



Meeting Licensing Sub-Committee

Date and Time Friday, 13th August, 2021 at 10.00 am.

Venue Walton Suite, Guildhall, Winchester

S U P P L E M E N T A R Y A G E N D A

The attached documents were not available when the agenda was published, but were received within the statutory timescale and therefore should be taken into consideration.

Agenda Item.

2. Review of Premises Licence - The Exchange, 9 Southgate Street, Winchester, Hampshire, SO23 9DZ (LR548) (less exempt evidence) (Pages 3 - 22)

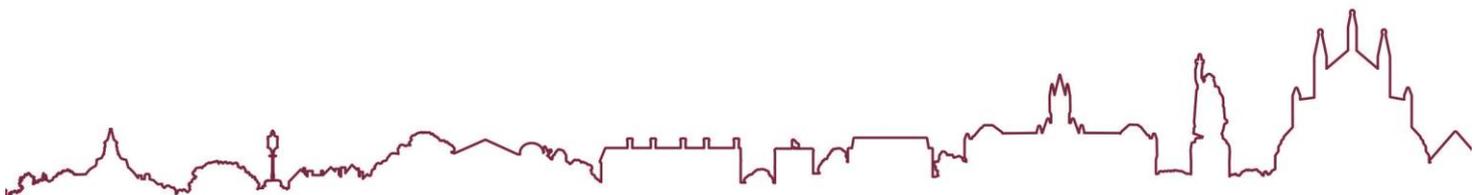
(LR548 – Appendix 6)

3. EXEMPT BUSINESS

Exempt information within the terms of Paragraphs 1 & 2 of Part 1 of Schedule 12A of the Local Government Act 1972

To consider whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- (i) To pass a resolution that the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100 (I) and Schedule 12A to the Local Government Act 1972, and in accordance with Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005



4. Review of Premises Licence - The Exchange, 9 Southgate Street,
Winchester, Hampshire, SO23 9DZ (LR548) (Exempt evidence to follow)

a) Seven video clips submitted in evidence by the applicant

City Offices
Colebrook Street
Winchester
SO23 9LJ

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10 August 2021

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer
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THE EXCHANGE, 9 Southgate Street, Winchester, SO23 9DZ

PREMISES LICENCE HOLDER : Colin Michael Clark

AGE VERIFICATION POLICY

This Policy is in pursuance of the Age Verification mandatory condition, and the condition at Annex 2, of the Premises Licence in force in respect of these premises.

The premises licence holder is as named above. The DPS is the person shown on the displayed premises licence summary and/or exhibited s57 nomination and DPS authorisation.

For the purposes of this Policy, the “responsible person” is

- a) The designated premises supervisor
- b) A member of the management team
- c) A person aged 18 or over authorised to sell or supply alcohol

Our Challenge 25 Policy

A person, appearing to the responsible person to be under 25 years of age, must produce appropriate identification before being supplied with an alcoholic drink.

“Appropriate identification” is that with the person’s photograph, their date of birth and bearing a holographic mark or ultraviolet feature.

Examples of appropriate identification include :

- a) A photo card driving licence
- b) A passport
- c) A proof of age card bearing the PASS hologram.

The Poster advising customers of the Challenge 25 Policy in force must be displayed at the bar.

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BRIEF NOTES on PREMISES LICENCE COMPLIANCE

You must have :

1. The original or a certified copy of the **Summary** on permanent display where it can be read by customers. This should be protected. We recommend a certified copy so that the original can be kept safely either with us, or with your central papers. The certification must be by a Solicitor or Council licensing officer.
2. The original or a certified copy of the **Premises Licence**, which must be kept on site and produced on request to an authorised officer. You need not only to ensure that your bar staff are familiar with its contents, but where it is kept in case you are not on site when such a request is received. They should also be aware of the details of the approved plan.
3. A **s57 Nomination** if the DPS and Premises Licence holder are not one and the same. We recommend that you also have a DPS Authorisation available or on display. The s57 Nomination must be permanently displayed, and we would usually recommend next to the Summary and protected.

