



Meeting	Licensing Sub-Committee
Date and Time	Friday, 13th August, 2021 at 10.00 am.
Venue	Walton Suite, Guildhall, Winchester

**Note:** *This meeting is being held in person at the location specified above. In line with relevant legislation and public health guidance the following arrangements apply. Members of the public should note that a live audio feed of the meeting will be available from the councils website ([www.winchester.gov.uk](http://www.winchester.gov.uk)) and the video recording will be available shortly after the meeting.*

*A limited number of seats will be made available at the above named location. Please note that priority will be given to those who have made written representation to the application following confirmation with the Licensing Team, over those wishing to attend and observe. Those who may wish to observe must notify the council at least 3 working days in advance of the meeting.*

## **AGENDA**

### **1. Disclosure of Interests**

To receive any disclosure of interests from Members and Officers in matters to be discussed.

*Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.*

### **2. Review of Premises Licence - The Exchange, 9 Southgate Street, Winchester, Hampshire, SO23 9DZ (LR548) (less exempt evidence) (Pages 5 - 54)**

### 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)**

**L Kirkman**  
**Strategic Director and Monitoring Officer**

5 August 2021

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer  
Tel: 01962 848 438 Email: cbuchanan@winchester.gov.uk

#### **The Membership of the Sub-Committee will be:**

Councillors Read (Chairperson), Laming and Westwood

#### **Reserve**

Cunningham

**Appointments** – The Sub-Committee consists of a Chairperson and two other Members who are appointed on a rota basis from the membership of the full Licensing and Regulation Committee (not including deputies) subject to availability. Four Members of the Committee have been nominated as Chairperson for the Sub-Committee and are also appointed on a rota basis.

For the information, the Membership of the Licensing and Regulation Committee is:

Councillors: Bentote, Cunningham, Green, Kurn, Laming, McLean, Read, Westwood and Williams (Deputies: Cllrs Cramoysan, Fern, Pearson and Ruffell)

## **Licensing Sub Committee – Procedure for Hearing Review Applications.**

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the hearing will take the form of a discussion led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary to properly consider the matter.

Written objections, representations and petitions will be circulated with the Agenda and Report and will be taken into account by Members of the Sub-Committee. Only those who have made “relevant representations” within the meaning of the Licensing Act 2003 will be entitled to be heard as of right by the Sub-Committee.

1. The **Chairman** will set out the procedure to be followed in the hearing
2. The **Licensing Manager** will introduce the Report.
3. The Members may ask questions of the **Licensing Manager**.
4. The **Applicant for the review** or representative may address the Sub-Committee, as follows:- a) clarification of any points which the Licensing Authority has given notice of (Regulation 7(1)(d) of the Licensing Act 2003 (Hearings) Regulations 2005 b) address the Sub-Committee and present the application.
5. Members of the Sub-Committee may ask questions of the **Applicant** or representative

Responsible Authorities who have made representations will then be allowed to introduce their representations. The Sub-Committee may ask them questions, and (subject to the permission of the Sub-Committee) the Applicant or representative may ask them questions.

6. **Environmental Health Officer**
7. **Police**
8. **Fire Service**
9. **Child Protection Team**
10. **Local Planning Authority**
11. **Health and Safety Executive**
12. **Trading Standards**
13. **NHS Public Health Manager**
14. **Licensing Authority**

Persons who have made Relevant Representations (within the meaning of the Licensing Act 2003) will then be allowed to introduce their representations. The Sub-Committee may ask them questions, and (subject to the permission of the Sub-Committee) the Applicant or representative may ask them questions.

15. **Persons making Relevant Representations**
16. The **Licence Holder** or representative may address the Sub-Committee in order to reply to any representation made in the review application or by a party to the hearing.
17. Members of the Sub-Committee may ask questions of the **Licence Holder** or representative
18. The **Applicant for the review** or representative may address the Sub-Committee in order to reply to any representation made.

19. Members of the Sub-Committee may ask questions of the **Applicant for the review** or representative

The Sub-Committee will retire to consider the application in private with only the Service Lead: Legal representative and Democratic Services Officer in attendance. The Committee will reach its determination and notify the applicant of the decision in accordance with Regulations 26 – 29 of the Licensing Act 2003 (Hearings) Regulations 2005.

LR548  
FOR DECISION  
WARD(S): ST MICHAEL

## **LICENSING SUB – COMMITTEE**

Friday 13 August 2021 10:00 at Walton Suite, Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Briony Appletree

Tel: 01962 848188

Email: [licensing@winchester.gov.uk](mailto:licensing@winchester.gov.uk)

Application: Application for Review of Premises Licence

Premises: The Exchange, 9 Southgate Street, Winchester,  
Hampshire, SO23 9DZ

### **Part A. Report**

- 1 Application**
- 2 Responsible Authorities**
- 3 Other Representations**
- 4 Observations**
- 5 Conditions**
- 6 Other Considerations**

### **Part B. Appendices**

- Appendix 1 Application**
- Appendix 2 Representations Other Persons**
- Appendix 3 Premises Licence**
- Appendix 4 Map of Representations**

## **Part A.**

### **1. Application**

**Applicant:** PC Brian Swallow, Hampshire Constabulary, on behalf of Chief Officer of Police

**Premises:** The Exchange, 9 Southgate Street, Winchester, Hampshire, SO23 9DZ

- 1.1 This is an application to review the premises licence for the above premises, submitted in accordance with section 51 of the Licensing Act 2003.
- 1.2 The application was submitted on 20 June 2021 by PC Brian Swallow of Hampshire Constabulary, representing the Chief Officer of Police for the area (a Responsible Authority as defined by section 13 of the Licensing Act 2003).
- 1.3 The application relates to all four of the licensing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm. It cites incidents at the premises in both 2020 and 2021 as evidence to support the applicant's view that the licensing objectives are not being upheld. The application can be seen at Appendix 1.
- 1.4 The application proposes the imposition of conditions on the premises licence in order to promote the four licensing objectives. It also proposes that Mr Colin Clark is removed from the premises licence as designated premises supervisor.
- 1.5 Mr Colin Clark has held the premises licence under the Licensing Act 2003, and been named as the designated premises supervisor, since November 2005.
- 1.6 The premises licence currently authorises the sale by retail of alcohol for consumption on and off the premises. Full details of the operating schedule and conditions can be seen in Appendix 3.
- 1.7 Notice of the application to review the premises licence was displayed outside of the premises for a period of 28 days until 18 July 2021. It was also published on the city council's website.
- 1.8 No representations have been received from Responsible Authorities.
- 1.9 Representations have been received from 10 'Other Persons.' These are shown in Appendix 2.
- 1.10 Notices of the hearing were sent to all Parties on 27 July 2021.

