

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 Laura Morris on behalf of the Cheif Constable of Thames Valley Police
(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 G's Wine Bar Deans Court Market Square	
Post town Bicester	Post code (if known) OX26 6AA

Name of premises licence holder or club holding club premises certificate (if known) David Mather

Number of premises licence or club premises certificate (if known) PRM 0661

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 Laura Morris Licensing Officer Thames Valley Police Licensing Department HQ South Kidlington OX5 2NX
Telephone number (if any) 01865 846150
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

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

Thames Valley Police are calling for review of this licence due to the premise not upholding the prevention of crime and disorder objective of the 2003 Licensing Act by not adhering to the existing conditions on this licence.

There are concerns that this premise has been noted to breach its licence conditions on several occasions over the last year one of these breaches the license holder was prosecuted for.

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

1) Breach of last entry time

Condition Annex 2 - The prevention of public nuisance

"On the mornings of Friday, Saturday and Sunday (for clarity the mornings are the morning following the trading sessions that start the day preceding i.e. sessions that start on Thursday, Friday and Saturday) there will be no entry or re-entry to the premise after 2.15 hours."

On the 18th January 2015 we received a report that the doorstaff had at 2.18 picked a point in the queue and let everyone in the queue at that point into the premise. However at 2.20 3 SIA doorstaff from another venue came to the door and showed their badges and were allowed entry. This caused issues with those who were not allowed in due to the time.

2) Breach of doorstaff conditions

Condition Annex 2 - The prevention of crime and disorder

"SIA registered door supervisors to be employed at the premises at the following times (all to remain until closing):

- a) One from 22.00 hours on a Thursday, Friday and Saturday evening
- b) An additional one from 23.00 hours on a Thursday evening
- c) An additional two from 23.00 hours on a Friday and Saturday evening
- d) An additional one from Midnight on a Friday and Saturday evening

On the 14th February 2015 we received a report that when officers attended the premise at 2.15 they witnessed 5 persons walk straight into the premise without being challenged by doorstaff. Officer approached the door and a few moments later a member of the door team appeared. This person was then evasive towards officer questions. He did however state this happened due to their only being 2 member of doorstaff on duty at the time. Due to this report Tasking was set up for the next weekend to specifically check the numbers of doorstaff on duty.

On the 22nd February 2015 a licensing check was conducted after midnight at the premise in order to assess the numbers of doorstaff present. Only 2 members of doorstaff were seen during this check so they were asked where the others were. The member of security replied with "They are on their way from Oxford" When the officer stated that it was 00.32 and that according to the licence there should be 4 doorstaff the security members response was " there is not many people in". It was explained that it did not matter how many customers were in the premise the licence was very specific about the numbers at certain times.

Due to the above reports a meeting was held at the premise with George Smith DPS on the 19th and 23rd February 2015. The breaches were discussed and doorstaff logs were looked at and both stated that at 2.15am 2 doormen were sent home on the 13th and 14th February. George stated that he knew what his licensing condition stated but that he only had 32 customers in and could not afford to pay the doorstaff so he made the call at 2.15am to send 2 of them home. The report from the 21st/22nd February triggered another meeting on the 23rd as yet again there was only 2 doorstaff. I did see text messages from the doorstaff stating they had car trouble and I could see a lot of correspondence trying to get the correct numbers of doorstaff at the venue that day. According to doorstaff logs 1 member of doorstaff turned up at 1am. This meeting resulted in a Tier 2 warning to the premise and ultimately a prosecution for breach of licensing conditions.

3) The prosecution

George Smith was prosecuted on the 29/6/15 for carrying on licensable activities on / from premises other than in accordance with an authorisation. For this he was found guilty and received fine £60 Costs of £85 and a victim surcharge of £20. David Mathers the premise licence holder was not prosecuted as he had no decision or influence in the day to day running of the premise.

4) Breach of the CCTV conditions

Condition Annex 2 - The prevention of crime and disorder
"CCTV images shall be retained for a period of no less than 28 days."

On the 17th October 2015 I received a report reference an incident that occurred outside the premise after closing. Two males were fighting outside, officers attended and one calmed down the other would not calm so was arrested. Later in interview they both claimed it was self defence. Due to this the CCTV from G's external camera was crucial. Officers attended the premise 6 times to obtain a working CCTV copy all of which failed resulting in 1 bail extension having to be applied for. Due to the lack of CCTV evidence this offence was recorded as a crime of Public order rather than an assault or affray as initially crimed.

On the 13th November 2015 I attended the premise in order to obtain the CCTV footage of the above and was told that it had been copied to a USB stick but that now it was lost and could not be found. I asked for another copy to be burnt off as it was 27 days since the offence but when George went to do this it did not work. We then tried to establish when it stopped storing the footage which we worked out to be 15 days.

After consulting the Local Inspector it was decided that as long as the CCTV could be fixed within a reasonable time frame that we would issue a Tier 2 warning for this breach and if the CCTV could not be fixed we would look at prosecuting/ reviewing for the breach of licence. The tier 2 letter was sent out on the 18th November giving George until the 27th November to get the CCTV rectified.

I attended the premise on the 24th November 2015 and spoke via phone to the engineer who had remotely fixed the CCTV system. He explain that he had increased the memory capacity and we looked at the footage after this had been done and it was still of evidential quality.

On the 30th January 2016 an incident occurred in the alleyway outside the premise at closing time but all persons had been drinking in the premise that evening. We managed to obtain footage from the town centre of the assaults but in order to identify the suspects we needed footage from inside the venue.

After failed attempts by officers to obtain working footage I attended the premise on the 10th February 2016 with a large enough USB stick in order to obtain the relevant footage. When we went to download the footage the footage was not available. We again went through the footage in order to see when the footage stopped storing images and again this was 15 days.

On the 16th February 2016 an email was received from George and the CCTV engineer stating that this issue with CCTV was now corrected. George was asked to ensure that this was the case in 28 days to ensure as should have been done the previous time.

Due to all of the above we have looked at the following options that are available to the licensing committee and have precluded some of these:

Do Nothing – This is not an option in our eyes and would not solve the issues.

Add conditions – Seeing as the premise has struggled to uphold their current conditions we feel that further conditions will not prevent these issues.

Remove DPS or PLH – The Premise licence holder was changed on the 7th March 2014 to David Mather. David is not in daily control of the premise even though he is the premise licence holder. We feel that even if George Smith was removed as the DPS he would still be in daily control of the premise so processes would not change.

Remove Licensable activities – The evidence provide is about breaches of conditions rather than issues with licensable activities therefore this would have no relevance.

Suspension – This is an option open to the committee and one we would support. Due to the premise currently being in the process of being sold we feel that rather than jeopardise the sale by revoking the licence a suspension of the licence for a maximum of three months or until the sale of the licence is completed would be appropriate. This would not be a punitive action as it would give the premise time to change management, refurbish the premise and implement the correct policies to adhere to the conditions. Our concern would be if the premise does not sell in this time period as then this action may be seen as punitive.

Revocation - Thames Valley Police would support this action if it is deemed that a suspension of licence is not appropriate for this situation.

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

2	3	0	7	2	0	1	2
---	---	---	---	---	---	---	---

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

This was actually under a different licence number (PRM 0381) as after the hearing and appeal it was realised in 2014 that the licence had lapsed, due to the licence holder becoming insolvent, so the licence was invalid and the applicant submitted a new application for the current licence that we are looking to review in this application.

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  Director or other duly authorised agent
(See guidance note 3) of the applicant please state in what capacity.

Signature

Date 1/3/16

Capacity Licensing officer

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.