



Licensing, Public Protection,
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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 **Sgt Tracey Carsley**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 Olivers 19 Lower Gungate Tamworth Staffordshire	
Post town Tamworth	Post code (if known) B79 7AT

Name of premises licence holder or club holding club premises certificate (if known) Mr David Oliver
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Number of premises licence or club premises certificate (if known) PREM/05/0088

Part 2 - Applicant details

I am

Please tick yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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

Please tick yes

I am 18 years old or over

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 SGT Tracey Carsley c/o Southern Licensing Department Staffordshire Police Burton Police Station Horninglow Road Burton on Trent DE14 1PA
Telephone number (if any) 01785 234722
E-mail address (optional) tracey.carsley@staffordshire.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 | X |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 2)

This premise has been subject of a compliance testing operation on Friday 27th September 2013 involving multi agency authorities where two girls both aged 15 years of age were sent into a premise to see if they could purchase alcohol.

On the night in question the volunteers entered the premise and alcoholic drinks were sold by a member of staff to the volunteers. The member of staff at no point, asked either volunteer for any form of identification or asked the children their age.

The member of staff, the SELLER was formally interviewed by the police that night, admitted the sale and was issued with a Fixed Penalty Notice for this offence.

The Premise Licence Holder and Designated Premise Supervisor is (DPS) Mr David Oliver.

Oliver's appear in both Tamworth and the Southern Region's Top Ten list of premises by incident for the period 1st September 2012 to 10th October 2013.

Staffordshire Police believe the Premise Licence Holder has failed in their obligations to promote the licensing objectives. In light of this matter Mr Oliver needs to do more in relation to the promotion of the licensing objectives in the area of Prevention of Crime and Disorder and the Protection of Children from Harm and therefore believe a review of the premise licence is necessary in these circumstances.

Please provide as much information as possible to support the application (please read guidance note 3)

Supporting documentation is provided in appendices to this application as follows which the Police will seek to use as part of their evidence in relation to this review application:-

- Appendix 1: Premise Licence.
- Appendix 2: Record of Interview
- Appendix 3: Officer Statement's
- Appendix 4: Incident List
- Appendix 5: Drug Activity Letters
- Appendix 6: Training records
- Appendix 7: Notice of Determination for the Variation dated 28th November 2012
- Appendix 8: Top Ten Premises (by Incidents)
- Appendix 9: Social media extracts

The details of the underage sale at the venue are that on Friday 27th September 2013 Staffordshire Police Licensing Unit carried out a compliance testing operation in relation to the underage sale of alcohol in Tamworth.

This involved the use of 2 volunteers both aged 15 years of age Charlotte and Danielle. The volunteers were chosen because in the police's view they had a typical appearance of children of their age.

On Friday 27th September 2013 at 22:45 hours Charlotte and Danielle entered the venue together and approached the bar.

At the bar Charlotte asked the SELLER, a female member of staff for two bottles of WKD a sparkling flavoured vodka based alcoholic drink. Charlotte was not asked for any proof of age identification nor asked her age prior to the sale taking place. Charlotte was served with the alcoholic drink by the SELLER which was then seized by SI WINTER. During this time, Danielle was stood at the bar next to Charlotte and at no point in time was Danielle questioned in relation to her age or asked for age identification.

After the sale the SELLER was formally interviewed under caution by SC WINDRIDGE with SC WOOD and Kate Finelli the Bar Manager present and she admitted the sale. During the interview the SELLER was asked 'how old she thought the two volunteers were, she replied by saying "Same age as me 18" When asked further about why she did not ask Charlotte or Danielle their age or ask for identification she replied "I don't know, I should have". Although the premise operates Challenge 25 the SELLER couldn't remember when asked, what age it was suggested that someone should be to buy alcohol, without having to show ID when she received her training on underage sales. The SELLER has been employed at the premise for 3 to 4 months as a member of bar staff and works between 5 and 10 hours per week. Of

note, there were members of door staff on duty at the front of the premises who didn't challenge the girls regarding their age either.

This sale is a criminal offence under section 146 of the Licensing Act 2003 which relates to the sale of alcohol to a person (child) under 18 years of age therefore on conclusion of the interview, she was issued with a Fixed Penalty Notice for this offence.

Appendix 4 catalogues 42 incidents of crime and disorder from 1st September 2012 until 10th October 2013 at the venue which includes eight violent assaults, one public order, eight drunkenness, eight anti social behaviour incidents, 3 positive drug visits and five arrests for being drunk and disorderly after leaving the venue. A further five crimes have been committed after leaving the venue where in custody they have confirmed their last drink was in Oliver's. There are two occasions included in the incident list where breaches of the premise licence have been evident together with an occasion when one of the door supervisors was not wearing his SIA badge whilst on duty. And finally, there is one entry on the 24 January 2013 regarding conversations on Oliver's own social media, facebook page.

To highlight a number of the assaults:

On 25th November 2012 at 00:30 a female victim was in the beer garden with her friend. The victim saw a female coming into the beer garden with another male. Both of which have walked past the victim and towards a table at the back of the beer garden. The victim then describes feeling a thud on the back of her head and heard the smashing of glass. The victim has jumped to her feet and turned round to see the female and male running away and out of the beer garden. As a result of this assault the victim has received a 1 inch cut just below her crown at the back of her head that was glued a Robert Peel hospital.

On 29th December 2012 there was an altercation between unknown offenders during which punches have been thrown with one of the victims sustaining injuries of bruising to the right eye and a cut to the inside of the lower lip which required one stitch. The victim told the police that he had limited recollection of the evening or the incident due to own extreme intoxication.