You should have :

4. **Authorisations.** Attached is an extract from Government Guidance on authorisation of staff. Having regard to the strong directions given, we recommend a general DPS Authorisation is on site, to which visiting officers may be referred should they ask about the DPS or authorisations. You can either keep a published list of all staff who have been formally authorised, or you can rely on the general authorisation in this notice, but that must be coupled with staff receiving Authorisations, which should be counter signed by them on induction (and prior to their being allowed to sell or supply alcohol). Management who may stand in for the DPS should be given the detailed Duties sheet (with the red heading/duplicate Staff Authorisation/Duties sheet kept with their file and training papers). You will note that there are different forms for management team and staff, and you should be careful to explain your expectations to the members of staff. We have prepared for you :
 - Both parts of the DPS nomination of stand ins
 - The Staff Authorisation to sell alcohol – we would recommend that the DPS is the Personal Licence holder authorising, but it can be a member of your management team in his or her absence, as long as they have the necessary Personal Licence, of course.Please feel free to copy these if you need more, or ask us for more and we shall arrange that.
5. Staff training records, incidents and refusals logs, all properly completed and kept up to date.
6. A printed Age Verification Policy to demonstrate compliance with the mandatory condition.
7. Fire Safety and Health & Safety Risk Assessments etc, kept up to date.

This list is far from exhaustive, but may be helpful as a starting point. Whilst we endeavour to ensure that the information given is accurate and up to date, we cannot guarantee that it is, and you should seek specific legal advice on particular issues that arise.

Julia Palmer, Trethowans LLP. 01202 813658 juliapalmer@trethowans.com

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15:03

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WINCHESTER RANTS



Pinned by admin • 0 posts

New activity

Sort



Diggy Hatchard



1 m •

Not a rant but just wanted to say how amazing The Exchange pub is. My daughter was in there last night and a man came and sat with her and her friend. He was about 50 and she's only 18. He wouldn't leave them alone. When she got up to go to loo the barmaid handed her a receipt with a note written on it saying that they were aware of the situation and if she needed help or need him removed then to go back to bar and hand the receipt back and they would help.

Which she did and he was promptly removed.

It gives me great peace of mind when she's out to know that staff in pubs are looking out for young girls ❤️



Like



Comment



Send



Write a comment...



Gillian Jones



2 m •

Page 7

Hello Winchester!

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THE EXCHANGE, 9 Southgate, Winchester

DISPERSAL POLICY

The Premises Licence Holder is aware of the need to respect those living and working in the vicinity. He is aware of the licensing objectives, and in particular the requirement to prevent public nuisance arising from the premises.

Staff, and any security on duty, will be made aware of this Policy and will be required to implement it in a polite and courteous manner.

The Policy

1. Speakers in the pub garden will be turned off by 10.30pm.
2. Staff and security involved in facilitating customer departure will ask customers to disperse quickly and quietly, and have regard for residents.
3. Notices will be placed at all exits advising that this is a residential area, and that customers are asked to respect neighbours when leaving and going home.
4. Security will monitor those leaving in the immediate vicinity to ensure that no anti-social behaviour or noise occurs, and that customers move away from the vicinity quickly and quietly.
5. Any customers found to be acting in a manner which could reflect badly on The Exchange may be barred from future entry. Details will be entered in the incident log.
6. If any complaints are received about customer behaviour and/or noise from the premises they will be recorded in the incident log and should be dealt with by the manager on duty as soon as possible. Any complainant must be treated with courtesy and respect at all times.

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MAIN DUTIES OF A DPS : ON LICENSED PREMISES

For retention by person Authorised

The Designated Premises Supervisor (DPS) is the Personal Licence holder nominated as such on the Premises Licence for the site (the Licence). Government Guidance describes this person as being the main point of contact, and generally having day to day control. Together with the Licence holder, the DPS is responsible for the premises and ensuring compliance with licensing laws, and the terms and conditions of the Licence.

As a member of the management team, you are being specifically authorised by the DPS to undertake their duties if they are not on site and you will “stand in their shoes” whilst the premises are trading at such times. It is important, therefore, that you not only fully understand the general licensing law, you must also read, understand and implement the terms and conditions of the Licence. Either the Licence, or a certified copy of it, should be kept on site. Please ensure that you know where it is (in case you are asked to produce it) and that you are familiar with those terms and conditions. If you are not a Personal Licence holder in your own right, this Authorisation also specifically authorises you to sell alcohol at the premises, as permitted by law and the Licence.