## **Current Designated Premises Supervisor**

Mr Colin Clark

## **Relevant Representations**

### **2. Responsible Authorities**

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

#### **Environmental Health**

No representations received.

#### **Hampshire Constabulary**

Applicant, on behalf of Chief Officer of Police.

#### **Hampshire Fire and Rescue Service**

No representations received.

#### **Child Protection Team**

No representations received.

#### **Building Control**

No representations received.

#### **Head of Trading Standards**

No representations received.

#### **Public Health Manager**

No representations received.

#### **Home Office**

No representations received.

#### **Licensing Authority**

No representations received.

#### **Planning**

No representations received.

### **3. Representations from Other Persons**

Representations have been received from 10 'Other Persons.' These are shown in Appendix 2.

#### **4. Observations**

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps it considers appropriate to promote the Licensing Objectives:

1. Modify the conditions attached to the premises licence either permanently or for a period not exceeding three months;
2. Exclude a licensable activity from the premises licence either permanently or for a period not exceeding three months;
3. Remove the designated premises supervisor from the premises licence;
4. Suspend the premises licence for a period not exceeding three months;
5. Revoke the premises licence.

#### **Licensing Objectives**

##### **Crime and Disorder**

The Sub-Committee should consider any appropriate conditions to prevent crime and public disorder relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 1.9, 2.9 - 2.11, 2.17, 2.19 – 2.21 and Part 4 Section A)

##### **Public Safety**

The Sub-Committee should consider any appropriate conditions relating to public safety having regard to the relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, B2, B3)

### Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise pollution from the premises relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, Section C)

### Protection of Children

The Sub-Committee should consider any appropriate conditions for the Protection of Children relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, D6, D7)

### **Human Rights**

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, appropriate in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

### **Public Sector Equality Duty**

The Public Sector equality duty must be taken in to consideration with all decision making. The duty is stated in section 149 of The Equality Act 2010. This application raises no considerations under this Act.

## **5. Conditions**

### **Existing Conditions**

All existing conditions on the premises licence can be seen at Appendix 3.

### **Possible Conditions**

The Sub-Committee may wish to consider the following in relation to imposition of conditions on the premises licence, as raised by Hampshire Constabulary in the application:

- SIA security on certain days of the week and certain events
- Body worn video operated by the above mentioned SIA security
- A comprehensive CCTV system
- Staff training
- Records of refusals / ejections
- Age verification policy

A legal advisor will be present at the hearing to advise on suitable wording for conditions based on the above matters, should the Sub-Committee be minded to impose such conditions.

## **6. Other Considerations**

### **Council Strategy Outcome (Relevance To:)**

This report relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

### **Resource Implications**

No fee is applicable for this application. In regulating the activities it is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

### **Appendices**

1. Application by PC Brian Swallow of Hampshire Constabulary, on behalf of the Chief Officer of Police
2. Representations by Other Persons
3. Premises Licence
4. Map of Representations

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RESTRICTED

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## Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

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Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 2903 Brian Swallow, on behalf of the Chief Officer of Hampshire Constabulary,  
(Insert name of applicant)

- ☒ Apply for the review of a premises licence.
- ☐ Apply for the review of a club premises certificate.  
(Select as applicable)
- ☐ Make a representation about a premises licence/club premises certificate

### Premises or Club Premises details

Postal address of premises:	The Exchange 9 Southgate Street Winchester Hampshire
Postcode (if known):	SO23 9DZ

Name of premises licence holder or club holding club premises certificate (if known) Colin Clark
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Number of premises licence or club premises certificate (if known) PREM288
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### Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	
Surname: Swallow	First Names: Brian
Current postal address :	Bishops Waltham Police Station How Road Bishops Waltham Hampshire
Postcode:	SO32 1DS
Daytime telephone number:	[REDACTED]
E-mail address: (optional)	[REDACTED]



**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

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Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



**Application for the review of / Representation in respect of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

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**This application to review relates to the following licensing objective(s)**

*Select one or more  
boxes*

- |   |                                     |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) Public safety                        | <input checked="" type="checkbox"/> |
| 3) The prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) The protection of children from harm | <input checked="" type="checkbox"/> |

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

The police seek a review of the premises licence as the premises licence holder and DPS, Colin Clark has failed to uphold the licensing objectives and as such, crime is being committed, people are getting injured, there is nuisance caused and the lack of controls lead me to believe that underage persons are being supplied alcohol.

This venue has become known with a disproportionate amount of incidents since the COVID pandemic and implementation of the Health Protection regulations.

Attempts to engage with Clark from various responsible authorities to address the situation over a period have failed due to his complete unwillingness to take responsibility. He does however continue to ensure that sales comes before safety

On 29th August 2020, 2 males were arrested at the location. One had caused damage to the pub windows and the other had spat at Clark. It is noteworthy that neither had been into the pub. What is of concern over this incident is that Winchester has a very proactive and established Pubwatch scheme.

The Exchange pub is a member of the scheme but in all my time managing the City and having spoken to the scheme co-ordinator, no represented from the Exchange has ever to our knowledge engaged with the scheme or proposed persons for banning consideration. This is true in this incident. In fact, Clarke did not support a prosecution.

Following a report from Special Police Constables patrolling the area where they dealt with two very drunken females exiting the pub, Hampshire Constabulary licensing officer Colin Pollard and myself visited the pub on 20th April and spoke to Clark. He was very dismissive of any incidents involving his patrons.

As he explained that he had no form of written diligence in the form of refusals or ejections involving intoxication, no written age verification policy or any written training in regards of identifying intoxication, challenging refusing and ejecting customers he was strongly advised to implement them. This was followed up in an email to Clark on the same day from Colin Pollard.

27th April 2021, 2 persons have become very intoxicated in the pub. When asked to leave they became very abusive and threatened violence towards the bar staff



**Application for the review of / Representation in respect of a  
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2nd May 2021 a group of males had become very intoxicated in the pub, again when they were asked to leave they became very abusive to staff

7th May 2021, another male refusing to leave, this time to be believed to be on drugs

8th May 2021, report from the Cities Covid marshals that they had seen a large group of males exiting the pub with filled pint glasses

13th May 2021 - group of males refusing to leave the pub after being abusive and causing damage

13th June 2021 – I visited the pub at 11:30. The pub garden was full of persons in football shirts who had attended to watch the England football fixture on TV. I spoke to Clarke and strongly advised him that he needed to ensure a robust approach to the current Health Protection Covid regulations and that he need to ensure that there was no incidents of over intoxication as it had ben brought to our attention previously.