On 1st January 2013 at 00:18 hours one of their door staff was assaulted whilst on duty. The offender was stood next to him and began staring at him. A separate scuffle then broke out so the offender ran towards it to get involved. The doorman grabbed hold of him to prevent him becoming involved but was then assaulted by the offender as he grabbed his face causing scratch marks and was bitten on his hand. Unfortunately the door man informed police he did not wish to support any prosecution against the offender for the assault on him. His statement concluded with "I don't want to press charges and don't want to attend court".

On 27th January 2013 at 00:12 a victim has been approached by the offender who she knew and engaged her in a verbal altercation before slapping her across the face and repeatedly punching her to the head. The injuries sustained were a small lump to the right side of her head, slight reddening to the left elbow, grazed left foot and a small lump on her right shin. During the assault she was aware of a drink being thrown over her and the offender's friends also hitting her. Of note, the statement from the victim's friend states that when they informed the door staff of the assault the door staff asked them if they wanted to get the Police involved. Staffordshire Police believe that staff should ensure that any crime that they are aware of on a licensed premise should be reported.

On 18th May 2013 at 01:24 hours a disturbance occurred inside the venue which resulted in a customer receiving a minor head injury. Neither the victim nor the door staff was willing to give statements.

On 6th July 2013 at 02:55 hours a female victim has been verbally abused by a female offender and then struck in the face with an open palm. The offender's boyfriend has then punched the victim with a clenched fist knocking the female to the floor resulting in a large bruise to the face.

For reference Mr Oliver made an application to vary the premise licence for a change of layout, removal of conditions and an extension of hours. Staffordshire Police made representations to this application in respect of the extended hours under crime and disorder, public nuisance and public safety. Appendix 7 includes the Notice of Determination where Tamworth Borough Council Licensing Sub committee were unanimous in deciding that it was not appropriate to grant the extension of hours.

Section 11.28 of the amended guidance issued under section 182 of the Licensing Act 2003 suggests the review process can be used to deter any sales of alcohol to children giving serious consideration to the revocation of the licence, even in the first instance. However in this instance and with the information included in this review document Staffordshire Police request that the Licensing Sub Committee add the following conditions on the premise licence:

Under Annex 2, Protection of Children from Harm add:

The premises must adopt the Challenge 25 scheme to tackle underage sales. All staff must be fully trained in its use before being allowed to sell alcohol and a record is to be kept of staff training in relation to the Challenge 25 scheme

The designated premise supervisor should ensure that all staff training must be refreshed at least every 3 calendar months.

Persons purchasing alcoholic drinks who appear to be under the age of 25 must be required to produce proof of age by way of a proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a genuine photo driving licence or passport.

At each till there will be placed a date of birth check card which will be kept updated at all times with the current date at which a person must be born before to be aged 18 or over.

A refusals book must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age. The book must also contain details of the staff member refusing the sale. This book must be checked on a monthly basis by the designated premises supervisor or duty manager and endorsed accordingly by the DPS or duty manager signing the book with the time and date of inspection.

Under Annex 2, Protection of Children from Harm remove condition 24 and replace with:

No children under the age of 17 years of age are permitted upon the premises after 21:00 hours if licensable activities are taking place.

Under Annex 2, The Prevention of Crime and Disorder add:

The CCTV must be installed to the approval of the police licensing officer (PLO) and cover all public area's. The CCTV unit shall be positioned in a secure part of the licensed premise and not within any private area of the location. Access to the system should be allowed immediately to the police, Trading Standards or Local Authority officers in accordance with the Data Protection Act 1998 where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to down load in a recognised format any information requested by the Police.

The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).

A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.

All CCTV images will be retained for a period of not less than 31 days.

An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded. The register will be produced and made available for inspection upon request by a responsible authority.

All persons involved in the sale of alcohol who are not the holders of a Personal Licence to sell alcohol will receive initial and regular 3 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law and in relation to the sale of alcohol. Such training will be recorded and up to date training records of all such persons will be maintained at the premises and produced and made available for inspection upon request by a responsible authority.

Both initial and subsequent refresher training in relation to the sale of alcohol will contain a written test to be undertaken by the staff member and this record must be signed and dated by both the member of staff and the designated premise supervisor.

Security Industry Authority (SIA) registered door supervisors will be present after 21:00hrs when the premises are open for trade on Thursday, Friday Saturday and Sundays and will remain at the premises until such time the premises are closed and all members of public have left the venue.

Door staff must also be employed should the venue be open on any bank holiday, Christmas Eve or New Years Eve from 2100hrs until the terminal hour when all customers have left and the premise closed.

Door supervisors will wear yellow high visibility jackets clearly indicating their role enabling the clear display of SIA Authority.

A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:

- The door supervisors name, date of birth and home address
- His/her security Authority licence number
- The time, date he/she starts and finishes duty
- Each entry shall be signed by the door supervisor

That register shall be kept fully updated at all times at remain at the licensed premise and be available for inspection immediately upon demand by an Authorised officer of the Council, the Security Industry Authority or a Police Constable.

Under Annex 2, The Prevention of Crime and Disorder remove condition 5 and 8.

Under Annex 2, Public Safety add:

No open vessels containing any alcohol or other drinks will be allowed to be taken from the premises.

We believe the tightening up of these conditions need to be attached to the Premise Licence in order to ensure that the licensing objectives are upheld.

Staffordshire Police also request that the Notice of Determination records that the Premise Licence Holder has been given clear warning that the Licensing Committee considers the sale of alcohol to children to be particularly serious and that any further sales of alcohol to children will result in a subsequent review of the Premise Licence by Staffordshire Police.

Should the conditions be attached fully and the warning given as outlined above the Staffordshire Police believe that the licensing objectives relative to prevention of crime and disorder and the protection of children from harm are likely to be met.

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

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 5). (If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

21 OCT 2013

Capacity Licensing Sergeant

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.