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RUSHMOOR BOROUGH COUNCIL

LICENSING SUB-COMMITTEE (ALCOHOL AND ENTERTAINMENTS)

at the Council Offices, Farnborough on Friday, 24th March, 2023 at 10.00 am

To:

Cllr Christine Guinness

Cllr S. Trussler

Cllr Nem Thapa

Enquiries regarding this agenda should be referred to the Committee Administrator: Chris Todd, Democracy, Tel. (01252) 398825 or Email chris.todd@rushmoor.gov.uk

AGENDA

1. EXCLUSION OF THE PUBLIC -

To consider resolving:

That, subject to the public interest test, the public be excluded from this meeting during the discussion of the undermentioned item to avoid the disclosure of exempt information within the paragraph of Schedule 12A to the Local Government Act, 1972 indicated against such item:

Item Schedule Category No. 12A Para. No.

- 2 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- 2. DETERMINATION OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF CULTURE, NO. 132 VICTORIA ROAD, ALDERSHOT – (Pages 1 - 136)

To consider the Head of Operational Services' Report No. OS2304 (copy attached) setting out details of an application for the review of a premises licence.

OPERATIONAL SERVICES

LICENSING SUB-COMMITTEE (ALCOHOL & ENTERTAINMENTS) 24 MARCH 2023

LICENSING REPORT NO. OS2304

DETERMINATION OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE CULTURE, 132 VICTORIA ROAD, ALDERSHOT, GU11 1JX

1.0 INTRODUCTION

- 1.1. This report concerns an application for the review of a premises licence made under section 51 of the Licensing Act 2003 (the 'Act'). The receipt of such an application invokes a statutory requirement to hold a hearing with Members to consider it.
- 1.2. The report provides details of, and background to the application, and should be read in conjunction with the council's licensing policy and Secretary of State's guidance. This, together with information obtained at the hearing should be used to determine the application.

2.0 BACKGROUND

- 2.1. On the 3rd February 2023, Hampshire Constabulary submitted an application for the **review** of the premises licence held in respect of Culture, 132 Victoria Road, Aldershot, GU11 1JX. A copy of the review application together with its enclosures and some additional enclosures submitted during the application process is given at **appendix A**.
- 2.2. A map of the area showing the general location of the premises is given at **appendix B**.

2.3. Existing premises licence

- 2.4. The application requests the review of the premises licence number 22/00452/LAPRE, held in respect of the premises, initially granted in July 2022, held by C&S Leisure Ltd. A copy of the current premises licence is given at **appendix C**.
- 2.5. The licence is subject to a number of mandatory and transposed conditions. It authorises the retail sale of alcohol for consumption on the premises and the provision of regulated entertainment by way of live and recorded music. The hours for each of these activities are detailed on the licence.

3.0 ADMINISTRATION OF REVIEW APPLICATION

3.1. Advertising the review application

- 3.2. In submitting an application for review, it is the duty of the applicant to ensure that notice of the application is given to all responsible authorities and the licence holder to which it relates. It is also the duty of the licensing authority to advertise receipt of the application by way of enabling representations to be made by other parties.
- 3.3. I can confirm that the applicant and each responsible authority have received a copy of the review application and the licensing authority has advertised receipt of the application both at the premises and at the Council Offices in accordance with the requirements of the Act.

4.0 GROUNDS FOR REVIEW

4.1. The grounds for review of the premises licence are set out in Part 2 of the review application (see **appendix A**).

4.2. Relevance of grounds for review

- 4.3. By virtue of section 51(4) of the Act, the licensing authority may, at any time, reject any ground for review if it is satisfied that the ground is not relevant to one or more of the licensing objectives.
- 4.4. The grounds for review are considered to be relevant in this case, as the application has been made by a responsible authority and concerns the licensing objectives the prevention of crime & disorder, the prevention of public nuisance and the protection of children from harm.

5.0 REPRESENTATION(S)

- 5.1 Two representations have been received in respect of the application, from other responsible authorities namely the licensing authority and the responsible authority for health & safety. Copies of the representations are given as **appendices D** & **E** respectively.
- 5.2 The representation from the Licensing Authority includes some CCTV footage which will be shown during the hearing. The licence holder will be given the opportunity to view the footage ahead of the hearing.

6.0 DATA PROTECTION ISSUES

6.1 In accordance with data protection requirements, any personal details, addresses, contact details and/or signatures submitted on any application, representation or other relevant document etc. have been redacted.

7.0 DETERMINATION

7.1. The Sub-Committee is asked to determine the application for review.

8.0 RELEVANT CONSIDERATIONS

8.1. Licensing objectives

- 8.2. In considering the application the licensing authority must have regard to the promotion of the licensing objectives. These are:
 - (a) the prevention of crime and disorder;
 - (b) ensuring public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.

8.3. Licensing policy & Secretary of States guidance

8.4. The licensing authority must also have regard to its statement of licensing policy and any guidance issued by the Secretary of State. Details of the parts of the policy and guidance that may be relevant to this application are given in **Appendix F**.

8.5. Human rights

- 8.6. Members are reminded that in determining a review application the licence holder is entitled to a fair hearing, on merit and, any action(s), terms or conditions imposed must be both proportionate and appropriate.
- 8.7. A premises licence is deemed to be a possession under Article 1(1) of the first protocol.

