at the Premises to ensure that any customer who attempts to purchase alcohol who appears to the staff member to be under the age of 25 years, shall not be served any alcohol unless they have provided an acceptable form of identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the "Pass" hologram are to be accepted as identification. Until the wristband system is agreed in principle and is operational viable this will continue to be the Newbury Racecourse course of action. We will be organising for Challenge 25 to be advertised in the website as well as creating more presence on the website.
3. Notices advertising the Challenge 25 and documentation required for checking proof of age policies shall be displayed in prominent positions on the premises. The bars will be checked for Challenge 25 signage and appropriate placement guaranteed with permanent sign holders.
4. A revised training pack will be prepared for staff members at Newbury Racecourse.
5. The Premises Licence Holder shall keep written records of initial staff training and refresher training on the law relating to underage sales of alcohol, utilising the Challenge 25 policy. Written Records of the training and reminders given shall be retained whilst staff are retained in employment by the Racecourse or their appointed agents.
6. The Grandstand, Berkshire Stand and Hampshire will have an assigned personal license holder on racedays with support personal license holders roaming throughout the course.
7. The Premises Licence holder shall participate, as far is practicable, in the "Local" Town Radio Scheme when the premises are opened for licensable activities.

8. DOOR SUPERVISION

- a) An adequate number of Security Industry Authority licensed door supervisors shall be provided at the premises whenever licensable activities take place and the last customer has left the premises. These licensed door supervisors shall be employed for vetting, regulating, controlling and supervising patrons whilst entering and whilst on the premises and to ensure the maintenance of good order, public safety, internal security and reducing the opportunities of underage sales of alcohol to persons under the age of 18 years.
- b) The Premise Licence holder shall keep and maintain a register of door supervisors.

The register will show the following details:

 - i) The name and registration number at the point of sign in
 - ii) Date and time that the door supervisor commenced duty
 - iii) Any occurrence or incident of interest must be recorded giving names of the doorsafe supervisors involved.

iv) Date and time the doorsafe supervisor finished work

c) The door supervisor register must be kept at the licensed premises and be available for inspection by Thames Valley Police or an authorised officer from West Berkshire Council and shall be retained for period of six months from the date of the event.

d) The Premises Licence holder shall ensure that all Door Supervisors whilst employed at the premises shall wear 'High Visibility' arm bands to incorporate displaying their SIA badges.

9. The Premises Licence holder shall ensure that female door supervisors shall be employed and available where reasonably appropriate (e.g., if a female patron is subject to a body search)

10. The Premises Licence holder shall prepare an Event Management Plan for each event, setting out how the event will be managed and the precautions which have been taken to cater for all reasonably foreseeable contingencies, and which will demonstrate the procedures, roles and specific responsibilities of his management team, security and associated personnel. The EMP will be available to the Safety Advisory Group on request and prior to the commencement of the events

11. The Designated Premises Supervisor will continue to display in a prominent position posters re-their policy on checking proof of age and "Challenge 25.

Good Practices

Staff shall be given reminders ref challenge 25:

a) At commencement of and during opening hours.

b) DPS to encourage staff members to challenge and listen as to how they challenge customers.

c) The refusals / incident book is regularly used and countersigned by the DPS or nominee.

Wristband Proposal- please note that the operational needs of this proposal require further detailed investigation, however, in principle

- Challenge 25 & wristbanding information in the racecards
- Challenge 25 & wristbanding information in ticket packs
- Challenge 25 & wristbanding information to hospitality bookings
- Challenge 25 & wristbanding information on website
- All racegoers will enter the racecourse in the usual way
- There will be signage after entry to the course requesting that all 18-25 year olds or those lucky enough to look young to go to yet to be determined areas to pick up a wristband, on very busy days the number of outlets will be increased particularly for Party in the Paddock events with younger profiles
- To obtain a wristband, either a passport, driving license or PASS card will have to be shown and the racegoer will then sign for their wristband and it will be put on their wrist
- Wristbands will change colour each race meeting and the colour will be released on the raceday, no wristbands will be sent out; the wristbands will be paper in style and so reuse not viable
- If a racegoer goes to a bar and looks under 25, they will not be served without a wristband, theoretically therefore ID will not be checked at the bars, the racegoer will be asked to go to a wristband, this will aid service and also prevent so many of our young casual workers being vulnerable to badly judging fake IDs. This however, will not preclude the training of all team members.
- Also this will allow us to monitor proxy purchases ie: if someone over 25 is buying drinks for someone underage- the underage drinker will not be wearing a wristband

- Wristbanding will also apply to hospitality and conferences and events where there is a risk

UNDER 25?

