

Swindon Borough Council
Licensing Act 2003 – Licensing Panel

NOTICE OF HEARING

Date of Hearing: Friday, 30 September 2016

Place of Hearing: Committee Room 6, Civic Offices

Time of Hearing: 2.30 p.m.

Panel Members:

Conservative Councillors
Vera Tomlinson

Labour Councillors
Carol Shelley
Nadine Watts

Committee Officer: Shaun Banks (Telephone 01793 463606)

Email: email: sbanks@swindon.gov.uk

Address: Swindon Borough Council, Civic Offices, Euclid Street, Swindon SN1 2JH

AGENDA

- 1. Appointment of Chair**
- 2. Apologies for Absence**
- 3. Declarations of Interest**
Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.
- 4. Application to Review the Premises Licence in respect of King and Queen, 15 High Street, Highworth, Swindon, SN6 7AG together with a copy of each relevant representation made and supporting documents (Pages 7 - 50)**

Date of Despatch: 15 September 2016

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

Action following receipt of Notice of Hearing:

A party shall give to the Licensing Panel within the period of time provided for in the following provisions of this regulation a notice (in the form attached) stating: -

- Whether he intends to attend or be represented at the hearing.
- Whether he considers a hearing to be unnecessary.
- In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

The following notice periods apply:

No later than one working day in respect of:

- Cancellation of interim authority notice following police objection, or
- Counter notice following police objection to temporary event notice.

No later than two working days before the first day of hearing:

- Review of premises licence following closure order or review of premises licence following review notice;
- Determination of application for conversion of existing licence;
- Determination of application for conversion of existing club certificate; or
- Determination of application by holder of justices' licence for grant of personal licence.

In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Right of attendance, assistance and representation:

A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

The hearing will take place in public. However the Licensing Panel may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. For these purposes a party and any person assisting or representing a party may be treated as a member of the public.

The Licensing Panel may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit that person to return, or
- permit him to return only on such conditions as the authority may specify.

Any such person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

Representations and Supporting Information:

At the hearing a party shall be entitled to:

- Give further information as appropriate in response to a point upon which the Licensing Panel has given notice that clarification is required (Note – if clarification is required from any party this will have been indicated in the Notice of Hearing);
- If given permission by the Licensing Panel, question any other party; and
- Address the authority.
- Failure of Parties to attend the Hearing

If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing the authority may: -

- Where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- Hold the hearing in the party's absence.
- Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned

Procedure:

A summary of the procedure that will normally be followed at the hearing is attached.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all Hearings. However depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to): -

- Whether to proceed in the absence of a party;
- Whether to admit new documents or information submitted at the hearing;
- Whether it is in the public interest to exclude members of the public from the hearing or any part of it;

- Whether any party wished to withdraw representations previously submitted
- Whether to disregard any information given by a party or any person to whom permission to appear at the hearing is given by the authority which is not relevant to:
 - Their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance, and
 - The promotion of the licensing objectives

**Standard procedure for licensing committee or
licensing panel review hearings**

- 1) The general facts of the review application will be put to the hearing by an officer of the Licensing Authority.**
- 2) The applicant for the review will put their case. They will be invited to clarify and support (but not add to) their written submission.**
- 3) Members of the Licensing Committee (or Panel) may ask questions arising from this submission, as may any other Member of Swindon Borough Council who is present. The premises licence holder will not be allowed to comment or reply at this stage but may ask the party which applied for the review to give a brief clarification concerning any of the points they have made.**
- 4) Ward Members who wish to speak on behalf of constituents who have made representations following the review application or aspects of the review application will be invited to speak. Written notification of those representations must be submitted within the required period of notice.**
- 5) Where individuals or organisations have given the required notice that they wish to make relevant representations on the review application, they will be invited one at a time to clarify and support (but not add to) their written submissions. Representations will be heard only from those who have submitted an objection in writing before the deadline given for comments. This restriction applies equally to Members and Officers of the Council.**
- 6) Members of the Licensing Committee (or Panel) may ask questions arising from each representation, as may any other Member of Swindon Borough Council who is present. The premises licence holder will not be allowed to comment or reply at this stage but may ask those making representations to give a brief clarification of any of the points they have made.**
- 7) Ward Members who wish to speak on behalf of constituents who have made a representation against the review and in support of the premises licence holder will be invited to speak. Written notification of the positive representation must have been submitted within the required period of notice.**
- 8) The premises licence holder and / or their solicitor or representative will be invited to make a submission in opposition to the application for review and to respond to points made by**

those who submitted the review application or who made representations subsequently. No unreasonable limits will be placed on the right of the applicant to make their case and they may present any documentation they wish, in doing so.

- 9) Members of the Licensing Committee (or Panel) may ask questions arising from the premises licence holder's submission, as may any other Member of Swindon Borough Council who is present.**
- 10) The party which applied for the review and anyone who made representations subsequently will be allowed in turn to ask the premises licence holder to give a brief clarification of any point they have made. They will not be permitted to restate or develop their review application or representation and must limit any further brief comment to issues that arise directly from answers given by the premises licence holder or the premises licence holder's representative.**
- 11) Members of the Committee or Panel hearing the application will then discuss the application in private, accompanied only by non-partisan officers who are there in a support role.**
- 12) Should any person present act in a disruptive manner the Chair will first warn him or her about their conduct and then, if the Chair considers it appropriate, may require the person concerned to leave the meeting forthwith. Where a party to the hearing insists on wasting the time of the hearing by needlessly repeating points that have been well aired and clearly put by earlier speakers, their actions may be judged to be disruptive and they may be asked to leave. It is strongly recommended that any spoken representations from groups of people with common concerns are made through an agreed spokesperson.**

Review of a Premises Licence in respect of King and Queen, 15 High Street, Highworth, Swindon, SN6 7AG

Licensing Panel

Date: 30 September 2016

Author:	Kathryn Ashton – Licensing Manager
Wards:	Highworth
Locality Affected:	Highworth
Parishes Affected:	Highworth

1. Purpose and Reasons

- 1.1 To consider the application for a review of a Premises Licence received from the Wiltshire Police in respect of King and Queen, 15 High Street, Highworth, Swindon, SN6 7AG

2. Recommendations

That The Panel:

- 2.1 Considers the application made by the Wiltshire Police together with any supporting evidence, and determines the application for the review of the premises licence. The options available to the Panel are:
- To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - To exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - To remove the Designated Premises Supervisor, (DPS), for example, because they consider that the problems are the result of poor management.
 - To suspend the licence for a period not exceeding three months
 - To revoke the Licence
- 2.2 At the time of preparation of the report the Premises Licence Holder is **Mr Daniel Peter Pruett**. Mr Pruett has been the Premises Licence Holder since **22nd April 2014**. The Designated Premises Supervisor (“DPS”) is **Mr Benjamin Lee Kelsey**. Mr Kelsey has been the DPS **since 22nd April 2016**. On page 4 (para 5) of the Police Application for review it states that Mr Pruett is the DPS, however, he is the Premises Licence Holder only. No action has been taken to date in respect of Mr Kelsey, as the DPS.