13th June 2021 (England football fixture) - heavily intoxicated male falls on pavement when leaving the pub causing suspected serious facial injuries. Male's friends said that he had been drinking "shots" all night long in the pub. Injured male was so drunk he did not comprehend the seriousness of his injuries

Premises inspected by special constables following the incident, observed large build-up of uncollected glassware. Understaffed in relation to the number of patrons. Clark spoke to and dismissive of advice given to him.

Officers returned at closing time. Group of heavily intoxicated males outside the pub. No staff encouraging them to leave the area.

Monday 14th June. I visited the premises and spoke to Clark. I asked to see the record of alcohol intoxicated refusals from the previous day. He explained that he had not made any and none had been recorded.

I asked to see the record of underage or failure to produce sufficient ID from the previous day. He explained that he had not made any and none had been recorded.

I asked to see the documentary evidence of the staff training for the members of staff who were on duty the previous day. He explained that he had none.

Clark thinks either that he has no need to uphold the licensing objectives or is completely ignorant that they exist. As detailed within both the licensing act 2003 and the associated 182 guidance. We have tried to mitigate the level of incidents at the venue under Clark's full control through mediation by offering advice and given warnings. He has ignored them all. As such, I now propose that conditions are added to the premises licence to now place the level of responsibility on a statutory footing.

The conditions I seek are:

SIA security on certain days of the week and certain events

Body worn video operated by the above-mentioned SIA security

A comprehensive CCTV system

Staff training



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Records of refusals / ejections

Age verification policy

In addition, the removal of Clark as DPS as I have no confidence in his ability to uphold the licensing objectives whilst authorising the supply of alcohol.

Without these changes to the premises licence, incidents of crime disorder, drunkenness, anti-social behaviour and injuries will continue and increase in intensity and number.

Have you made an application for review relating to these premises before: ☐ Yes | ☒ No

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

N/A

**Please tick**

☒ 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 have sent a copy of this representation to the principal licensing officer of Winchester Council

**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**

Signature of Officer Completing

Name Brian Swallow

Collar Number: 2903

Signature: B Swallow

Date: 19/6/21

Signature of Authorising Officer (Inspector or above)

Name Robert Cohen

Collar Number: 2849

Signature: R Cohen

Date: 19/6/21

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## Appendix 2 – Representations from Other Persons

**Ellen Hardy**  
**96 Thurmond Crescent, Winchester, SO22 4DH**  
**Received 25 June 2021**

Subject: Re: The Exchange

Hi there

I've learnt that The Exchange pub has come under review regarding their license.

The Exchange is a lovely place to spend time. It is clear that the bar staff do everything in their power to make sure all customers are safe and happy. Also, the pub itself with the extra seating outside makes the experience comfortable and enjoyable. The new measurements that The Exchange has taken due to covid has made my friends and I feel safe whilst still being able to have a relaxed evening.

Many thanks,

Ellen

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Good morning Briony

My name is Ellen Hardy and my university address is:

96 Thurmond Crescent  
Winchester, Hants  
SO22 4DH

Kind regards

Ellen

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Okay thank you.

I feel that The Exchange is a very safe pub to relax. On the very few occasions there has been a disturbance from another customer, the bar staff have dealt with it firmly, fairly and quickly. They have been present and caring to those involved and upset, whilst still calmly handling the situation.

Ellen Hardy  
96 Thurmond Crescent  
SO22 4DH

## Appendix 2 – Representations from Other Persons

**Jane Dyke**  
**23 St Thomas Street, Winchester, SO23 9HJ**  
**Received 28 June 2021**

Subject: The Exchange 9 Southgate Street, Winchester

Attention the Licensing manager

Notice of application for review Of a premise license, licensing act 2003

Dear Sir

Over the last 2 years when the pub has been allowed to open there has been a noticeable increase in 'public nuisance' .

The Pub is popular with young people and the clients often spill out into the road. On 2 occasions I have felt very intimidated while driving home passing the pub, with groups of people refusing to move out of the Road. On one occasion I nearly ran over a child who ran out of the corner door straight into the Road as I was turning into St Clements street. On another occasion a young lady was face down in the road unable to get up and had to be lifted by friends in order to clear the road. Many times I have had to block Southgate Street as I am unable to turn into St Clements Street due to clients loitering in the corner door area and on to the street. Then further down at the garden entrance the highway is compromised by clients drinking in the street.

We live on St Thomas Street and even with the windows closed can hear the pub after midnight most weekends.

With the summer evenings warming up the noise disturbance is particularly noticeable, and it is impossible to keep our windows shut.

Could we ask that consideration be given to earlier closing times and moving clients from the premises after closing, as well as restrictions on the use of outside entertainment.

On days when there is a popular sporting event it is impossible to enjoy our own garden as we are invaded by the noise of sporting fans and revellers. There is no need for us to have our own television as we can hear the commentary from the screen in the pub garden 300ft away. Is it possible to restrict the sound levels on this form of entertainment ?

Public nuisance is fuelled by alcohol : vomit on the street, urinating on the pavement, colourful offensive language are becoming a part of our outdoor experience. Fighting in the street and knocking on our windows/ door after midnight are increasing.

I will now avoid The Exchange and St Clements Street walking or driving by, as the area feels unsafe and I feel vulnerable.

## Appendix 2 – Representations from Other Persons

Issues: Public nuisance

1. Noise
2. Anti social behaviour
3. Safety - highways
4. Intimidation

Sorry to sound like a 'moaning Minnie' but the noise is becoming unbearable. We are 300ft away and we are affected by the noise particularly as well as feeling vulnerable. Others living closer have a worse experience.

Please can I ask if these matters can be considered in the license review.

Kind regards

Jane Dyke

[REDACTED]

23 St Thomas Street

Sent from my phone.

## Appendix 2 – Representations from Other Persons

**Nigel and Margo Swettenham**  
**3 Penarth Place, St Thomas Street, Winchester, SO23 9HJ**  
**Received 10 July 2021**

RE: Licensing Review - The Exchange (Licence No. 288)

**Re. Review of a Premises Licence Licensing Act 2003 - The Exchange, 9 Southgate Street, Winchester, SO23 9DZ**

**Dear Sir/Madam,**

We SUPPORT the Licence Review instigated by Winchester Police, and endorse their requested conditions on any continuation of the licence for the premises.

### **Personal Experience**

We live on St Thomas Street and have personally experienced anti-social behaviour and extreme noise associated with The Exchange.

On occasions recently, when turning our car into St Clements Street, we have been forced to carefully navigate a large group of unhelpful young people who appeared to be queuing to get into the pub (they were not social distancing). On one occasion a small group was standing in the road and unwilling to move aside.

