

**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 WILTSHIRE POLICE

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description
LONGS BAR,
VICTORIA ROAD,

Post town SWINDON

Post code (if known) SN3 5AJ

Name of premises licence holder or club holding club premises certificate (if known)
ARKELLS BREWERY LIMITED

Number of premises licence or club premises certificate (if known)
881050944 PREM

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address SIAN KALYNKA POLICE LICENSING OFFICER SWINDON POLICE STATION GABLECROSS, SHRIVENHAM ROAD, SWINDON, SN3 4RB
Telephone number (if any) 01793 507874
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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

- Wiltshire Police have been conducting test purchase operations since February 2010 and Longs Bar have failed on four separate occasions.
- The premises has repeatedly failed to adhere to the licensing objective of the protection of children from harm and committed criminal offences by serving alcohol to children under the age of 18.

Please provide as much information as possible to support the application (please read guidance note 3)

Wiltshire Police have conducted test purchase operations since February 2010 and regularly test premises that are within the main Night time economy areas as well as those where there is intelligence to suggest that persons under 18 are being sold alcohol.

The impact of underage alcohol sales by on licensed premises not only links to incidents of anti social behaviour and disorder but also puts young people at risk of becoming victims of crime.

Since 2010 Wiltshire Police have carried out 12 test purchase operations in Swindon. Longs Bar has failed on 4 separate occasions. The Premises Licence Holder and Designated Premises Supervisor have not changed throughout this period.

The first test purchase operation took place on 27/02/2012 and occurred in the main night time economy areas of Swindon. On this occasion premises that were to be tested were sent letters on the 04/01/10 warning that an operation would be taking place and that their premises may be tested as part of this operation. Longs Bar was sent a letter and this is contained in the additional documents.

On the 27/02/10 a 15 year old and 17 year old were served alcohol at Longs Bar. A meeting was held on the 12/03/10 with the premises duty manager and several concerns were raised including the lack of staff training, no proof of age material and no refusals log was evident. A letter sent highlighting these concerns was sent to the premises along with challenge 21 posters and an example refusal record. As this was the first operation it was used as an educational opportunity and on this occasion no fixed penalty notices were issued.

Longs Bar did not fail any further test purchase operations carried out by Wiltshire Police until the 27/10/12. On this occasion two 17 year old volunteers were not asked for identification at Longs Bar and purchased alcohol.

On this occasion Mr Sheridan the DPS was invited to Gablecross Police station on Monday 29/10/12 so that an £80 Fixed Penalty Notice could be issued to him and details of the server could be obtained. The staff training was discussed and Mr Sheridan produced documents showing that training is given to staff when they begin work at the premises. Advice was given to Mr Sheridan on improving the quality, regularity and recording of the training.

Following this test purchase failure the premises licence was reviewed on the 05/12/12 and as a result the licensing panel placed conditions on to the premises licence to address the failings at the premises focusing on staff training, challenge 25 and door supervisors.

A test purchase operation took place on the 26/01/13 which was a repeat of

the operation in October.

20 on licensed premises in the main night time economy areas of Swindon were tested. On this occasion 8 venues failed the operation and Longs Bar was one of the venues that failed.

The premises was tested before door staff came on duty and again after they were on duty. At approximately 20.44 hours and 22.55hours 2 test purchase volunteers entered the premises and purchased alcohol. The Police Officer inside the premises identifies Mr Sheridan as being present at the front door on the earlier sale and this is described in SPC Roakes statement. The later sale involved 2 volunteers aged 17 and 16 who entered the premises and were not asked for identification by door staff and were served a bottle of Smirnoff Ice each. This was observed by PC Law who has described the offence in statement form.

The bar staff were both given FPNs for serving alcohol to a person under 18 and were asked about the training they had received at the premises. One indicated that he had been trained 2 months ago after the last test purchase operation and the second member of bar staff stated he had been told to check IDs better and was told not to forget about it. He also stated after being spoken about underage by the manager he had to sign to say he had been told about it.

This was the second time Longs Bar failed a test purchase operation within 3 months and so the premises licence holder was approached to see if they wanted to accept a closure notice instead of prosecution for the offence of persistently selling alcohol to children. This is in line with guidance issued regarding this offence under the Licensing Act 2003.

Following a meeting on 28/01/13 with Craig Titchener a Director at Arkells Brewery and Michael Sheridan to discuss the test purchase failures Arkells Brewery accepted the closure order. The acceptance of the closure order discharges the premises licence holders criminal liability in respect of the offence.

This closure was for a 48 hour period from Monday 04/02/13 at 0800hours to Wednesday 06/02/13 at 0800hours. The maximum allowed for a closure order is 14 days.