Please be prepared to show ID when obtaining wristband

Visit a Wristband Exchange • service will be refused to 18-25s without a wristband

Acceptable forms of ID:

- Cards bearing the PASS hologram
- Photographic Driving Licence
- Passport



drinkaware.co.uk

Wristband Exchange

Are you 18-25 yrs & visiting our bars?

(or concerned you may be asked for ID).

Please visit our Wristband Exchange in either Berkshire Stand Reception or the Grandstand. Bring your ID- valid passport, photo driving license or PASS card to receive a wristband (no other forms of ID accepted)

SERVICE WILL BE **REFUSED** TO 18-25s WITHOUT A WRISTBAND

It is a criminal offence to purchase alcohol on behalf of someone underage. Wristbands valid for one day only. NRC reserves the right to refuse service of alcohol at any time, infringement of the wristband regulations will be treated as a breach of licensing laws.



u25
Wristband Exchange

**Are you
18-25 yrs &
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Please visit our Wristband Exchange in either Berkshire Stand Reception or the Grandstand. Bring your ID- valid passport, photo driving license or PASS card to receive a wristband (no other forms of ID accepted)

Acceptable forms of ID: Cards bearing the PASS hologram • Photographic Driving Licence • Passport

**SERVICE WILL BE REFUSED TO
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drinkaware.co.uk

It is a criminal offence to purchase alcohol on behalf of someone underage. Wristbands valid for one day only. NRC reserves the right to refuse service of alcohol at any time, infringement of the wristband regulations will be treated as a breach of licensing laws.

Witness Statement

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s. 5B; Criminal Procedure Rules 2011, Rule 27.2)



Statement of JOHNATHAN CONNOR

Age OVER 18

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

Dated the 1st day of May 2012

Signed *J. Connor*

I am a trainee Trading Standards Officer employed by the Trading Standards Service of West Berkshire Council. On 21st May 2011 I carried out a test purchase exercise at Newbury racecourse with my colleague Heather Parson and two female volunteers, one aged 15 and the other 16.

After meeting PC Darryl Sowden at Newbury Police Station we gained entry to Newbury racecourse and the volunteers attempted to purchase alcohol under the supervision of PC Sowden, my colleague Heather Parson or under my supervision.

At approximately 18:00 I witnessed alcohol being served to one of the volunteers. One of the volunteers ordered two gin and tonics and these were then served to them. The alcohol was served on concourse number one and after obtaining the name, date of birth and address of the person who served the alcohol I informed PC Sowden of what I had witnessed.

Signed *J. Connor*

Dated: 1/5/2012

Witness Statement

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s. 5B; Criminal Procedure Rules 2011, Rule 27.2)



Statement of (Full Name) **Heather PARSON**

Age (if over 18 enter 'Over 18') **Over 18**

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

Dated the 24th day of May 2011

Signed

I am a Trainee Fair Trading Officer employed by the Trading Standards Service of West Berkshire Council. On 21st of May 2011 I carried out a test purchasing exercise at Newbury Race Course, with my colleague Johnathan Connor a 16 year old female volunteer and a 15 year old female volunteer.

I collected the volunteers from their homes and met Johnathan and the police officer Darryl Sowden at the police station. I took photographs of the volunteers on their own and another with Johnathan next to them, I then drove all parties to Newbury Race Course.

At approximately 13:00pm we entered the race course, I had previously bought 3 tickets for myself, Johnathan Connor and the police officer. I was told that minors didn't need tickets, we where given 2 tickets for the volunteers at the door which where of a different colour to ours. The volunteers attached them to themselves.

We tested 6 bars in the racecourse, including bars on the outside of the enclosure. We entered the Dubai enclosure at the race course and proceeded to bar directly in front of the main doors, the volunteers proceeded to the bar and Johnathan followed behind them to witness the sale. I saw the seller turn around to get the drink and place it on the bar, then I saw Johnathan talking to the seller, so myself and the

Signed.....