Review of a Premises Licence in respect of King and Queen, 15 High Street, Highworth, Swindon, SN6 7AG

Licensing Panel

Date: 30 September 2016

3.0 Detail

3.1 An application for the review of a premises licence in respect of King and Queen, 15 High Street, Highworth, Swindon, SN6 7AG has been received from Wiltshire Police who consider that the licensing objectives in respect of the Prevention of Crime and Disorder and the Prevention of Public Nuisance are being undermined by the current licensable activities at the premises. A copy of the Wiltshire Police application for review is attached as **Appendix A**.

3.2 The application was advertised on the premises and also at the office of the Licensing Authority.

3.3 The grounds for the review are stated in the review application as follows:

3.3.1 On the 7th of February 2016, local police officers in plain clothes entered the King and Queen and witnessed a number of sales of alcohol beyond the time licensed for the sale of alcohol of 01:00hours.

At 01:41hours further uniformed officers entered the premises and asked Mr Pruett, the premises licence holder, to show the officer the till entries since 01:00hours which showed a number of sales made after 01:00hours. The sale of alcohol outside of the licensed hours is a breach of **section 136(1) of the licensing Act 2003**. Mr Pruett was formally cautioned by the Police on 12/02/16 for this offence.

3.3.3 In response to the breach of unauthorised licensable activities, Sian Kalyuka, (Police Licensing Officer) sent Mr Pruett a letter dated 18.2.16 advising that she considered that a variation of licence conditions were appropriate in order to reduce the likelihood of future incidents.

Although Mr Pruett sent an email to the licensing authority on the 12th of July 2016, to amend the licence with the police recommendations he failed to put it in the proper form.

Mr Pruett's failure to act swiftly to accept or negotiate on the Police conditions has brought this matter before the panel.

3.3.4 A full detailed list of these breaches is attached at Appendix 'A' of the review application pages 1-7 together with supporting documentation: Wiltshire Police Index pages 1-23

3.4 The Panel is requested to consider the application for the review of the premises licence from the Wiltshire Police and the supporting evidence, and to determine the application having regard to four licensing objectives, namely, the prevention

Review of a Premises Licence in respect of King and Queen, 15 High Street, Highworth, Swindon, SN6 7AG

Licensing Panel

Date: 30 September 2016

of crime and disorder, prevention of public nuisance, ensuring public safety and the protection of children from harm.

4. Alternative Options

- 4.1 It would be possible to defer the determination of the application to a date within five working days of the day (or the last day) on which the hearing was held, or to defer the hearing itself to a specified date (or dates) where it is considered to be necessary for the authority's consideration of any representation or notice made by a party. However, either step should be seen as an exceptional measure.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report. Failure to reach a reasonable conclusion, based on the facts, could lead to crime and disorder or nuisance to the public or to unwarranted damage to the business in question. Either scenario could raise issues of compensation. In the case of an appeal, the Council could become liable for costs.

Legal and Human Rights Implications

- 5.2 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

- 5.3 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

This report relates to the requirements of licensing legislation.

- 5.4 Diversity Impact Assessment

It is not considered that the preparation of a DIA is required in respect of this report.

- 5.5 **Consultees**

3

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

Review of a Premises Licence in respect of King and Queen, 15 High Street, Highworth, Swindon, SN6 7AG

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The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

5.6 Background Papers

Licensing Act 2003

Secretary of State revised Section 182 Guidance

Licensing Authority Statement of Licensing Policy

5.7 Appendices

Appendix A - Application from Wiltshire Police for the review of a Premises Licence, plus supporting documentation

Appendix B – Copy of the current Premises Licence

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all
cases ensure that your answers are inside the boxes and written in black ink. Use
additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I SIAN KALYNKA on behalf of the CHIEF CONSTABLE OF WILTSHIRE POLICE

(Insert name of applicant)

**apply for the review of a premises licence under section 51 (delete as
applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description KING AND QUEEN, 15 HIGH STREET HIGHWORTH	
Post town SWINDON	Post code (if known) SN6 7AG

Name of premises licence holder or club holding club premises certificate (if known) DANIEL PRUETT
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Number of premises licence or club premises certificate (if known) 881050492PREM
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the
premises ☐
- 2) a responsible authority (please complete (C) below) ☒

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address SIAN KALYNKA POLICE LICENSING OFFICER SWINDON POLICE STATION GABLECROSS, SHRIVENHAM ROAD, SOUTH MARSTON, SWINDON, SN3 4RB
Telephone number (if any) 01380 861554
E-mail address (optional) sian.kalynka@wiltshire.pnn.police.uk

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

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

The application to review the premises licence for the King and Queen, 15 High Street, Highworth is based on evidence which shows a breach of the crime and disorder objective.

The premises licence holder allowed unauthorised licensable activities to take place on the licensed premises contrary to Section 136(1) Licensing Act 2003.

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

Licence review – King and Queen, 15 High Street, Highworth, Swindon

The King and Queen is a licensed premises and operates under a premises licence (881050492PREM) issued by Swindon Borough Council (SBC). The premises licence holder is Daniel PRUETT and at the time of the offences taking place records indicate Daniel PRUETT as the Designated Premises Supervisor (DPS). The licence was issued in accordance with the Licensing Act 2003 to allow the sale of alcohol from 1000hrs until 0100hrs every day and late night refreshment 2300hrs until 0100hrs every day.

Intelligence had been received that the King and Queen was serving alcohol after its licensing hours and local officers were tasked to make enquiries.

