

Environment & Community

D Ian Davies BSc (Hons) DMS MILAM Strategic Director Environment & Community

Chris Rothwell BSc (Hons) Flnt SRM Head of Urban & Rural Services

Mr G Smith
23 Henley Avenue
Oxford
OX4 4DJ

Cherwell

DISTRICT COUNCIL
North Oxfordshire

Bodicote House
Bodicote • Banbury
Oxfordshire • OX15 4AA
Telephone 01295 252535
Textphone 01295 221572
DX 24224 (Banbury)
<http://www.cherwell-dc.gov.uk>

Please ask for **Natasha Barnes**

Our ref **PRM0318**

Your ref

Direct Dial **01295 221599**

Fax **01295 270028**

Email natasha.barnes@cherwell-dc.gov.uk

29 January 2008

Dear Mr Smith

Licensing Act 2003 – Possible Breach of Premises Licence Conditions.

I write further to my visit with Alex Bloomfield from Thames Valley Police Licensing on Friday 25 January 2008. As you are aware it has been reported to this office that there have been a number of possible breaches of the conditions attached to the Premises Licence in respect of G's Wine Bar, Deans Court, Bicester.

During the visit Mr Bloomfield and I outlined the incidents logged for the premises from August 2007 to present. We compared these to your incident log at the premises.

There were a number of incidents that highlight areas of serious concern for Thames Valley Police and the Licensing Authority. The main issues are:-

- Sale of alcohol to persons underage;
- Sale of alcohol to persons already intoxicated;
- Completion of the Incident Log;
- Behaviour of the Door Supervisors; and
- General Management of the Premises during the evening

We discussed possible solutions to the issues raised and suggested that you develop an action plan as a way forward. This action plan can then be presented to Thames Valley Police.

We outlined the Thames Valley Police three step principle, explaining that step one would be contact from an officer concerning any issues arising from incidents. Step two would be a more formal visit from the Thames Valley Police Licensing Officer to develop an action plan to promote the licensing objectives and step three would be to request a review of the premises licence at a hearing in front of the Licensing Committee. It was explained that a serious incident could result in a premises going straight to step three.

In this case one of the incidents is of a very serious nature and could possibly result in a review being requested. It is imperative that an action plan is developed and implemented as soon as possible. Mr Bloomfield and I requested that the plan should be sent to us by 10:00am on Friday 1 February 2008.



INVESTOR IN PEOPLE

The action plan should address each of the issues identified. At the meeting Mr Bloomfield and I suggested a number of ways to prevent similar issues arising in the future:-

Sale of alcohol to persons underage

Implement a "think 21" Campaign. Advice can be found on the British Beer and Pub Association website, including downloadable posters and general information.

<http://www.beerandpub.com/industryArticle.aspx?articleId=85>

This should be used at all times – No ID no alcohol. People will soon get used to having to provide ID at the premises.

Training of staff to ensure that all are aware of their responsibilities under the Act. This should be recorded in a training log.

A refusals log for use behind each of the bars. Staff should record each time someone is refused supply of alcohol due to being underage or for lack of identification.

Sale of alcohol to persons already intoxicated

Training of staff to ensure that all are aware of their responsibilities under the Act. This should be recorded in a training log.

A refusals log for use behind each of the bars. Staff should record each time someone is refused supply of alcohol due to being intoxicated.

Completion of the Incident Log

Door Supervisors should complete the log using their real names and their SIA (Security Industry Authority) numbers.

Door Supervisors and bar staff must complete the incident log for each incident whether or not Door Supervisors were on duty and whether or not police were called. We would expect this incident log to mirror the police intelligence received. This is not currently the case.

Behaviour of the Door Supervisors

The incidents relating to the behaviour of the Door Supervisors are among the most serious at the premises. It was suggested that you review your staffing provisions to ensure that you have Door Supervisors that are able to manage situations in a calm and professional manner.

You must ensure that all Door Supervisors are SIA registered. Do not rely on the door company checking this. You should ask to see verification of SIA registration before a Door Supervisor takes up their post.

All Door Supervisors must wear their SIA Badge on display at all times. It must be visible to members of the public.

General Management of the Premises during the evening

A number of the incidents occur when you are not present at the premises. Whilst it is appreciated that you are not able to be at the premises at all times, it is your responsibility to ensure that the premises is operated in such a way as to promote public safety, protect children from harm and to prevent public nuisance and crime and disorder.

It is suggested that you review staffing to ensure that you are at the premises during peak times and that when you are away from the premises that is properly managed by a person

who is aware of their responsibilities under the Licensing Act. You could for example ensure that duty managers are also personal licence holders or at the very least they have been trained by you. This should be recorded in a training log.

A person commits an offence under Section 136 (1) (a) of the Act if they carry on or attempt to carry on licensable activities on or from any premises otherwise than under and in accordance with an authorisation and is liable upon summary conviction to imprisonment of up to 6 months or to a fine of up to £20,000 or to both.

A number of the concerns highlighted breach specific conditions of the Premises Licence, therefore, licensable activities will have been carried out otherwise than in accordance with the existing Premises Licence.

When drafting your action plan, please can I ask you to read through all of the conditions attached to the Premises Licence and to ensure that any person charged with the responsibility of operating the Premises is aware of the importance of compliance with these conditions.

Should you need any advice in drafting your action plan, please do not hesitate to contact either Mr Bloomfield on 01865 266022 or me on 01295 221599. Should you have any other queries regarding this matter please contact me on the above number.

Yours faithfully

Natasha Barnes
Senior Licensing Officer