

POST

[Insert details including name and address of licensing authority and application reference if any (optional)]

EH & L
17 FEB 2011
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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 Superintendent Robin Rickard
(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 Bricklayers Arms 137, Bartholomew Street	
Post town Newbury	Post code (if known) RG14 5HB

Name of premises licence holder or club holding club premises certificate (if known) Punch Taverns PLC
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Number of premises licence or club premises certificate (if known) 013871

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 Inspector David Milsom Newbury Town Centre Neighbourhood Team Police Station Mill Lane Newbury RG14 5QA
Telephone number (if any) 01635 264653
E-mail address (optional) david.milsom@thamesvalley.pnn.police.uk

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

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

The Bricklayers Arms Licensed Premises has failed two joint test purchase exercises carried out between West Berks Trading Standards Dept and Thames Valley Police. NB. These premises are also known as The Purple Lounge.

At 3:05pm on Saturday 27th November 2010 two young volunteer persons, one male aged 15 years and one female aged 16 years was served with two alcoholic drinks, namely two pints of Fosters Lager (ABV 4%) . The seller was issued a fixed penalty notice which was paid.

Again at 7:24pm on Saturday 29th January 2011, two 16 year old females were sold alcohol, namely two bottles of Smirnoff Ice (ABV 5%). A fixed Penalty Notice was issued to the seller.

In addition to the above, Police are of the opinion that two other conditions as stated on the Premises Licence have been breached. These conditions state:

SIA qualified door staff will be used on Thursday, Friday and Saturday nights. They will be on the doors of the premises from 22:00hrs until the last customer has left.

Also, Children are not permitted on the premises after 21:00hrs.

At approx. 8pm on Saturday 15th January 2011, two Police Community Support Officers were patrolling outside The Bricklayers Arms when they observed a group of persons outside. One of the females was known and to be only 15 years of age. It was apparent she was intoxicated. The female also admitted patronising the premises on New Years Eve.

At approx 1:30am on Sunday 30th January 2011 a drunken male was seen to enter the premises. No door staff were present to prevent him from entering.

Therefore, the premises licence holder in the opinion of Thames Valley Police has undermined the licensing objectives of protecting children from harm and the prevention of crime and disorder.

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

In order to establish whether a premises is upholding the Licensing Act 2003 duties of protecting children from harm and the prevention of crime and disorder, test purchase operations take place where an under age volunteer is asked to buy age restricted goods from licensed premises. The test purchase operations are conducted in accordance with the LACORS Guide to Test Purchasing. In addition to the licensing duties under the 2003 Act, it also creates an offence of selling alcohol to persons under the age of eighteen.

The premises chosen for the exercises are usually intelligence lead, that is, where complaints have been received from the general public or local Neighbourhood Police Officers have become aware of problems or Council Officers have expressed concerns over the general management of the premises. Any licensed premises that has previously failed a test purchase can be included and occasionally specific geographic areas are targeted and several premises will be visited to determine compliance with the Licensing Act 2003 duties in the area in general.

Information as regards to under age purchasing of alcohol at the premises suggests the under age persons arrive at the premises prior to the arrival of door staff. There is also a history of assaults and public order within the premises during the past year. With the earlier intervention of Door Supervisors, these offences should be deterred and therefore reduced.

On the Premises Licence, a condition as agreed with Trading Standards states:

All bar staff must be trained regarding under age sales and acceptable proof of age. Records of such training to be retained for inspection. Thames Valley Police are of the opinion that training may be insufficient as the premises have failed two test purchases within three months.

At 3:05pm on Saturday 27th November 2010 a joint test purchasing operation for underage sales of alcohol took place between Thames Valley Police and West Berkshire Council Trading Standards Service. They attended The Bricklayers Arms, 137, Bartholomew Street, Newbury utilising the service of two young volunteer test purchasers, one male aged 15 years and a female aged 16 years. The test purchasers was able to purchase 2 pints of Fosters Lager (ABV 4%) . A fixed penalty notice was issued and subsequently paid. Statements are attached to this report. PC. Flynn's is produced as Appendix TVP 1. Mr. Hickman's and Ms Parsons from West Berks Trading Standards are produced as Appendix TVP 2 & 3 respectfully.

On 16th December 2010 Mr. Ian Pearson, the Partnership Development Manager representing the Premises Licence Holder Punch Taverns and Designated Premises Supervisor for The Bricklayers Arms, Ms Malgarzala Majszak, attended a Licensed Premises Management Performance Meeting at Newbury Police Station with Thames Valley Police and West Berkshire Council Trading Standards and Licensing Officers to discuss the measures in place to prevent age restricted sales and share best practice ideas. The notes of the meeting are attached and are produced as Appendix TVP 4. Among the recommendations were to adopt the Challenge 25 policy and to adopt a training regime for all members of staff with suitable qualifications. Ms Majszak was advised that a further test purchase would take place.