In the early hours of 07/02/16 local officers were carrying out plain clothes patrols when they entered the King and Queen and witnessed several sales of alcohol after the terminal hour of 0100hours. They remained on the premises until 0130hrs throughout this time alcohol continued to be sold.

At 0141hrs uniformed officers entered the King and Queen where they witnessed males stood at the bar with drinks in front of them. One of these males was Mr PRUETT the DPS and the current premises licence holder. PC PHELPS describes him to be drunk whilst they were discussing the situation with him and when asked if he was drunk he stated that he was but was not working.

Mr PRUETT was asked to show the officer the till entries since 0100hours which showed a number of sales made after 0100hours one of which included the sale of 13 pints of Stella. This till screen was photographed at the time as evidence. (Please see Annex 1 for Police Witness Statements and Annex 2 copy of till screenshot).

It is an offence under s.136 (1) of the Licensing Act 2003 to carry on Unauthorised licensable activities

(1)A person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on.

On the 12/02/16 Mr PRUETT received a caution for the offence and a discussion took place about what steps would be taken against the premises licence. (Please see Annex 3 for PRUETTS Police Caution (Restricted material not for public disclosure)) As a result of this conversation on the 18/02/16 Mr PRUETT was sent a letter requesting 3 conditions be added to the licence by way of variation.

1. The sale of alcohol shall cease at 0100hours and the premises shall be clear of all persons apart from staff at 01.30hours.
2. The till system shall record all sales of alcohol made at the premises and include information of the seller, the date and the time. The till system shall be maintained to ensure that it is displaying the correct time.
3. CCTV equipment which is fit for purpose and which covers all areas of the bar and till points, smoking areas and entrance areas shall be provided and maintained in working condition at all times. The CCTV product will be maintained for a minimum of 28 days and shall be provided to enforcement bodies on request. There must be a

person on the premises able to download CCTV at all times the premises is open for trading.

(Please see Annex 4 Letter to Mr PRUETT)

Mr PRUETT has been given ample time since the 17/02/16 to make this variation however no variation has been forthcoming. (Please see Annex 5 Contact with the King and Queen)

This has led Wiltshire Police no other option other than to apply to review the King and Queen premises licence and request the 3 conditions above be applied to the premises licence to prevent further crime and disorder at the location.

On the 03/02/16 Mr PRUETT made an application to become DPS at the premises. (Please see Annex 6 for DPS application and police objection)

Following the unauthorised sales witnessed on the 07/02/16 Wiltshire Police made an objection to the application due to the concerns that Mr PRUETT would not be an appropriate individual to be responsible for this licensed premises on a day to day basis and his failure to uphold the licensing objectives.

Since that objection Mr PRUETT has withdrawn his application to be a DPS and another has been submitted.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application Day Month Year

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

Please tick yes


- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Sian Kalynka 

Date

15th April 2016

Capacity

Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WILTSHIRE POLICE INDEX

ANNEX	CONTENT
1.	POLICE WITNESS STATEMENTS A. STATEMENT OF PC WILTSHIRE B. STATEMENT OF PC NEWMAN C. STATEMENT OF PC PHELPS
2.	COPY OF TILL SCREEN SHOT
3.	PRUETTS POLICE CAUTION
4.	WILTSHIRE POLICE LETTER TO MR PRUETT
5.	WILTSHIRE POLICE ENTRIES REGARDING CONTACT WITH KING AND QUEEN
6.	DPS APPLICATION AND POLICE OBJECTION

WILTSHIRE CONSTABULARY

RESTRICTED (when complete)

Form MG11
October 2004

WITNESS STATEMENT

(CJ Act 1967, s9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

The MG11 back sheet must be completed and submitted with this statement

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Statement of: Corrina Jayne WiltshireAge if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable 2399

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:  Date: 07/02/2016
☐ X if witness evidence is visually recorded (Supply witness details on rear)

On Sunday 7th February 2016, I was on duty with PC 1903 YEATES.

We attended the King and Queen Public House, High Street, Highworth at around 00:50 in plain clothes to observe the licensing practices in the pub.

PC YEATES ordered us a drink each just before 01:00. I had half lemonade and then we stood at a table adjacent to the bar, in front of the entrance door to the pub. On entry into the pub I could hear music playing on a speaker system of some sort. I cannot recall exactly when this was stopped but it was during the time I was in there between 12:50 and 01:30.

Just after 01:00, one of the staff rang a bell and told everyone to drink up. I would describe him as Asian, medium build. I continued to watch the bar staff as I have been told that they should stop serving alcoholic drinks after 01:00.

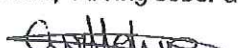
I watched one barman who I would describe as white, bald and wearing a white and blue horizontal striped top, he was at the spirits and I watched him put some sort of alcohol in 4 glasses and then he took them to the bar, topped them with a soft drink and took payment from the customer. I checked my watch and noticed that the time was now 01:10.

I then saw the other barman who I would again describe as white with brown wavy style short hair, wearing dark clothing, take a pint glass and pull a pint, handing it to a customer and taking payment. This was around 1:15.

The stripy top barman served a female customer with ginger hair a bottle of cider and a spirit of some sort at around 01:20 I believe.

At 01:30 just before me and PC YEATES left the premise I saw the stripy top barman again serve a male customer with 4 shots of some alcoholic drink. At the angle I was I could not say what alcohol it was but it was a spirit of some sort. I watched the barman using the card machine for this transaction. The customer was given the device to put his pin in and I saw the barman rip the paper print out from the machine.

Whilst these transactions were taking place the male who rang the bell would shout every 5 minutes or so for everyone to drink up but the barmen continued to serve in between their restocking of the fridges.

There was also a male in there who now I have checked pictures on the police system, I know to be Danny PRUET. I would describe this male as intoxicated because he was slurring his words and having quite a loud conversation with a customer. I would say he was around a 7 on a scale of drunkenness, 1 being sober and 10 being paralytic. He was stood next to the bar but did not go behind it from what I could see. 

Signature:  Signature witnessed by: _____

RESTRICTED (when complete)

WILTSHIRE CONSTABULARY

RESTRICTED (when complete)

Form MG11
October 2004

WITNESS STATEMENT

(CJ Act 1967, s9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Police Constable 1966 Jack NEWMANAge if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: Date: 07/02/2016
☐ X if witness evidence is visually recorded (Supply witness details on rear)

At 01:41hours on SUNDAY 7TH FEBRUARY 2016 I was on duty in full uniform in company with WPC 1384 PHELPS. At this time we entered the KING & QUEEN PUBLIC HOUSE, 15 HIGH STREET, HIGHWORTH, SN6 8NN.