On multiple occasions we have been disturbed in the evening and night by extreme noise – especially during apparent televised sporting or other events – which has intruded into the normal peace of our back garden, and especially through the window of our bedroom at the top and front of our home, later in the evening. This has disturbed our sleep and tranquillity.

### **The Prevention of Crime and Disorder**

We believe the current operation of The Exchange results in disorder and breaches of the law, and that the police have shown ample evidence of that.

### **Public Safety**

Our own experience shows that large numbers of intoxicated and/or obstructive young people pose a risk to themselves and the normal public use of St Clements Street.

### **Prevention of Public Nuisance**

We have been subject to public nuisance, including difficulty transiting St Clements Street and being disturbed and kept awake at night by extreme noise.

### **The Protection of Children from Harm**

The police application clearly indicates that there is actual and presumed under-age drinking at The Exchange ... and this is likely to create a risk of harm to children (under 18s). There is also collateral risk with drugs paraphernalia and drunkenness on the streets.

**NOISE**

In addition to the conditions proposed by PC Swallow on any extension to the Premises Licence, we would also like to see a formal recognition of noise nuisance, with clear limits applied and subsequent regular monitoring of compliance.

Sincerely,

**Nigel and Margo Swettenham**

3 Penarth Place, St Thomas Street, Winchester, SO23 9HR

## Appendix 2 – Representations from Other Persons

**Gosschalks LLP on behalf of Ei Group Ltd**  
**Queens Gardens, Hull, HU1 3DZ**  
**Received 16 July 2021**

GOSSCHALKS

BY EMAIL ONLY  
 Licensing Manager  
 Winchester City Council  
 City Offices  
 Colebrook Street  
 WINCHESTER SP23 9LJ

Please ask for: Alex Green  
 Direct Tel: [REDACTED]  
 Email: [REDACTED]  
 Our ref: ARG/ MJM / 098454.27328  
 Your ref:  
 Date: 16 July 2021

Dear Sirs,

Re: Licensing Act 2003 – Review Proceedings  
The Exchange, 9 Southgate Street, Winchester SO23 9DZ  
Premises Licence number PREM 288

We act on behalf of Ei Group Ltd. Our client is the freehold owner of these premises and we have received a copy of the application for review of the premises licence issued on behalf of Hampshire Constabulary.

We would be grateful if you would accept this letter as a formal representation on behalf of Ei Group Ltd to that review.

Ei Group Ltd owns around 4000 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements through which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Exchange is the subject of a tenancy in favour of Colin Clark, the Premises Licence holder, who has been operating these premises for at least 21 years.

Please note we take a wholly neutral stance with regards to the allegations made given that our client has no operational responsibility for the operation of the premises.

Our representation is that the licensing objectives would be promoted by the imposition of the conditions detailed by PC Swallow in the application for review.

We would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing. We look forward to hearing from you.

Yours faithfully

*Gosschalks*

GOSSCHALKS LLP

## Appendix 2 – Representations from Other Persons

**Ifrah Zeb**  
**7G St Clement Street, Winchester, SO23 9DR**  
**Received 16 July 2021**

Subject: The Exchange Public House, 9 Southgate St

Dear Sir/Madam,

Hope you're well

As a current resident of St Clement Street (7G, Ifrah Zeb), I would also like to comment on the general disrespect of the neighbourhood at ALL hours of the night due to those who frequent 'The Exchange'. You hear all sorts of things but it isn't just a noise nuisance (it is difficult to sleep because they are so loud) but it doesn't feel safe as foul language is flung around with ease.

I support adding restrictions and curbing the closing time of 'The Exchange'.

I hope I have sent this to the right place,

Many thanks,

Ifrah Zeb

## Appendix 2 – Representations from Other Persons

**Peter Chittick and Carolyn Fairbairn**  
**24 St Thomas Street, Winchester, SO23 9HJ**  
**Received 16 July 2021**

16th July 2021

Dear Sir/Madam,

Re. The Exchange, 9 Southgate Street - Review of Licence

As home-owning residents on St Thomas Street, we are very substantially and adversely affected by a variety of impacts that The Exchange pub has on the local community. The Exchange is in close proximity to multiple residential dwellings including our own and we have very serious concerns. We cannot imagine that this outcome was what was intended by the Council when initial approvals were granted for the pub to operate outside seating, which we opposed at the time. On the specific licensing objections ...

1. The Prevention of Crime and Disorder.

- The pub has become a magnet for disorder with rubbish and broken glass accumulating in the street. We have heard frequent allegations of drug use and drug dealing in the street and alleyways outside the pub. People leaving the pub are frequently very boisterous and at times aggressive due to intoxication and it is not uncommon to be accosted in the street by groups leaving the pub. This does not, of course, apply to all. But we have frequently seen people leaving the pub and then urinating on neighbours' buildings and in the street.

2. Public Safety.

- There is a clear safety issue as crowds spill out of the pub or are waiting in the street, blocking passing cars, and being at risk themselves from cars. Often, it has seemed like the pub has been "full to bursting" with people on the rear decking presenting a risk to themselves and possibly an evacuation risk. As mentioned above, broken glass is frequently found on St Clement Street, evidently from bottles and glasses that have been taken out of the pub.

3. The Prevention of Public Nuisance.

- For many residents including us, the late-night noise from the pub is one of the biggest nuisances, and this is NOT just a Euro 2020 or Covid phenomenon. Loud chants and singing can be heard at any hour while the pub is open, throughout "drinking up time" and is sometimes at its worst AFTER closing as drunken crowds leave noisily. It is a common occurrence that there is late night noise but I would note one specific occasion recently when, on 6th July (a weekday), I was walking past at 11:45pm. I saw that a group of at least 5 people were seated at an outside table talking loudly with glasses still visible on the table. One further noise nuisance is the loud broadcasting (by outdoor speakers) of commentaries of football and other sporting matches which can be heard throughout the neighbourhood. (No one has

## Appendix 2 – Representations from Other Persons

a problem with major England games but the problem occurs for less important matches as well.)

### 4. The Protection of Children from Harm.

- Aside from the potential harm to children from the above-cited problems, I expect that unpoliced under-age drinking may be taking place. On 7th July, I saw two police (or community service) officers enter the pub (around 7pm) via the garden entrance and 15 seconds later, three young lads came running out the front street entrance. I suspect that they were not of the age of majority.