Dated:

24/5/11

Page 1 of 2

Statement of HEATHER PARSON

police officer went towards the bar, the officer stayed with Johnathan, whilst I took the volunteers away from the scene.

Signed: HM Parson

Dated: 24/5/11

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Witness Statement

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s. 5B; Criminal Procedure Rules 2011, Rule 27.2)



Statement of Robert Andrew CHARLTON

Age (if over 18 enter 'Over 18') Over 18

This statement, (consisting of 4 pages each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 1st day of DECEMBER 2011

Signed

I am employed as a Senior Fair Trading Officer by West Berkshire and Wokingham Trading Standards. On 26th November 2011 myself and colleague Heather Parson undertook a routine alcohol test purchasing exercise with a 17 year old male volunteer.

Prior to the commencement of the exercise, Kevin Thompson, an inspector of weights and measures, gave the volunteer full instructions on how the operation was to be conducted. He explained that I and Heather would observe him attempting to purchase alcohol at each bar. If he was sold he should hand the alcohol purchased to me and my colleague would take him away from the bar. If asked his age he should say his true age and if asked for identification he should say he did not have any. He also explained that the racecourse have a policy of requiring anybody who appears to be under the age of 25 and who wishes to purchase alcohol to obtain a wristband in a separate area where you are required to provide proof of ID. If asked to show his wristband he should make clear that he did not have one.

Two photographs were also taken of the volunteer, one with him stood next to my colleague and one with him on his own.

Signed.....

Page 1 of 3

Dated: 1st Dec 2011

Statement of Robert Andrew CHARLTON

The first 4 bars all asked for the volunteer to show his wristband. The first bar was just outside to the side of the Grandstand. The second was on the ground floor of the Grandstand and was very busy. The third bar was a Fullers bar situated outside the Premier Enclosure and in this case the volunteer was asked for his wristband whilst still in the queue and the fourth was inside the main Premier Enclosure stand on the first floor and was also very busy.

The fifth bar tested was a Fullers bar with a fish and chip facility situated away from the main stands. The time was approximately 13.30 which was the time of the third race and the bar was not overly busy, with the volunteer being served almost immediately after going to the bar.

I observed whilst the volunteer was sold a pint of Carling lager by a male without any questions be raised. He handed the pint to me immediately after paying for it and left the bar with my colleague. I then asked to speak to whoever was in charge of the bar and a man came over. I showed him my identification and explained what had occurred and pointed out the male who had sold the alcohol, who I asked to speak to. I was shown to a small cellar area where I spoke to the seller and obtained his name, address and date of birth. I emptied the pint of Carling into glass bottles and placed them into an evidence bag along with the now empty plastic pint pot. I also showed the seller the photograph of the volunteer with him on his own and he acknowledged that he did make the sale but did not give any explanation. We were unable to obtain a police officer to issue a Fixed Penalty Notice and so I explained to the seller that his details would be passed to Thames Valley Police and they may issue one at a later date.

The sixth bar we tested was on the second floor of the Grandstand and was a small wine bar. No sale was made at this bar, although initially the volunteer was going to be sold a small bottle of wine but just prior to handing the bottle to him the bar staff member spoke to a colleague and that colleague asked for the wrist band.

The seventh and final bar tested was the Hennessey bar situated directly outside the Grandstand and which I now know to be the Copper King Marquee. The bar was not particularly busy and had a number of staff working behind it along with, what appeared to be a manager over-seeing matters. The volunteer was served almost

Signed:



Page 2 of 3


Dated:

1-12-11

Statement of Robert Andrew CHARLTON

immediately with a pint of Guinness by a female member of staff without any questions being raised. This sale occurred at approximately 14.10 when the fourth race of the afternoon was taking place, although I can not say whether the race had commenced at this time. The pint of Guinness was handed to me immediately after the volunteer had paid for it and he left the bar with my colleague.