Over the previous weeks we have received a number of complaints of loud noise, rowdy behaviour, glasses being smashed outside, screaming, shouting, reports of fighting and things being damaged at the venue.

The previous week WPC 1384 PHELPS and I had been on duty and we had conducted a patrol of the HIGH STREET at around 01:45hours and we had seen a large number of people leaving the KING & QUEEN and we had commented that it seemed late for them to still be open. As a result WPC 1384 PHELPS obtained a copy of their Premises Licence.

In the week commencing Monday 1st FEBRUARY 2016 I read the Premises Licence and I was surprised to see that it restricted the KING & QUEEN to the sale of Late Night Refreshment and Sale by Retail of Alcohol until 01:00hours, every day.

This means that they should not be serving customers after that time. Furthermore as they do not have specific displayed hours of opening they have an additional 30 minutes on the terminal hour which I believe to mean that in any case by 01:30hours they must be empty of customers - the half-hour for "drinking-up" time after the last sale of alcohol or late night refreshment at 01:00hours.

At 01:35hours I spoke to PC 1903 YEATES and WPC 2399 WILTSHIRE who had just returned from the KING & QUEEN.

They explained how they had seen bar staff serving alcohol and receiving payment well after 01:00hours. WPC 2399 WILTSHIRE said "THEY LINED-UP A ROW OF JACK DANIELS AND COKE SHOTS ON THE BARI".

WPC 1384 PHELPS and I then made our way to the KING & QUEEN.

As we approached the door I saw a male who identified himself to us as James KELSO. He immediately appeared nervous as his voice was shaken and squeaky when he said "WE ARE JUST CLEARING OUT NOW". I opened the front door and I said "CAN WE SPEAK PLEASE?". He nodded and we walked past the bar to talk.

As I walked I could see at least 5 men stood at the bar drinking alcohol. One of these men, who was later identified as Mark said in a drunken slur "YOU WANT A PINT?" and he lifted a full pint glass of lager into the air with his right hand in a kind of "CHEERS" motion. I said to Mark

"WE HAVE RECEIVED SEVERAL COMPLAINTS ABOUT THE LICENCEABLE ACTIVITIES CONDUCTED HERE WHEN YOU SHOULD BE CLOSED. FOR EXAMPLE YOU SHOULD BE EMPTY AND CLOSED AND SHOULD HAVE STOPPED SERVING AT 1AM BUT TWO PLAIN-CLOTHES POLICE OFFICERS WHO WERE IN HERE EARLIER TO SEE WHAT YOU WERE DOING WILL STATE THAT ALCOHOL WAS STILL BEING SERVED AFTER 1AM AND THE BELL HAD RANG".

Signature: Signature witnessed by: N/A

RESTRICTED (when complete)

RESTRICTED (when complete)Continuation statement of Police Constable 1966 Jack NEWMAN

[REDACTED] looked uncomfortable and shuffled on his feet as he said "ER, ERM". At that time another male appeared. He identified himself as Daniel PRUETT and he said "THAT'S [REDACTED], HE IS A SLOW DRINKER". I explained that we had caught them out and explained the licence they had in effect.

PRUETT said "I DON'T EVEN HAVE THE LICENCE WE HAVE, WELL ENTERPRISE HAVE BEEN TRYING TO GET IT FOR TWO YEARS." As he spoke I could smell alcohol on his breath and I could see that his eyes were glazed and watered.

WPC 1384 PHELPS said "I GOT THIS WITHIN TWO DAYS!" and held up a copy of the licence for them to see. [REDACTED] said quickly "I WAS JUST COMING DOWNSTAIRS I WASN'T WORKING TONIGHT".

I said to PRUETT "CAN WE SEE THE TILL PLEASE?". As he walked towards the till I could see that he was unsteady on his feet and I said in surprise "ARE YOU DRUNK?". He replied "YEAH, WELL I'M NOT WORKING TONIGHT". I said "I AM CONFUSED HERE, MR. KELSEY HERE SAYS HE IS NOT WORKING, YOU SAY YOU ARE NOT WORKING, WHO IS IN CHARGE HERE TONIGHT?". I received no answer.

PRUETT then mashed at the electronic key pad on the screen and I could see no less than four transactions. On the top left hand side of the till screen I could see that it said 01:50hours and I looked at my watch and the times were identical. I could see the following information on the screen which I took a photograph of:

01:10am - £15.60 - 3 House Vodka, 2 Captain Morgan, 2 Jack Daniels (all with coke)
01:12am - £6.60 - Kopperberg, Double House Vodka
01:28am - £48.10 - 13 pints Stella
01:38am - £25.60 - Couldn't see transaction details.


I then looked at the detachable card payment machine and I could see that the screen displayed a time of 01:15hours to my watch time of 01:50hours.

I was shocked, over 20 drinks including 13 pints of STELLA were served almost 30 minutes after the licensable hours had ended. It was outrageous, showing flagrant disregard to the law. No wonder people had been complaining to Police about what they had seen.

We then left and as we did I obtained the names of the two bar staff a Mr. [REDACTED] and Mr. [REDACTED]. I said "I WANT THIS PLACE CLEARED AND CLOSED, NOW". MR. KELSEY said "YES OF COURSE!".

We then left.

I printed the photographs I had taken off as exhibits JN/1.

Signature: Signature witnessed by: **RESTRICTED** (when complete)

WILTSHIRE CONSTABULARY

RESTRICTED (when complete)

Form MG11
October 2004

WITNESS STATEMENT

(CJ Act 1967, s9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

The MG11 back sheet must be completed and submitted with this statement

URN

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Statement of: Joanne Claire PHELPSAge if under 18: over 18 (if over 18 insert 'over 18') Occupation: WPC 1384

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: *Joanne Claire Phelps*Date: 07 February 2016
☐ X if witness evidence is visually recorded (Supply witness details on rear)

I am WPC 1384 of the Wiltshire Constabulary currently stationed at Highworth Police Station employed as Community Beat Manager.