The notes below are to supplement your training on licensing, and will remind you of the offences that can be committed. If you believe any of these offences may relate to you or the operation, or you have any queries or concerns, please take immediate legal advice. Trethewans details are below. Each of the below is an offence. They are abbreviated, and there could be exceptions. The penalties for breach will usually be a substantial fine. Where the offence is marked *, the maximum penalty could be an unlimited fine and/or up to 6 months’ imprisonment. The Licence may also be at risk.

Children

You must not allow:

- Unaccompanied under 16s on the premises between midnight and 5am
- The sale or supply of alcohol to an under 18
- An under 18 to consume alcohol on the premises
- An unsupervised under 18 to be responsible for the sale of alcohol
- An under 18 to take part in gaming on the premises

You must have an age verification policy in force and being followed. The only ID that is acceptable will have a photo, date of birth and holographic mark.

Conduct of Premises

You must not allow on the premises:

- The sale of alcohol to anyone who is drunk
- Alcohol to be exposed for sale when not authorised *
- Alcohol to be kept when not authorised
- Licensable activities unless authorised *
- Disorderly conduct
- Unlawfully imported goods to be kept
- Irresponsible promotions etc

You must:

- Keep the certified copy Licence and Summary at the premises for production to an authorised officer on request
- Display the certified copy Summary in a prominent position
- Display any s57 Nomination in a prominent position.

General

You must not:

- Make any false statements on any notices or applications under the Act
- Allow the premises to open if there is a Closure Order in force *
- Allow the premises to open if the licence has been revoked or suspended*
- Obstruct an authorised officer from entering/inspecting in certain circumstances.

The Premises Licence holder/DPS must notify any change in name or address.

If you lose your Premises licence or have had it stolen, you must report it to the Police and get a duplicate from the Council so that you can continue to comply with display and/or production requirements.

Conditions of Licence

The Licence will be subject to conditions, for which please see the Licence. Please read these carefully and ensure that you understand them. You must comply with these at all times the premises are trading. Some of the conditions may be stricter than the general requirements above. *

Plans

It is probable that any changes to the details and information required on the plans by the Regulations will require an application to the Council. Remember that this could include “minor” matters such as position of fire extinguishers, fixed seating etc, although a simpler procedure may be available in such circumstances. The alterations need not be structural to require approval. Failure to comply could equate to operation without a licence.

Temporary Event Notices

If you are operating under such a Notice (eg to extend your hours), you must :

- Produce the Notice on request to an authorised officer
- Exhibit the Notice, or details of it, during the event

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By email only

5 August 2021

Dear PC Swallow

**Application for Review of Premises Licence re: The Exchange,
9 Southgate Street, Winchester, SO23 9DZ : Hearing 10am 13 August 2021**

Good afternoon. I represent Mr Clark in respect of the application you have made for Review of the premises licence.

Whilst Mr Clark's recollection and understanding of some of the issues you raise do not agree with your accounts, he does accept that in the very exceptional situation he found himself due to the pandemic after 21 years in the trade as tenant licensee of this pub, he fell short of some of the administrative standards expected. He had already taken positive measures to address some of these issues prior to instructing me, and has readily and willingly agreed to a complete overhaul of his compliance protocols to demonstrate his ongoing promotion of the licensing objectives.

In particular, he accepts your suggestion that clarity and accountability be accepted by him by the imposition of conditions on the premises licence. I would respectfully suggest that one new set of conditions, including those to which you make specific reference in your application, be considered by the committee, so that they are in a format which is easy to understand by all those concerned.

Those proposed draft conditions are attached. Please feel free to discuss any alterations you may wish to see to those. Mr Clark most certainly had no intention of appearing dismissive of advice given, and apologises if he gave that impression. He wishes to work with all responsible authorities in promoting the licensing objectives, including you and your colleagues, and it will be noted that your suggestions have indeed been taken on board.