We would encourage the Council to adopt some or all of the following recommendations for addressing these issues:

- much better training of staff and systems to ensure that outdoor noise is minimised and that clients leaving the pub do so in a quiet and orderly way.
- introduction of clear signage to “respect our neighbours and leave quietly”
- reduction of opening hours to 11pm throughout the week (except Sundays)
- strict enforcement of legal “drinking up time”
- licensed door security for all broadcasted sporting events (with camera monitoring)
- monitored City CCTV in St Clement Street
- increased police and community support presence
- limitation of maximum numbers outside
- no outdoor broadcasting sports commentaries and use of outdoor speakers
- increased sound-proofing to prevent noise escaping and bothering other neighbours

We wish the Exchange pub well as a business that generates employment, tax receipts and pleasure to many people. The happy conversation of young and old enjoying the pub would be a welcome feature of City life but the excesses of loud noise late into the evening and unruly groups of disorderly or criminal individuals on the rear decking, inside and when leaving the pub is strongly undesirable. We have profound concerns about the unwillingness of the pub management to ensure that the adverse impacts of its trade are minimised for the benefit of its neighbours and other members of the public.

Best regards,

Peter Chittick and Carolyn Fairbairn  
24 St Thomas Street, Winchester, SO23 9HJ

## Appendix 2 – Representations from Other Persons

**John Michael Cowking**  
**16 Ranelagh Road, Winchester, SO23 9TA**  
**Received 16 July 2021**

Subject: Review of Premises Licence - The Exchange, 9 Southgate Street

Dear Sir/Madam,

I understand that the licence of The Exchange is to be reviewed.

As a resident of St Cross, Winchester, I normally use The Exchange regularly - usually to watch a football match on-screen with some of my local friends, and sometimes just for a drink - although I have visited pubs much less frequently during the Covid outbreak.

I have always found The Exchange to be a well-managed and friendly environment where I can watch a match and have a drink enjoyably and safely. The atmosphere is normally calm - occasionally lively when a big match is on - but I have never experienced rowdy behaviour there and have always felt at ease there as a customer.

I do not know the circumstances of the particular instance of "public nuisance" at issue - but for me, this is not the norm at The Exchange - indeed, quite the opposite. I can only suspect that some atypical visitors went to The Exchange (possibly something to do with the current Covid restrictions). The normal clientele of The Exchange are calm and law-abiding and I have always found the pub well managed.

I believe that The Exchange plays an important role in Winchester - The Exchange and The Eclipse are my two favourite pubs in the town because they make a pleasant change from the monotonous gastro-pubs that seem to be taking over everywhere. I value The Exchange and I hope that it can be allowed to continue providing an important service to the local community as it has done for years. We would be impoverished without The Exchange.

Yours sincerely, John Michael Cowking (16, Ranelagh Road, St Cross, Winchester)

## Appendix 2 – Representations from Other Persons

**William and Amanda Gubbins**  
**21 St Thomas Street, Winchester, SO23 9HJ**  
**Received 17 July 2021**

Subject: The Exchange, 9 Southgate Street, Winchester

Dear Sir/Madam,

**Re. Review of Premises Licence 288, The Exchange, Winchester SO23 9DZ**

**We support the application for Review made by the Police.**

As residents of St Thomas Street living not far from The Exchange we are very concerned by the impact that the failures of proper compliance with licensing rules and regulations are having on the locality, as particularly illustrated by incidents described in the Police Application, all of which infringe the four licensing objectives of: the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm.

Residents in the vicinity include young families and the elderly. Passers-by who may not be residents are exposed to the sort of disorderly behaviour overflowing into the street described by the Police. We are also aware that the occupants of nearby offices have been affected.

Even more disturbingly, the nature of the incidents and failures described in the Police report raise the spectre of an extremely serious incident occurring in the future unless the current unsatisfactory situation is addressed.

Accordingly, in addition to the conditions sought by the Police we request that Winchester City Council impose conditions to achieve the following:

Reduction of opening hours to 11 pm (except on Sundays)  
Restriction on broadcasting sport commentaries on outdoor screens and speakers  
Increased sound proofing  
A limit on maximum numbers in the beer garden

Yours faithfully,  
William and Amanda Gubbins  
21 St Thomas Street  
Winchester  
SO23 9HJ

## Appendix 2 – Representations from Other Persons

**Mrs Susan Mottram**  
**1 St Clements Yard, Winchester, SO23 9DR**  
**Received 18 July 2021**

Subject: Review of Licensing Act 2003 of the premises Licence no. 288, The Exchange, 9 Southgate Street, Winchester, SO23 9DZ

My name is Susan Mottram; address 1 St Clement Yard, Winchester SO23 9D.

I have no objection to the sports bar nor to the cheering etc when goals are scored. I and members of my family have watched sporting events in the past and have found the staff pleasant and efficient. However since COVID and the easing of restrictions there has been a marked change in activities that have affected me adversely.

The prevention of crime and disorder

I have witnessed drug taking outside my house on a number of occasions, the latest being after the Euro finals this July Three young people were openly sharing substances in St Clement Street at around 11.30 pm. They were using the torch on one of their phones to illuminate what they were doing.

On the same night at about 11pm my garage door was kicked(?) with such force that the internal door to the house flew open. This is the second time that this has happened and I am worried that my metal door will cease to function. I was frightened and worried for my safety.

Public safety

The huge crowds congregating on the street, become noisy and aggressive as the night wears on. One cannot walk down the street without pushing through them. Driving ones car through the crowds is also difficult as some of the drinkers are so spaced out as to be unaware of the car waiting to get through. I have been stuck across Southgate Street on a number of occasions trying to gain the drinkers' attention to let me through.

Social distancing rules have not been adhered to, people have crowded together, often singing with their arms around one another.

The prevention of public nuisance

The noise levels are extremely high, one can hear fighting and shouting until well after 12.30 am. Crowds of revellers stand drinking in St Clement Street, the outside pub area being full. People often congregate in the street, shouting, singing or fighting after the pub has closed. Last night a woman was crying that someone was hurting her at around midnight.

On two occasions there has been vomit on my doorstep, the last occasion after the Euro semi-finals. There is also vomit on the pavements. At the end of 2020 I found human faeces on my doorstep.

## Appendix 2 – Representations from Other Persons

Broken glass, cans etc litter the pavements and the street.

There would appear to be no control nor any monitoring of maximum numbers of people outside, nor stopping people taking glasses, bottles and cans outside onto the street to stop them drinking in St Clement Street , this continues after closing time. The exit is through the pub surely the exit from the outside area needs to be controlled. Perhaps a ticket system for the outside area would help , with staff reinforcing entry and exit rules. Licensing hours must be adhered to. A police presence would be helpful at closing time to help stop the overt drug taking and brawling. CCTV on St Clements Street would help me feel safer.