At 7:15pm on Saturday 29th January 2011 a follow up Test Purchase Operation was carried out at The Bricklayers Arms utilising the services of two 16 year old female volunteer test purchasers. They on this occasion was able to purchase two bottles of Smirnoff Ice (ABV 5 %). Again a fixed penalty notice was issued and subsequently paid. Statements of this operation are attached to this report. PC. Frost's is produced as Appendix TVP 5 and Mr. Fenner's a Senior Trading Standards Officer is produced as Appendix TVP 6.

In addition to the above a breach of a condition on the Premises Licence has occurred. A condition on the Licence states: SIA qualified door staff will be used on Thursday, Friday and Saturday nights. They will be on the doors of the premises from 22:00hrs until the last customer has left.

At approx. 8pm on Saturday 15th January 2011, Police Community Support Officer's Gillespie & Lewis were on patrol by The Bricklayers Arms when they observed a group of persons outside the premises. One of the group was a known 15 year old female who was being rather loud and had been drinking alcohol. It was ascertained the group had been requested to leave the premises. The known 15 year old girl also admitted she had been drinking inside the premises last New Years Eve. Statements from PCSO's Gillespie and Lewis produced as Appendix TVP 7 & 8 respectively.

At approx 1:30am on Sunday 30th January 2011 a drunken male was seen by Sgt Andrew Bone to enter the premises. No door staff were present to prevent him from entering.

Therefore, the premises licence holder in the opinion of Thames Valley Police has undermined the licensing objectives of protecting children from harm and the prevention of crime and disorder as well as failing to conform to conditions of the premises licence.

In view of the two failed test purchases and the failure to comply with the existing conditions, Thames Valley Police has serious concerns that the premises is failing in its duty to promote the relevant licensing objectives of The Protection of Children from Harm and The Prevention of Crime and Disorder. As such a review of the licence is requested. It is apparent that the information and advice presented to Ms Majszak the Designated Premises Supervisor & Mr. Pearson at the Licensed Premises Management meeting was not comprehended fully or have the the desired impact. The second test purchase took place when the advice and information should still have been fresh in the mind.

Thames Valley Police offers the recommendation that the licence be suspended for a sufficient period of time up to a maximum of three months to consider the removal of the present Designated Premises Supervisor and to consider implementing the following representations to be placed on the premises licence as conditions:

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 information and those members of staff who deal with the incident shall also be recorded. Where known, any offenders name shall also be recorded. The register must be made available to responsible authorities on request.

2. 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 Borough Council and Police on request.

3. All new members of staff must undertake initial training on age restricted sales before they are permitted to sell alcohol and registered within 28 days of employment to attend the BIIAB Level 1 award in responsible alcohol retailing or any other similarly recognised nationally approved accreditation curriculum.

Remove the existing condition as agreed with trading standards and replaced with representations 4 & 5 as below:

4. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without first having proved identification. Only a valid British Drivers 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.

5. The Premises Licence Holder shall ensure staff receives refresher training on the law relating to underage sales at least every four months in relation to the Four Licensing Objectives contained within the Licensing Act 2003 and those authorised to sell alcohol. Written proof of training shall be recorded and maintained whilst the member of staff remains in employment.

6. Notices advertising the Challenge 25 and documentation required for checking proof of age policies shall be displayed in prominent positions on the premises.

In relation to the Condition in relation to SIA door staff, Thames Valley Police request that this condition be removed and replaced with the follow:

7. a) The Designated Premises Supervisor shall conduct a written Risk Assessment between Sunday to Thursday inclusive, to establish if door staff are required. The report shall be produced on demand to a Licensing Officer of West Berkshire Council or Police Officer on demand. Door staff shall be employed on Friday and Saturday nights and on Christmas Eve and New Years Eve from 20:00hrs till closing time the following morning when the last customer has left the premises.

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 an officer from 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.
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.

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	8	2	0	0	5
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If you have made representations before relating to this premises please state what they were and when you made them

Conditions imposed on conversion after a hearing in August 2005:

1. Designated Premises Supervisor will be a member of Newbury Pub Watch so long as it exists.
2. SIA qualified door staff will be used on Thursday, Friday and Saturday nights. They will be on the doors of the premises from 22:00hrs and until the last customer has left.
3. CCTV will be installed in the premises and cover the whole of the public area. This will record in colour and images will be saved for a minimum of 31 days.
4. At all times a policy is to be enforced regarding the retention of confiscated illegal substances prior to the handover of these substances to the police.
6. Children are not to be permitted on the premises after 21:00hrs.

Condition agreed by Trading Standards:

1. All bar staff must be trained regarding under age sales and acceptable proof of age. Records of such training to be retained for inspection.

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

16/02/2011

Capacity

Police Area Commander

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.