Kind regards

Yours sincerely


Julia Palmer
Consultant - Licensing Team
For and on behalf of Trethowans LLP

Cc licensing@winchester.gov.uk

The Exchange, 9 Southgate Street, Winchester

PROPOSED CONDITIONS

To supplement and replace those currently at Annex 2

All licensing objectives

1. The Premises Licence Holder shall ensure that a training package is in place in order for all staff involved in the sale or supply of alcohol to be sufficiently trained in licensing matters proportionate to their role to be made aware of their responsibilities. Particular attention should be paid to underage sales/ID verification and the refusal of alcohol sales to a drunk person. Staff will additionally be trained in the zero tolerance policies operated by the Premises Licence holder in respect of disorderly behaviour from customers, anti-social behaviour and drug abuse. Staff will sign a document to acknowledge that they have completed this training and have understood their responsibilities in this respect.

Prevention of Crime and Disorder

1. The Premises Licence Holder shall ensure that a refusals book/incident book or log is maintained at the premises. These records shall be maintained for a minimum of one year and be made available to the Police and other responsible authorities on request.
2. The Premises Licence Holder shall ensure that the CCTV system is (so far as reasonably practicable) recording when licensable activity is taking place. Images must be of a standard to enable subject identification and footage must be retained for a minimum of 31 days and made available to the Police in an appropriate format on request (subject to the Data Protection legislation in force at the time). Camera coverage will include the main entrance and exit and a minimum of two cameras inside the bar and two in the pub garden.
3. Every effort will be made to prevent customers leaving the premises with open bottles cans or glasses.
4. The Designated Premises Supervisor will carry out a Risk Assessment each day and record results in respect of the need for SIA security personnel to assist with controls. If deemed necessary, they will be employed at the ratio of 1:100 customers expected (or part thereof). A log will be maintained giving

details of the security engaged (including their name and Licence number) which will be made available to the Police on request, and the security personnel will wear a body camera when on duty.

5. Security duties will include controlling any queues to enter; maintaining order within and immediately outside the premises (including the pub garden) and encouraging a swift and orderly dispersal of customers at the end of the evening. If no security are deployed, these duties will be carried out by the duty manager and the staff on site.
6. To further the zero tolerance drug policy, the Premises Licence Holder will ensure that regular toilet checks are carried out and recorded in the incident book.
7. A Dispersal Policy to clear customers as quickly and quietly as possible from the premises and the area promptly at closing times will be implemented.

Public Safety

1. The Premises Licence Holder will ensure that entrances to the bar, bar area, toilets and garden are well lit and maintained.
2. The Premises Licence Holder will ensure that the walkways on the garden decking are coated with textured non-slip oil every year prior to the winter season.
3. The Premises Licence Holder will ensure that a log book is kept of emergency lighting and smoke detector checks.

Prevention of Public Nuisance

1. The Premises Licence Holder shall ensure that signage requesting customers to leave quietly and have respect for neighbours is displayed at all exits to the premises. If necessary, staff will additionally remind customers of this requirement
2. A telephone number shall be made available for local residents to contact the premises in the case of noise nuisance or anti-social behaviour by persons

associated with the premises. A record of all calls shall be entered in the incident book together with details of the action taken.

3. Speakers in the pub garden will be switched off at 10.30pm.

Protection of Children from Harm

1. There will be a Challenge 25 age verification policy operating at the premises. Challenge 25 means that the Premises Licence Holder shall ensure that staff are trained to ask for identification of proof of age from any individual who visually appears to be under 25 years of age and who is seeking to purchase or be supplied with alcohol at the premises.

Acceptable identification for the purposes of age verification will include a photo card driving licence a passport or photograph identification bearing the 'PASS' logo and the persons date of birth

If a person seeking alcohol is unable to produce acceptable identification no sale or supply of alcohol will be made to or for that person

'Challenge 25' posters shall be displayed in prominent positions at the premises

2. The Premises Licence Holder will operate a policy that customers under the age of 18 are not allowed on the premises when licensable activities are taking place unless accompanied by their parent or guardian.
3. The Premises Licence Holder will ensure that all under 18s leave the premises by 7pm or by the end of the 5.30pm kick off match on a Saturday.