Thank you, Mrs Susan Mottram

Sent from my iPhone

## Appendix 2 – Representations from Other Persons

**Tim Wright**  
**3 Calpe Yard, Winchester, SO23 9HE**  
**Received 18 July 2021**

Subject: Re: Application to Review Premises Licence - The Exchange, 9 Southgate Street, Winchester, Hampshire, SO23 9DZ

Dear Ms Appletree,

I wanted to make a brief representation in support of the police application to review the licence for the Exchange pub.

I live in Calpe Yard on the east side of St Thomas Street. I am affected by the noise from the pub on certain evenings but obviously to a lesser degree than those on the west side of the street. It is for instance very obvious as to how football matches are going from that noise.

I have more concern as to the occasional difficulty in travel down St. Clement St. There are often rather drunk looking individuals outside the pub who are not infrequently unwilling to step out of that very narrow roadway to allow a car to pass. This seems unnecessary and unpleasant.

As a pedestrian one feels inhibited from walking past the pub at certain times of the day, although I cannot say that my family and I have actually suffered abuse.

My concern therefore is to do with threats to public safety and causing a public nuisance.

I think it is right that there are pubs in Winchester that cater to a younger crowd, but surely they can be managed without causing disturbance to neighbours?

Yours sincerely

Tim Wright

3 Calpe Yard  
St Thomas Street  
Winchester  
SO23 9HE



## Premises Licence

**Premises Licence Number**

PREM288

18/00218/LAPRMV

### Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

The Exchange  
9 Southgate Street  
Winchester  
Hampshire  
SO23 9DZ

**Telephone number**

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

j) Supply of Alcohol

**Times the licence authorises the carrying out of licensable activities**

j) Supply of Alcohol

(i)	<b>Monday to Thursday</b>	<b>1000 to 2300</b>
(ii)	<b>Friday to Saturday</b>	<b>1000 to 0000</b>
(iii)	<b>Sunday</b>	<b>1000 to 2230</b>
(iv)	<b>Christmas Eve</b>	<b>1000 to 0000</b>
(v)	<b>New Year's Eve</b>	<b>1000 to 2300</b>
(vi)	<b>New Year's Eve (if on a Sunday)</b>	<b>1000 to 2230</b>

**The opening hours of the premises**

- |       |   |                     |
|-------|---|---------------------|
| (i)   | <b>Monday to Thursday</b>                                   | <b>1000 to 2320</b> |
| (ii)  | <b>Friday to Saturday</b>                                   | <b>1000 to 0020</b> |
| (iii) | <b>Sunday</b>   | <b>1200 to 2250</b> |
| (iv)  | <b>Christmas Eve</b>  | <b>1000 to 0020</b> |
| (v)   | <b>New Year's Eve to New Year's Day</b>                     | <b>1000 to 2320</b> |
| (vi)  | <b>New Years Eve to New Year's Day<br/>(If on a Sunday)</b> | <b>1000 to 2250</b> |

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

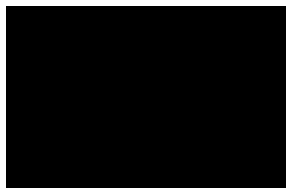
Alcohol is supplied for consumption both on and off the Premises.

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Colin Michael Clark  
The Exchange  
9 Southgate Street  
Winchester  
Hampshire  
SO23 9DZ

**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Colin Michael Clark



**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal Licence Number

PERS290

Licensing Authority

WCC - Winchester City Council



Service Lead for Public Protection



Winchester  
City Council

## **Annex 1 – Mandatory conditions**

### **Where the Licence Authorises Supply of Alcohol:**

1. No supply of alcohol may be made under the premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 – effective from 1 October 2014**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a times limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carried a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with

- the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
  4. The responsible person must ensure that—
    - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other an alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
      - (i) beer or cider: ½ pint;
      - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
      - (iii) still wine in a glass: 125ml;
    - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
    - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**  
**– effective from 28 May 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula-  **$P = D + (D \times V)$**  where-
    - (i) **P** is the permitted price,
    - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **All Licensing Objectives**

#### **A1: Zero Tolerance**

- (i) The Premises Licence holder will ensure that staff are trained to have a zero tolerance for drug use and anti-social behaviour.

### **Crime and Disorder**

#### **CD1: Refusals**

- (i) The Premises Licence holder will ensure that staff are trained not to serve alcohol to any drunk/intoxicated customers.
- (ii) The Premises Licence holder will ensure that staff sign a document to that effect.

#### **CD2: Disorderly Behaviour**

- (i) The Premises Licence holder will ensure that staff are trained to not tolerate disorderly behaviour from customers.

#### **CD3: Prevention of Drug Use**

- (i) The Premises Licence holder will ensure that regular toilet checks are carried out and recorded in the Incident Book, to prevent drug use.

#### **CD4: CCTV**

- (i) The Premises Licence holder will ensure that there are two operational CCTV cameras inside the bar, and two in the pub garden.

### **Public Safety**

#### **PS1: General Maintenance**

- (i) The Premises Licence holder will ensure that entrances to the bar, bar area, toilets and garden are well lit and maintained.
- (ii) 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.
- (iii) The Premises Licence holder will ensure that a log book is kept of emergency lighting and smoke detectors checks.

## **Public Nuisance**

### **PD1: Disorderly Behaviour**

- (i) The Premises Licence holder will ensure that disorderly customers are refused service and asked to leave.

### **PD2: Dispersal**

- (ii) The Premises Licence holder will ensure that, if customers congregate outside the premises upon leaving, staff will ask customers to respect the neighbours.

## **Protection of Children**

### **PC1: *Challenge 25***

- (i) The Premises Licence holder will ensure that a Challenge 25 sign is displayed in front of the bar.
- (ii) The Premises Licence holder will ensure that all staff are trained in the *Challenge 25* policy, and to only accept passports, photographic driving licences or PASS hologram cards as proof of age.
- (iii) The Premises Licence holder will ensure that all staff sign a notice to confirm their understanding of the above.

### **PC2: Restriction of Access to Children**

- (i) The Premises Licence holder will ensure that the premises operates a policy which states that customers under the age of 18 are not allowed on the premises unless accompanied by their parent or parental figure.
- (ii) The Premises Licence holder will ensure that all under 18s leave the premises by 1900, or by the end of the 1730 kick off match on a Saturday.