Following several complaints that the Landlord of the King and Queen, High Street, Highworth, has been serving alcohol after his permitted licencing hours and also a number of reports of disorder in the High Street around 0200 hours in the morning at weekends where it has been clearly evident that those involved had just left that public house, PC 2399 WILTSHIRE and PC 1903 YEATES attended the venue at approximately 0050 hours on Sunday 07 February 2016 in plain clothes to observed the licencing practices.

At approximately 0135 hours that day PC WILTSHIRE and PC YEATES returned to Highworth police station where they advised me and PC 1966 NEWMAN that they had observed alcohol being served and paid for after 0100 hours when the licence ends. PC WILTSHIRE confirmed that there were two male bar staff and both had been observed to sell alcohol.

PC NEWMAN and I then made our way in full uniform in a marked police vehicle, to the High Street. We arrived at the King and Queen at 0141 hours where I saw a group of females leaving the pub and getting into a vehicle on the opposite side of the road. Directly outside the door was a male that I now know to be [REDACTED]. [REDACTED] said "HELLO" to PC NEWMAN and me and then said "I'M JUST TRYING TO CLEAR THIS LOT OUT".

PC NEWMAN opened the door to the pub and as the three of us walked in I saw approximately 5 males stood at the bar. One of the males, later identified by staff as [REDACTED], had a full pint of what appeared to be lager on the bar in front of him. As we walked through the bar to a quieter area towards the rear of the pub this male said to PC NEWMAN "DO YOU WANT A PINT?" From his manner and volume I believed this male to be drunk.

Once we were away from the males and to the rear of the bar, PC NEWMAN said to [REDACTED]. "WE ARE HERE BECAUSE WE HAVE RECEIVED COMPLAINTS ABOUT THE LICENCING ACTIVITIES CONDUCTED HERE WHEN YOU SHOULD BE CLOSED. YOU SHOULD HAVE STOPPED SERVING AT 1 O'CLOCK AND SHOULD BE EMPTY AND CLOSED BUT TWO OF OUR COLLEAGUES HAVE BEEN IN HERE THIS EVENING IN PLAIN CLOTHES AND HAVE OBSERVED THE SALE OF ALCOHOL AFTER 1 O'CLOCK. THIS IS IN BREACH OF YOUR LICENCE. WE HAVE ALSO OBSERVED CUSTOMERS OUTSIDE OF THE PREMISES WITH OPEN VESSELS OF ALCOHOL, I CURRENTLY HAVE A WINE GLASS IN THE POLICE VEHICLE WHICH IS ALSO IN BREACH OF YOUR LICENCE. YOUR LICENCE ALSO STATES THAT YOUR OPENING HOURS ARE 30 MINUTES AFTER YOUR LICENCING HOURS, IT'S NOW QUARTER TO TWO AND YOU STILL HAVE CUSTOMERS WITH FULL DRINKS."

Just as PC NEWMAN had finished explaining the situation, a male that I know from previous dealings to be Daniel PRUETT approached. PRUETT asked what was going on. PC NEWMAN explained the situation again. I also spoke to PRUETT who confirmed that he had recently applied to be the designated premises supervisor. Whilst speaking to PRUETT I noticed that he smelled strongly of intoxicating liquor, his eyes were bloodshot, he was unsteady on his feet and his speech was slurred. I formed the opinion that he was drunk.

Signature: *Joanne Claire Phelps*

Signature witnessed by: _____

RESTRICTED (when complete)

WILTSHIRE CONSTABULARY

Form MG11 (Cont)
October 2004**RESTRICTED** (when complete)Continuation statement of Joanne Claire PHELPS

Both ~~KELSEY~~ and PRUETT were very defensive. ~~KELSEY~~ stating that he had been upstairs and had just come down to clear the bar. They both stated that they do stop customers leaving with drinks or glasses and PRUETT explained that Swindon Borough Council had not provided Enterprise with a copy of their licence for over two years. I said to him "YOU DO KNOW YOUR LICENCING HOURS THOUGH DON'T YOU" to which he nodded as I went on to say "THE BELL WAS RUNG AND CUSTOMERS ASKED TO DRINK UP AT 1 O'CLOCK SHOWING THAT YOU KNOW WHEN YOU SHOULD STOP SERVING". As I held up a copy of the premises licence I said "I GOT THIS WITHIN TWO DAYS"

PC NEWMAN then asked PRUETT what kind of till and card machine was used in the pub and could he show us how it worked. As PRUETT walked behind the bar he was again very unsteady on his feet and PC NEWMAN exclaimed with surprise "ARE YOU DRUNK?" PRUETT stated that he was and further stated that he was not working. PC NEWMAN then said "I'M CONFUSED, BENJAMIN SAID THAT HE WASN'T WORKING AND YOU WEREN'T WORKING EITHER, WHO WAS IN CHARGE THEN?" PRUETT did not reply.

PRUETT reluctantly showed the card reader and explained that he could provide a daily report which would show all of the transactions for the day. He also confirmed that the card reader at that time displayed a time of 0115 hours when in fact it was 0149 hours. The till was checked and this was displaying the correct time. PRUETT was asked to show us the till which he asked if he had to do? PC NEWMAN explained that if he did not the till would be seized as evidence. PRUETT begrudgingly brought up the daily report on the till and this showed a number of transactions after 0100. On further inspection each transaction could be viewed to show exactly what had been sold. This showed every transaction contained alcoholic beverages.

PC NEWMAN took a number of photographs of the till display on his work mobile phone and then gave PRUETT strong words of advice regarding his licencing activities.

PC NEWMAN then took details of the two male bar staff that had been observed to sell alcohol after 0100 hours by PC WILTSHIRE and PC YEATES.

Throughout our dealings with him, PRUETT showed no remorse for his blatant disregard of his licencing conditions and the local authority. Not only was alcohol being served after the permitted hours for the premises, but the alcohol was being served to customers who were clearly already very intoxicated.

PC NEWMAN and I then left the venue.