I went to the side of the bar and spoke to a man who said he was the manager. I pointed out to him the female who had sold and we went into a covered area to the rear of the bar where the kegs and other supplies were being kept. I introduced myself and showed my identification and explained what had occurred. Again I placed the Guinness into clear glass bottles and along with the now empty pint pot secured into an evidence bag. I obtained the sellers name, address and date of birth and explained that she may be issued with a Fixed Penalty Notice at a later date by Thames Valley Police. I also showed her the picture of the volunteer taken with him standing next to my colleague and asked why she had sold. She said she believed he was with a group of other young men who she had been serving throughout the afternoon and had already been asked for and shown their wrist bands.

Signed: 

Dated: 

Page 3 of 3

Witness Statement

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s. 5B; Criminal Procedure Rules 2011, Rule 27.2)



Statement of (Full Name) Heather Parson

Age (if over 18 enter 'Over 18') Over 18

This statement, (consisting of 2 pages each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 2nd day of December

Signed HMParson

I am employed by West Berkshire and Wokingham Council as a Trainee Fair Trading Officer.

On the 26th November 2011 myself and Robert Charlton carried out a test purchasing exercise at Newbury Race course. We met at the racecourse at about 12:15 along with Kevin Thompson who drove us to the volunteers' house; he was a 17 year old male volunteer. [REDACTED]

[REDACTED]

As the authorised officer Kevin instructed the volunteer on the process of purchasing alcohol. He explained that Robert Charlton and I would observe him attempting to purchase alcohol at each bar. If he was sold he should hand the alcohol over to Robert Charlton and I would take him away from the bar. If asked his age he should say his true age and if asked for identification he should say he did not have any. He was already aware of the Racecourses policy of over 25 and anyone appearing younger should obtain a wrist band.

We then took photographs of the volunteer, one on his own and one with him and myself in the picture.

[REDACTED]

Signed... HMParson

Dated: 2-12-11

Statement of Heather Parson

Kevin then drove us back to the race course. We then started the test purchasing exercise. I had previously purchased 2 tickets for myself and Robert; the volunteer didn't need one as was under 18.

We entered the racecourse at around 12:45pm and preceded to the first bar, this was a mobile bar situated between the picnic area and the Grand stand. The seller asked for the volunteers' wristband straight away, we then went inside the Grand stand, to a bar on the left hand side, this had a lot of people at it and we had to wait quite a while before being served, the also asked for the wristband.

The third bar was a Fullers bar situated outside the Premier Enclosure and in this case the volunteer was asked for his wristband before he had even approached the bar to ask for a drink and the fourth was inside the main Premier Enclosure stand on the first floor and was also very busy. A wristband was also asked for here.

The next bar we tested was a permanent fixture opposite the Grand stand; it also sold fish and chips, the time was approximately 13:30, a race was happening at the time and there was hardly any people at the bar, the volunteer went to the bar and asked for a pint of Carling, he was served by a white male, dark hair, in his mid twenties. No questions where asked about his age or if he had a wristband.

The volunteer turn round with the pint and gave it to Robert Charlton and I left the premises with the volunteer and waited outside for Mr Charltons return.

We then went back to the ground floor of the Grand Stand where there is a wine bar on the right of the main entrance. Our volunteer went up to the bar and asked for a rose wine (they came in small plastic bottles rather than glasses) the seller turned round and took one from the fridge, just as she was walking back to where the volunteer was standing she asked another colleague if they where supposed to ask for ID, the colleague said "yeah they should have a wristband" the colleague then turned and asked our volunteer if he had one, to which he replied no. He was then informed where he could go to get one.

At around 14:00 we entered the Racecourse Marquee, a race was taking place so there wasn't many people at the bar, the volunteer approached the bar and asked for a pint of Guinness, he was served by a young black girl, quite slim, with dark straight hair. She poured the drink and gave it to the volunteer, Robert and I were standing just behind the volunteer, he paid for the drink and then left the bar and gave the drink to Mr Charlton who went to speak to the seller whilst I took the volunteer away from the bar area.

Robert returned a bit later, with the alcohol in bottles and sealed in an evidence bag.

Before leaving the racecourse we took another picture of the volunteer by himself as Mr Charlton had informed me that he had accidentally deleted the image whilst trying to show it to the seller from the marquee. I left the Race course premises with the volunteer, Robert Charlton stayed to talk to the racecourse about the sales, we then drove to the Council Offices and logged in the evidence in our secure storage.

Signed: HN Parson

Page 2 of 2

Dated: 2-12-11