### Conditions from existing licences:-

#### **Justices On-Licence**

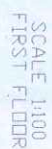
None

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

N/A

### **Annex 4 – Plans**

See attached



- Sale, Supply and Consumption of Alcohol – on and off sales
- Regulated entertainment
- Hot food after 23.00

PREPA-288

## Appendix 4 – Map of Representations

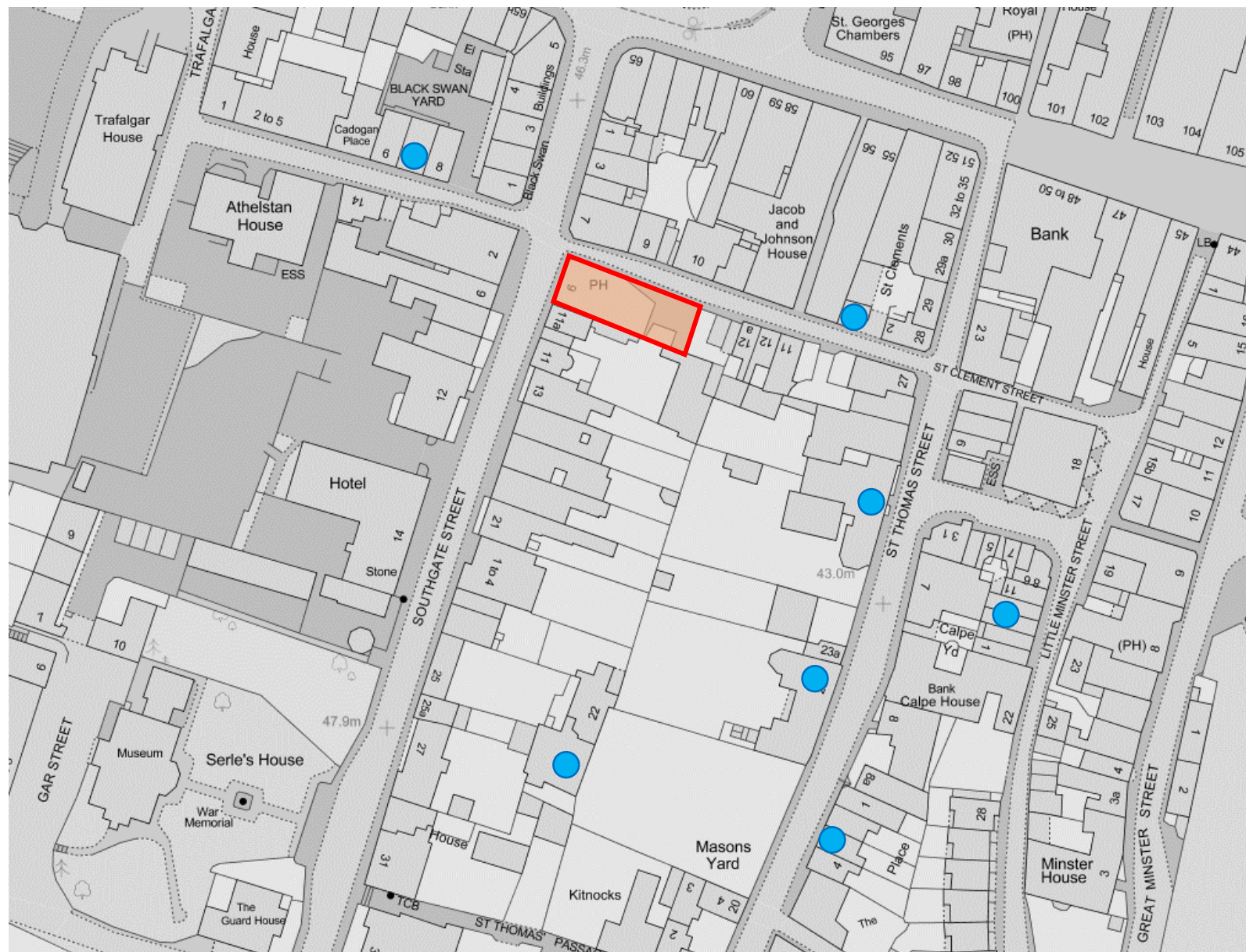
This map shows the location of the premises in **red**, and the location of the residences of 'Other Persons' who have made representations in **blue**.

Note that those 'Other Persons' that do not live within the immediate vicinity of the premises cannot be included on this map due to scale. The map does not include the following persons:

Ellen Hardy  
(*Thurmond Crescent, Winchester, 1.5 miles from premises*)

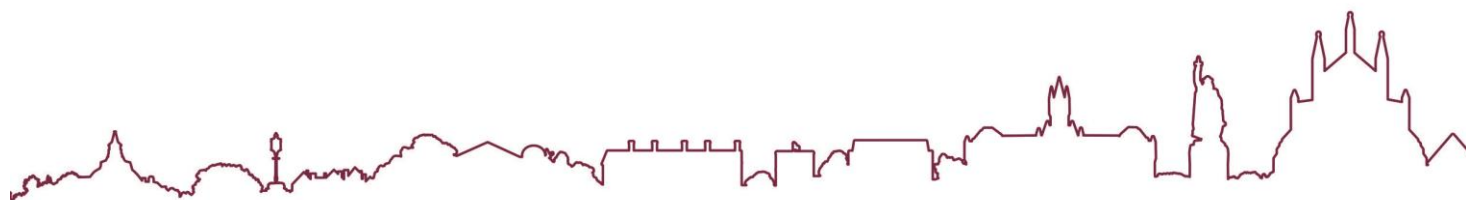
Gosschalks LLP  
(*Queens Gardens, Hull, 241 miles from premises*)

John Michael Cowking  
(*Ranelagh Road, Winchester, 0.6 miles from premises*)



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## Appendix 5 – Applicant's Supporting Documentation



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**From:** Taylor, Lauren <[REDACTED]>  
**Sent:** 14 June 2021 08:22  
**To:** Cohen, Robert <[REDACTED]>  
**Subject:** RE: Op Snapshot

Hi Rob,

Mostly the High Street and Winchester was fine, it was nowhere near as busy as what we expected! We found a lot of people who watched the game at home, we had a lot more calls to service for ASB I believe and domestics!

The only place of note was The Exchange.

We drove past at 2200hrs, there was a guy on the floor at the exit. A member of staff was with him doing first aid. As it happened, he and his 3 friends were in the pub drinking, they stopped serving them as they were too drunk. When they left, one of the lads pulled his mate to say 'come on we need to go,' he's tripped over his own feet and face planted the concrete floor.

The staff on scene were brilliant, did first aid, had called an ambulance and waited with him. Annoyingly I have my PNB with all the names in my stab vest at Winall – I can get them if you need them. The lad went off to Southampton General, for tests but from what we could see, it looks like a broken eye socket. No offences committed,

Whilst there we did a walk around in the pub – it wasn't great. They have no security, only a door man who was bar staff acting as a doorman from what I could gather. It was very busy, there was tables full of glasses and the bar must have had 100 glasses on their which had been collected.

Spoke to the DPS, he was less than engaging. I asked him to get the glasses / bottles on the tables cleared immediately and to think about switching to plastics for outside due to the risk / hazard. He was dismissive, he said plastics make things worse – not sure how.