JR 0981384

Signature: *JR 0981384*

Signature witnessed by: _____

RESTRICTED (when complete)

us
Ide
ser Manager

reviews Sales

122592	00:35	£4.00
122593	00:36	£6.40
122594	00:38	£6.00
122595	00:44	£16.50
122597	00:47	£6.55
122596	00:47	£3.60
122598	00:48	£5.50
122600	00:49	£3.00
122601	00:51	£11.00
122602	00:52	£3.00
122603	00:53	£3.40
122604	00:53	£3.20
122605	00:53	£2.00
122606	00:55	£8.10
122608	00:57	£5.20
122607	00:59	£29.10
122609	01:10	£15.60
122610	01:12	£6.60
122611	01:28	£48.10
122612	01:30	£0.00
122613	01:38	£25.60

Overview

Items

1 Kopparberg
1 Double House Vodka
Lemonade

Overview

Receipts

Items

Receipts

3	House Vodka	6.00
	Coke	
1	Captain Morgans	3.10
	Coke	
2	Jack Daniels	6.50
	Coke	

00:35	£4.00
00:36	£6.40
00:38	£6.00
00:44	£16.50
00:47	£6.55
00:47	£3.60
00:48	£5.50
00:49	£3.00
00:51	£11.00
00:52	£3.00
00:53	£3.40
00:53	£3.20
00:53	£2.00
00:55	£8.10
00:57	£5.20
00:59	£29.10
01:10	£15.60
01:12	£6.60
01:28	£48.10
01:30	£0.00
01:38	£25.60

Refund

Repeat

Reprint Receipt

Overview

Details

Items

Oth

1	Stella
1	Stella
3	Stella
1	Stella
1	Stella
1	Stella
1	Stella
4	Stella

RESTRICTED

WILTSHIRE POLICE CAUTION INFORMATION SHEET

Form 49
March 2009
Version 1.2

Occurrence No	54160011893		
OIC Name	DIFFIN	Force Id No.	1630

DETAILS OF OFFENDER

Last Name	PRUETT		
Forenames	Daniel Peter		
Age	46	D.O.B	28/04/1969
Gender	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		
Ethnicity:	Self Defined: W1. Officer Observed: 1		
Address	THE GLEN + OWEN 15 High St Swindon		
Post code	SN6 7AG		
Occupation	Pub		
Telephone:	Home:	Work: 01793762293	Mobile: 07891739115

DETAILS OF OFFENCE(s)

Give brief details of offence(s) below

On 07/02/16 you allowed as the DPS and Premises Licence holder unlicensed activities to take place on a licensed premises namely the KING and QUEEN Public House HIGHWORTH SWINDON Contrary to Section 136(1) Licensing Act 2003.

Please read the declaration below and make sure you understand it before you sign.

- 1 I have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution will be kept on police databases.
- 2 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 3 If there are any victims as a result of these offences, they might still take civil action against me and you might give my name and address to the victims so they can do this.
- 4 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution.
- 5 If I already work in a job which is included in the list of notifiable occupations (these are jobs where you are in a position of trust or responsibility, for example, teachers, care workers, taxi drivers, soldiers and doctors), you might tell my employer about this simple caution. (I can ask you for a copy of the full list of notifiable occupations.)
- 6 If I apply for certain jobs, either paid or unpaid, that need me to have a criminal records check (CRB check), you might give my new employer information about this simple caution. (CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.)
- 7 If the offence I have admitted is included in the Education (Prohibition from Teaching or Working with Children) Regulations 2003 (as amended), accepting this simple caution means I will not be allowed to do certain jobs which involve working with children. You have told me if this is the case, I will be committing an offence if I carry out (or try to carry out) any of those jobs. My name might be added to List 99 which is a list kept by the Department for Children, Schools and Families of people who are not allowed to carry out certain jobs involving children and young people. It may also be taken into account by the Independent Safeguarding Authority in reaching decisions about the suitability of persons to work with children or vulnerable adults, once the new Authority commences its work under the Safeguarding Vulnerable Groups Act 2006.
- 8 If the offence I have admitted is a sexual offence, I understand that accepting this simple caution may mean that you will add my name to the Violent and Sex Offender Register and I will have to agree to certain conditions you explain to me. You have told me if this is the case and explained the conditions I need to agree to, and I agree to those conditions.
- 9 I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student).

I have read and understand all this information and I agree to accepting a simple caution for the offence(s) shown above

Signature of person being cautioned

Time

1850

Date

12/2/16

Signature of person administering caution

Time

1850

Date

12/2/16

RESTRICTED

Mr Pruett,
King and Queen,
15 High Street,
Highworth,
Swindon,
SN6 7AG

Swindon Police Station
Gablecross
Shrivenham Road
South Marston
Swindon
Wiltshire SN3 4RB
Direct Dial: 01380
861630
Facsimile:
DX: 132780

Date 18th February 2016

Your ref

Our ref King and Queen/Var

Reply contact name is: Sian Kalyinka 6454 – Police Licensing Officer

Dear Mr Pruett,

Thank you for meeting with PC Diffin and I on Friday 15th February 2016 where you received a caution for carrying on unauthorised licensable activities.

When we met I stated I would be in touch to discuss action against the premises licence. I have taken time to consider the best course of action in relation to such a breach and believe in order to reduce the likelihood of future incidents that you as the premises licence holder will make a minor variation to the premises licence to include the below conditions:

1. The sale of alcohol shall cease at 0100hours and the premises shall be clear of all persons apart from staff at 01.30hours.
2. The till system shall record all sales of alcohol made at the premises and include information of the seller, the date and the time. The till system shall be maintained to ensure that it is displaying the correct time.
3. CCTV equipment which is fit for purpose and which covers all areas of the bar and till points, smoking areas and entrance areas shall be provided and maintained in working condition at all times. The CCTV product will be maintained for a minimum of 28 days and shall be provided to enforcement bodies on request. There must be a person on the premises able to download CCTV at all times the premises is open for trading.

I will make contact with you on Monday the 22nd February to discuss with you however I do need to make it clear that if no variation is forthcoming then we will look to review the premises licence to have these conditions placed upon the licence.

If further sales of alcohol are witnessed after the permitted licensable hours then we will be taking further enforcement action against the licence and the DPS.

If there are any questions in relation to the above please do not hesitate to contact me.

Yours sincerely

**Sian Kalynka 6454
Police Licensing Officer
Town Centre Hub
Civic Offices
Euclid Street
Swindon
SN1 2JH**

sian.kalynka@wiltshire.pnn.police.uk

**Direct Dial 01380 861554
Mobile 07586496104**

Niche entries regarding contact with King and Queen

The below are recorded entries of emails and phone calls with Mr PRUETT in relation to progressing the variation application request made on the 17/02/16.