Staff training notes on Drunkenness

What is drunkenness?

Someone is described as drunk for these purposes, if they have had too much to drink and are basically no longer in control of all their faculties. In the examples below (which are not exhaustive) for “his, he or him” also read “hers, she or her”

Definitions include :

- An inability to care for himself
- Causing a danger to himself and/or others
- Causing a disturbance or nuisance, or refusing to move along or leave

Symptoms include :

- Loud and/or aggressive behaviour, including bad language and being argumentative
- Bloodshot eyes
- Difficulty walking or standing, including staggering and swaying
- Clumsiness and carelessness
- Sleepiness
- Making inappropriate sexual advances

It is a problem because :

- Customer’s behaviour deteriorates (often with the above symptoms or some of them) and the resulting anti-social behaviour can lead to disruption for those in and outside the club, and criminal activity at worst.
- It can lead to harm to others in the premises, including the person who has had too much to drink
- It can lead to long term harm for the person who is drinking too much
- It is a criminal offence under the Licensing Act 2003 to
 - Allow disorderly conduct on licensed premises (s140)
 - Sell alcohol to someone who is drunk (s141)

The consequences of selling alcohol to someone who is drunk

Because it is an offence, and contrary to the licensing objectives of both preventing crime and disorder and preventing public nuisance, it is serious to sell alcohol to or for someone who is drunk. Even though they may be insistent about having another drink, bar staff must refuse to sell and must call a member of the security or management team if the person becomes difficult. Offer a soft drink or water, but do not sell alcohol to the drunk customer. If you do, you could face disciplinary proceedings.

Remember to log all refusals in the **Refusals Log** held at the premises.

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THE EXCHANGE, 9 Southgate Street, Winchester

Staff training notes on Under 18 sales

Can anyone sell alcohol?

No

You must be

- A Personal Licence holder or authorised by a Personal Licence holder (preferably in writing)
- Aged 18 or over, unless you are 16 or 17 and your manager supervises and approves the sale

Who can buy alcohol?

Anyone aged 18 or over as long as it is not being bought for someone who is under 18. (s146 Licensing Act 2003). You cannot, however, sell to someone who is drunk (see separate training notes on drunkenness) even if they are over 18.

How can we tell how old the customer is?

Because it can be very difficult to tell age by just looking at someone, we operate a Challenge 25 Policy (see separate Age Verification Policy sheet) here, and you **MUST** follow that Policy.

Remember that, if the customer looks as though they may be under 25, and cannot produce the ID referred to in the Age Verification Policy, you must refuse the sale. You must log the refusal, with as much detail as possible, in the Incident/Refusals log as soon as possible.

Call your manager and/or any security on duty if the customer becomes threatening.

Why can't we sell to under 18s?

Because alcohol is potentially harmful in various ways, and it is vital that, in accordance with the licensing objective, they are protected from harm.

Are there any exceptions to this rule?

Yes, restaurants can sell certain alcohol to children aged 16 or 17 with a parent or responsible person aged over 18, if they are having a 'table meal'. We don't provide table meals at The Exchange so that will not apply here.

There are also age related restrictions on the sale of tobacco and some related products, and on the playing of some gaming machines. Please ask for further information if you are not familiar with these requirements

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STAFF TRAINING RECORD

Employee name

Training

- Licensing Law (for front of house staff) to include
In particular :
 - Prohibited Sales including
 - Age restrictions and Challenge 25 Policy
 - Not selling to persons who are drunk
- Zero tolerance policies in respect of drugs,
Disorderly and anti-social behaviour
- The Dispersal Policy
- Use of outside areas

Frequency

Training is important to help you do your job properly, and to protect both you and the public. You will be expected to co-operate fully in all training exercises. Training will be refreshed as necessary.

You will be required to undertake the above training before you are allowed to work in or behind the bar.

This record will be kept on site and will be available for inspection by an authorised officer.

Responsibilities

I CONFIRM that I have been trained in each of the above modules, and that I fully understand my duties and obligations in this respect. I also understand that failure to comply with my training could result in disciplinary procedures and possible dismissal.

.....
Signature

.....
Date

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