It was a young demographic. No one stood out as drunk but I am not convinced they were managing the volume of drinks people were having and how drunk people were getting. They were also understaffed as he didn't expect it to be so busy.

We went back at 2300hrs as there was a group outside. It was closing time. Lots of people hovering around, quite drunk. We told them all to move on and go home but there was no encouragement for them to go from the staff at the Exchange, they were just kicked out and left – as the pub was closing!

This is all on my BWV (99128)

The people left and went down to Alfies. We popped in there and everything was fine, no excess glasses, no drunkenness, security on the door and enough staff.

Advised them to be mindful who they let in and how much they were drinking as the exchange had just kicked out .

Let me know if there is anything else you need.

Many Thanks

Lauren

Lauren Taylor | 99128 Special Inspector

Winchester

Hampshire Special Constabulary

Mobile: [REDACTED]  
[REDACTED]

Hi Katie,

Sorry for the delay, still catching up on emails.

The Exchange do have an off licence but I'm not a huge fan of people leaving the premises with glass. I would argue that this potentially undermines a couple of the licensing objectives and would much prefer that he decants into plastic cups if people insist on taking their drinks away with them.

I've copied in Police Licensing as they are very much leading on The Exchange's compliance issues at the moment and pushing for them to amend their premises licence.

If any of your customers who made reports require an update, I would suggest that you say that Police are actively engaging with the premises on a number of matters and that any further issues should be reported to us.

Hope that helps!

B

Briony Appletree  
Licensing Officer  
Public Protection  
Winchester City Council  
Colebrook Street  
Winchester  
SO23 9LJ

Tel: [REDACTED]

DD (External): [REDACTED]

DD (Internal): [REDACTED]

[www.winchester.gov.uk](http://www.winchester.gov.uk)

[www.visitwinchester.co.uk](http://www.visitwinchester.co.uk)

From: Katie Mattingly <KMattingly@winchester.gov.uk>

Sent: 10 May 2021 12:06

To: Briony Appletree <BAppetree@winchester.gov.uk>

Subject: Exchange pub

Hi Briony

I have had a couple of reports of people leaving the Exchange with glasses of alcohol, before I go back the them, do they have an off licence?

Hope you had a good day off

Katie

Date of Incident:

08-05-2021

Time of Incident:

17:30

Incident Category:

COVID Restrictions / Non Compliance Preemissions

Business Name (if

applicable):

The Exchange

Street Name:

Southgate Street

What3Words Reference:

///faced.developed.presume

Marshal involved:

[REDACTED]

What did the marshal see, hear and do?:

On driving past the Exchange, it was noticed that there was 5 IC1 males outside the venue with pint glasses which had liquid inside them, the males did walk up the road with the glasses. CCTV control was informed.

Katie Mattingly

Covid Business Support Officer

Winchester City Council

Colebrook Street

Winchester, SO23 9LJ

Tel: [REDACTED]

Ext: [REDACTED]

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**From:** [Pollard, Colin](#)  
**To:** [REDACTED]  
**Cc:** [Swallow, Brian](#)  
**Subject:** Staff Training & Refusals  
**Date:** 20 April 2021 15:24:00  
**Attachments:** [Refusal Log.docx](#)  
[Updated Staff Declaration.doc](#)

---

Good afternoon Colin,

Thank you for your time this afternoon. As we discussed, police have identified two very drunk females who it is thought had been drinking in the Exchange this week. I accept that you said you verbally train your staff to refuse service and that this has been put into action this week to prevent others from gaining access to the pub or continuing drinking.

I think it is fair to say that there is very high demand for the few licenced premises who have re-opened following lockdown. Demand is higher than the actual provision of outside seating and this is likely to continue until the next phase of the Governments Roadmap, currently planned for the 17<sup>th</sup> May but subject to change. With the improving weather, customers are going to be reluctant to give up their seats and this could lead to extended periods of consumption of alcohol and more intoxication.

There is a need for your staff to be vigilant in identifying individuals, early, before they become intoxicated. Best practice would be a process of documented training in this area, refresher training regularly and a method of recording all incidents of refusal to highlight the training being put into use.

You said you would be prepared to implement some additional training in the area of intoxication and refusals. I have attached some very basic documents to assist you with this. Please feel free to use these documents as they are or use them as a starting point to create your own, bespoke, document for your business.

It is recommended all staff receive training relating to identifying a drunk person, making and recording refusals. This training should be documented, signed and dated by each staff member. This will provide you with a record of your efforts, as the licence holder, to prevent drunkenness on your premises. This training should be given to all staff members and refreshed every 6-12 months.

It is further recommended that all instances of refusal of service are recorded in a log with the date, time, reason for refusal and name of staff member making the refusal. This will show your staff putting their training into practice. It will allow you to identify sessions where refusal on the grounds of intoxication may be higher allowing you to take proactive measures in preventing Intoxication. The staff details will identify any of your staff who are not refusing service. This will highlight any staff whose inaction could be resulting in the sale of alcohol to a drunk person and give you an opportunity to address this with further training.

If I can be of any assistance to you in tackling this issue, please feel free to get in touch. In any event I will make contact in the coming weeks to see how things are going.

Kind regards,

**Colin POLLARD 16866**

Police Licensing Officer

Licensing and Alcohol Harm Reduction Team

Bishops Waltham Police Station

Hoe Road

Bishops Waltham

SO32 1DS



[www.hampshire.police.uk](http://www.hampshire.police.uk)

**Briony Appletree**

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**From:** Jane Bastock [REDACTED]  
**Sent:** 30 June 2021 11:08  
**To:** Ben Swallow  
**Subject:** Re: Pubwatch  
**Attachments:** image001.jpg

Hi Brian

No I have not received anything regarding this incident from The Exchange.

Best Wishes

Jane

Sent from my iPhone

On 30 Jun 2021, at 08:50, brian [REDACTED] wrote:

Hi Jane

Last Tuesday (22<sup>nd</sup>) there was an incident at the Exchange pub in Winchester whereby a female member of bar staff was sexually assaulted by a drunken customer. Can I ask if any representative from the pub has made contact with you to disclose the incident and propose the suspect for a Pubwatch ban?

Kind regards

Brian

*PC 2903 Brian Swallow*

*Licensing Officer*

*Licensing and Alcohol Harm Reduction Team*

*Bishops Waltham Police Station*

*Hoe Road*

*Int:* [REDACTED]

*Ext:* [REDACTED]

*Mob:* [REDACTED]

[Licensing HomePage](#)

**National Pubwatch South East Representative**

[REDACTED]

<image001.jpg>

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