From: Kalynka, Sian
Sent: 14 April 2016 09:10
To: 'DANIEL PRUETT'
Cc: Diffin, Michael
Subject: RE: Scanning

Thanks Danny. You will need to resend this to the council as they are saying they haven't received it. You will need to do this along with the minor variation to add the conditions onto the licence.

Thanks

Sian

Sian Kalynka 6454
Licensing Officer
DDI 01380 861554
Mob 07586496104

From: DANIEL PRUETT [mailto:~~dannypru@yahoo.com~~]
Sent: 14 April 2016 09:05
To: Diffin, Michael; Kalynka, Sian
Subject: Fwd: Scanning

Dear Both.

Please find attached the email I sent into the council in early Feb

Best regards
Danny
Sent from my iPhone

Begin forwarded message:

From: DANIEL PRUETT <~~dannypru@yahoo.com~~>
Date: 8 February 2016 at 15:22:10 GMT
To: E & P Licensing <licensing@swindon.gov.uk>
Subject: Fwd: Scanning

Dear Sir/Madam

I recently made an application in respect of myself as DPS at our premises

However I would like to withdraw that application in favour of the attached document.
If another fee is payable please email me and advise

Best regards
Danny Pruett.

Sent from my iPhone

09/04/16 19.50 Visit to the premises as an email was received from SBC regarding the status of their DPS. I rang Joseph Heaton to check that he was no longer involved with the premises which he is not and hasn't been for over a year. when I spoke with Danny Pruett he advised that the day he withdrew his application he put Benjamin Kelsey forward t the council however this has never come through to us. He was advised that he should resubmit and also cc to me. we discussed the variation application and he will also do that.

From: Kalyinka, Sian
Sent: 24 March 2016 21:20
To: ~~dannypru@yahoo.com~~
Cc: Diffin, Michael
Subject: FW: King and Queen 15 High Street Highworth

Dear Mr Pruett,

Thank you for returning my call earlier this evening. As you have now agreed to implement the below conditions please can a variation be made to the licence to include those below - a link to the relevant paperwork can be found on Swindon Borough council website. I will look to receive the paperwork for this variation within the next 14days. A check of the premises will also be made by Wiltshire Police officers over the coming weeks to ensure the conditions are being implemented at the premises.

Kind Regards

Sian Kalyinka

16/03/16 14.56

Spoke with Danny Pruett regarding the CCTV survey he had carried out at the premises which came in at £10,900. I advised that it did not need to be an all singing and dancing system but purely allow me to review to ensure they are closing on time etc. I have given him 1 more week to agree the condition or it will be going to review.

From: Kalyinka, Sian
Sent: 17 February 2016 11:21
To: ~~dannypru@yahoo.com~~
Subject: King and Queen 15 High Street Highworth

Dear Mr Pruett,

Thank you for meeting with PC Diffin and I on Friday 15th February 2016 where you received a caution for carrying on unauthorised licensable activities.

When we met I stated I would be in touch to discuss action against the premises licence. I have taken time to consider the best course of action in relation to such a breach and believe in order to reduce the likelihood of future incidents that you as the premises licence holder will make a minor variation to the premises licence to include the below conditions:

1. The sale of alcohol shall cease at 0100hours and the premises shall be clear of all persons apart from staff at 01.30hours.

2. The till system shall record all sales of alcohol made at the premises and include information of the seller, the date and the time. The till system shall be maintained to ensure that it is displaying the correct time.
3. CCTV equipment which is fit for purpose and which covers all areas of the bar and till points, smoking areas and entrance areas shall be provided and maintained in working condition at all times. The CCTV product will be maintained for a minimum of 28 days and shall be provided to enforcement bodies on request. There must be a person on the premises able to download CCTV at all times the premises is open for trading.

I will make contact with you on Monday the 22nd February to discuss with you however I do need to make it clear that if no variation is forthcoming then we will look to review the premises licence to have these conditions placed upon the licence.

If further sales of alcohol are witnessed after the permitted licensable hours then we will be taking further enforcement action against the licence and the DPS.

If there are any questions in relation to the above please do not hesitate to contact me.

Kind Regards

Sian Kalynka
Licensing Officer
Wiltshire Police, Swindon Gablecross Police Station,
Shrivenham Road,
Swindon, SN3 4RB
☎ Dial 101 Extension: 36454
☎ Direct Dial: 01380 861554
☎ Mobile: 07586496104
✉ Email: sian.kalynka@wiltshire.pnn.police.uk
🌐 Web: www.wiltshire.police.uk



Prevent Crime and Protect the Public

12/02/16 18.30

Attended the King and Queen and met with Daniel PRUETT who was given a caution for s.136 by PC DIFFIN. Staff training had been completed today 12/02/16 in relation to Challenge 25 however this was confused and also spoke about challenge 25 and 21. He stated that he would get staff to check the licence and hours etc. Mr Pruett was warned that we may consider review or conditions to attach to the licence to prevent the sale of alcohol after hours again. He was also warned regarding his behaviour and the fact that on 3 separate occasions he has been drunk on the premises and is in a position of responsibility.

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/ ~~we~~ DANIEL PRUETT
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

881120526

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

THE KING & QUEEN
15 THE HIGH STREET

Post town

HIGHWORTH

Post code (if known)

SN6 7A9

Telephone number (if any)

01793 762293

Description of premises (please read guidance note 1)

PUBLIC HOUSE (PUB)

Consent of individual to being specified as premises supervisor

I DANIEL PETER PRUETT
[full name of prospective premises supervisor]

of
THE KING & QUEEN
15 HIGH STREET
HIGHWORTH
SN6 7AQ

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

DESIGNATED PREMISES SUPERVISOR

[type of application]

by

DANIEL PETER PRUETT
[name of applicant]

relating to a premises licence

881120526
[number of existing licence, if any]

for

THE KING & QUEEN PUB
15 HIGH STREET
HIGHWORTH
SN6 7AQ

[name and address of premises to which the application relates]

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature

[Handwritten Signature]

Date

29/01/2016

Capacity

PREMISES LICENSE HOLDER - PROPRIETOR

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

*AS THE KING & QUEEN
15 HIGH ST
HIGHWORTH*

Post town

HIGHWORTH

Post Code

SN6 7AG

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Dannypru@yahoo.com

Diffin, Michael

From: Kalyinka, Sian
Sent: 15 April 2016 11:58
To: Diffin, Michael
Subject: FW: Change of DPS Application - King & Queen Inn, Highworth
Attachments: daniel pruette king & queen pub.pdf

Sian Kalyinka 6454
Licensing Officer
DDI 01380 861554
Mob 07586496104

From: Kalyinka, Sian
Sent: 08 February 2016 11:28
To: 'Licensing@swindon.gov.uk'
Cc: Kathryn Ashton; 'Fiona MacAdam'
Subject: FW: Change of DPS Application - King & Queen Inn, Highworth

Dear Kathryn and Fiona,

RE – Mr Daniel Pruett, DPS Application

Following receipt of the attached application to vary a premises licence to specify an individual as Designated Premises Supervisor for The King And Queen, 15 High Street, Highworth, checks have been carried out of Police records on the above person in accordance with force procedures. Following these checks Wiltshire Police have concerns regarding the suitability of Mr Pruett as the DPS for the premises.