Following this test purchase operation numerous emails were exchanged with both the premises licence holder and DPS regarding advice and details about training at their venues.

It is normal practice for Wiltshire Police to apply for a second review of the premises following another test purchase fail however on this occasion the licensee had not received the new updated license from the previous review. To ensure that the licensee was given time to adjust to the new conditions on the licence Wiltshire Police felt that the acceptance of the Closure order in place of prosecution for persistently selling alcohol to children was acceptable in the circumstances.

Mr Sheridan and Arkells Brewery were sent letters confirming the action to be

taken and were warned that should the premises fail a further operation in the future a review application would be made.

Wiltshire Police carried out a test purchase operation on Saturday 13/07/13 and again tested 20 premises. The premises were all re tested due to the number of fails in January. As with the previous operation premises were tested before door staff and after door staff were on duty. On this occasion 2 of our volunteers were identified as being test purchase subjects from the first premises they entered in Old Town and this was put out over the SCRIP radio. Upon arriving at Longs Bar they were refused by Mr Sheridan who then followed them from his premises and continued to broadcast over the SCRIP radio. Due to this not all premises in the Old Town area were visited by these 2 volunteers and this part of the operation was aborted.

Later on in the evening Longs Bar was tested as part of the operation when their door staff came on duty. At Approx 22.25hours 2 Police Officers approached the premises and were asked for identification by the member of door staff stood on the entrance to the venue. Mr Sheridan was also observed to be standing at the entrance way at the same time. Once the officers were inside the venue our 2 test purchase volunteers aged 16 and 17 entered the premises and were stopped by the same member of door staff. The Police Officers saw Mr Sheridan say something to the door staff at which point the 2 test purchase volunteers were let into the premises. One of the test purchase subjects was then served at the bar and purchased a bottle of Bulmer's cider and this was observed by the 2 Police Officers inside the premises who have recorded this in statement form.

Mr Sheridan was notified of this latest test purchase failure on Monday 15/07/13 by phone as was Mr Titchener of Arkells Brewery. A meeting was arranged with Mr Sheridan on 17/07/13.

In attendance at the meeting was Sian Kalyinka, Inspector Burt, Mr Sheridan and Mr Sheridan's security consultant Gary Richman and bar manager Paul Simmons.

At this meeting the server details were obtained and it was established that he is a duty manager at the premises and he last received training on the 22/04/13. This training was shown by Mr Sheridan as going through the booklets he had obtained since the last test purchase operation. Whilst at the premises training was discussed and the staff training record sheet was shown with the majority of staff being trained last on the 19/04/13 and 22/04/13.

A lengthy discussion occurred regarding the test purchase fail particularly around the fact that Mr Sheridan himself had prevented the door staff from doing their job and intervened allowing the test purchase subjects entry. Mr Sheridan disputes this test purchase failure and refuses to accept that the test purchase volunteers entered the premises.

During the course of the meeting it was also established the premises CCTV

was not in operation at the time as it had broken. This has now been fixed and working again.

Following this meeting emails were sent to Mr Sheridan with details of challenge 25 and ID scanners that have been operated successfully in other premises in Swindon.

In summary this is the third test purchase failure within 12 months and the fourth since Wiltshire Police began this operation in 2010. This is an unacceptable level of failures and the actions of the DPS Mr Sheridan have seen two underage persons enter the venue allowing them to purchase alcohol.

Due to these repeated failures and breaches in the licensing objective of the protection of children from harm Wiltshire Police are left with no other option than to ask the Licensing committee to suspend or revoke the licence.

Should the licensing committee consider suspending the premises licence consideration should also be made as to whether Mr Sheridan is an appropriate Designated Premises Supervisor and for the below condition to be added to the premises licence.

1. An ID scanner machine will be installed in the premises and shall be in operation every day the premises is open.

Additional Information

1. Initial advice letter 22/03/2010
2. Licensing review of Longs Bar 05/12/12
3. Minutes from Licensing Review 05/12/12
4. Witness Statement of SPC 4100 ROAKE
5. Witness Statement of PC 2509 LAW
6. Emails to Arkells and Michael SHERIDAN
7. Closure Order for Longs Bar
8. Letter to premises regarding test purchase fail 06/02/13
9. Witness statement of PC2565 SHEARING
10. Witness Statement of PC 2306 MAPSON
11. Emails to Michael SHERIDAN

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day		Month			Year		
0	1	1	1	2	0	1	2

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

yes

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 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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Sian Kalynka

.....

Date 28/08/13

.....

Capacity **Police Licensing Officer**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.