Please consider this an objection to the application for variation on the grounds that it would undermine the crime prevention objective.

Kind Regards

Sian

Sian Kalyinka
Licensing Officer
Wiltshire Police, Swindon Gablecross Police Station,
Shrivenham Road,
Swindon, SN3 4RB
☎ **Dial 101 Extension:** 36454
☎ **Direct Dial:** 01380 861554
☎ **Mobile:** 07586496104
✉ **Email:** sian.kalyinka@wiltshire.pnn.police.uk
🌐 **Web:** www.wiltshire.police.uk



Prevent Crime and Protect the Public

From: Craig Hutchinson [<mailto:CHutchinson@swindon.gov.uk>]

Sent: 29 January 2016 15:46

To: Licensing D Division; Licensing E Div; Diffin, Michael; Kalyuka, Sian

Cc: Kathryn Ashton; Fiona MacAdam; Peter Harris

Subject: Change of DPS Application - King & Queen Inn, Highworth

Dear all

Please find an application attached to vary the designated premises supervisor for the premises licence issued in respect of the above premises.

Any representations should be sent to Licensing@swindon.gov.uk no later than 11 February 2016.

Kind regards,

Craig Hutchinson (chutchinson@swindon.gov.uk)

Business Support Team Manager

Business Support Unit

Swindon Borough Council

Tel: 01793 46 6444

Web: www.swindon.gov.uk

Please consider the environment before printing this email.

"The views expressed in this email are personal and may not necessarily reflect those of Swindon Borough Council unless explicitly stated otherwise.

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..

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Premises Licence

Schedule 12 - Part A

(THIS PART OF THE LICENCE MUST BE KEPT AT THE PREMISES AT ALL TIMES AND PRODUCED
UPON REQUEST OF AN AUTHORISED OFFICER)

Premises Licence Number	881160390LAPDPS
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code
The King & Queen 15 High Street Highworth SN6 8NN
Telephone number 07891 739115

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Performance of Live Music Playing of Recorded Music Late Night Refreshment Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities
Performance of Live Music Friday 20:00 - 01:00 Saturday 20:00 - Midnight

Playing of Recorded Music

Friday 11:00 - 00:30

Saturday 11:00 - Midnight

Sunday to Thursday 11:00 - 23:00

Late Night Refreshment

Monday to Sunday 23:00 - 01:00

Sale by Retail of Alcohol

Monday to Sunday 10:00 - 01:00

Non-standard timings**Late Night Refreshment**

New Year's Eve 23:00 - 05:00

Sale by Retail of Alcohol

New Year's Eve, from the end of permitted hours until the start of permitted hours on New Year's Day.

The opening hours of the premises

Not Applicable

Where non standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.

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 Daniel Peter Pruett
The King & Queen
15 The High Street
Highworth
SN6 7AG

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Benjamin Lee Kelsey
579 Queens Drive
Swindon
SN3 1AX

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 No: LN/000005592

Licensing Authority: Wiltshire Council

This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 22nd April 2016



Kathryn Ashton
Licensing Manager

Mandatory Conditions

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.
3.
 - (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 time 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 carries 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).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (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.
6. The responsible person must ensure that
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than 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: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (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.
7.
 - (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 amount 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) "value 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) (a) Sub-paragraph (4)(b) below applies where the permitted price given by Paragraph (2)(b) above 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.
- (b) 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.

Conditions consistent with the Operating Schedule

- 8. No persons under 18 shall be allowed into the premises after 9pm unless accompanied by an adult.
- 9. No children under 14 shall be permitted in the bar unless they are accompanied by an adult and in an area set aside for the serving of table meals.
- 10. Live Music shall only be performed indoors.
- 11. No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of

children, regardless of whether children are on the premises or not, shall be provided in the premises, save for the provision of 2 gaming machines.

12. All windows and doors shall be shut at 23:00 and kept shut, save for access and egress, until the premises closes.
13. Any music played in the rear beer garden shall cease one hour prior to the cessation of the sale by retail of alcohol on any day.
14. No glasses or open vessels shall be removed from the premises by patrons.
15. Smokers shall be encouraged to use the rear beer garden.
16. A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark. All staff working at the premises shall be fully trained and aware of the scheme. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.
17. On any occasion when live music is performed in the premises, drinks shall only be served in plastic or polycarbonate vessels.

Conditions attached after a hearing by the Licensing Authority

None

Plans

No changes to original plans

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Licensing Authority
5th Floor, Wat Tyler West
Beckhampton Street
Swindon
SN1 2JG
Tel: 01793 466113
licensing@swindon.gov.uk

Premises Licence Schedule 12 - Part B

(THIS PART OF THE LICENCE MUST BE DISPLAYED IN A PROMINENT POSITION WITHIN THE PREMISES)

Premises Licence Number

881160390LAPDPS

Part 1 – Premises Details

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

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Highworth
SN6 8NN

Telephone number 07891 739115

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Licensable activities authorised by the licence

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Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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Name, (registered) address of holder of premises licence

Mr Daniel Peter Pruett

The King & Queen

15 The High Street

Highworth

SN6 7AG

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Benjamin Lee Kelsey

State whether access to the premises by children is restricted or prohibited

Access to the premises by children is restricted.

This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 22nd April 2016

A handwritten signature in black ink, appearing to read 'K. Ashton', is written over a light blue rectangular background.

Kathryn Ashton
Licensing Manager

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