8.8. Appeals

8.9. The applicant for the review, the holder of the premises licence and/or any other party who made representations have a statutory right of appeal to the Magistrates' court within 21 days of being notified of the decision / outcome. The decision of the Sub-Committee has no effect until the appeal period has passed or until the appeal is disposed of.

9.0 OPTIONS

- 9.1. In determining this application the Sub-Committee must, having regard to the review application and any relevant representations, take any one or any combination of the following steps as it considers appropriate for the promotion of the licensing objectives, namely:
 - (a) to take no action;
 - (b) to issue an informal warning and/or recommend improvement(s);

- (c) to modify the existing conditions of the licence**;
- (d) to remove from the scope of the licence any licensable activity;
- (e) to remove the designated premises supervisor (DPS);
- (f) to suspend the licence for a period not exceeding three months; and/or
- (g) to revoke the licence.

** for this purpose, the conditions of the licence are modified if any of them is altered, omitted or any new condition is added.

- 9.2. The Sub-Committee is reminded that there are mandatory conditions that must be included in a premises licence where applicable.
- 9.3. Where the Sub-Committee considers the removal of the DPS, members are reminded that the holder of a premises licence may make an application to vary the premises licence to specify a new individual as DPS at any time. The premises licence holder can specify that this application take immediate effect until it is determined in accordance with the Act.

10.0 RECOMMENDATION(S)

- 10.1. The Sub-Committee is asked to determine the application having regard to -
 - (a) the contents of this report;
 - (b) any additional information obtained from the hearing;
 - (c) the Council's licensing policy;
 - (d) guidance issued by the Secretary of State; and
 - (e) the promotion of the licensing objectives.

SHELLEY BOWMAN Licensing Manager Operational Services licensing @rushmoor.gov.uk

Background Papers: Application ref: 23/00074/LAPRER Premises Licence ref: 22/00452/LAPRE

Public Documents:

- 1) **HMSO (2003)**, The Licensing Act 2003
- 2) Home Office (December 2022), Guidance issued under Section 182 of the Licensing Act 2003

Contact:

Shelley Bowman, Licensing Manager (01252 398162)

Appendices:

Appendix A - Application for review (pages 7 - 89)
Appendix B - Map of the area (page 91)
Appendix C - Premises Licence (pages 93 - 107)
Appendix D - Representation from Licensing Authority (pages 109 - 120)
Appendix E - Representation from responsible authority for Health & Safety (pages 121 - 134)
Appendix F - Relevant Considerations (page 135)

APPENDIX A

APPLICATION FOR REVIEW CULTURE, 132 VICTORIA ROAD, ALDERSHOT, GU11 1JX

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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 Page 1 of 6

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

- Phil DENNETT , 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:	132 VICTORIA ROAD ALDERSHOT HAMPSHIRE	
Postcode (if known):	GU11 1JX	

Name of premises licence holder or club holding club premises certificate (if known) C & S LEISURE LTD

Number of premises licence or club premises certificate (if known) 22/00452/LAPRE-1/15

Details of responsible authority applicant

Mr Mrs	Miss 🔲 Ms 🗌	Other title / Rank:	
Sumame: DENN	ETT	First Names:	PC 3715 PHIL
Current postal address :	PARKLANDS BU LONDON ROAD BASINGSTOKE		
Postcode:	RG21 4AH		
Daytime telephone number:			
E-mail address: (optional)	philip.dennett@h	ampshire.police.uk	

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

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

		Select one or more boxes
1)	The prevention of crime and disorder	\boxtimes
2)	Public safety	
3)	The prevention of public nuisance	\boxtimes
4)	The protection of children from harm	\boxtimes

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

Club Culture is a late night premise situated on Victoria Road in Aldershot which is well within the Night Time Economy for the area. The Licence for the venue was issued and effective from the 4th July 2022 after some pre engagement between police and the DPS Darren Godwin. The licence benefits the venue to open until 03:00hrs on Saturday and Sunday morning and 01:00hrs on Friday morning, with 23:00hrs on the remaining days. The retail of alcohol is half an hour before closing on Friday, Saturday and Sunday mornings. It has a 23:00hrs terminal sale of alcohol on the remaining days. The premise can be described as a nightclub due to its hours of operation and a dancefloor and DJ podium. Staff tumover has been relatively high and there have been issues identified

The DPS is Darren Godwin but pre-engagement also included his son Chris Godwin and the premise licence holder is C and S Leisure with an address in Newbury (Kennet Centre) which is the address of the previous premise which had been managed / controlled by Chris Godwin – HIVE. This has since closed.

Since Culture became operational, although Darren Godwin is the DPS, it is clear that Chris Godwin is the face of the business and involved in the day to day running of the venue. Police are well aware of another venue either getting ready to be operational by the company or in the process of being purchased – Swindon by the name of Life / Gravity. There have been a steady amount of incidents related to the premises since the 09/07/2022. These incidents range from drug offences and assaults to sexual assaults. Police investigators have had issues in regards to gaining CCTV from the venue and therefore vital evidence has been lost. In total it seems at this point that 3 incidents of sexual assault have been no further actioned or become obstructed due to the failure of the venue to hand over relevant CCTV.

Police have undergone a staged approach in relation to this venue. I have notified both the DPS and Chris Godwin in person on the 08/12 about the issues with CCTV and they have stated it would be rectified. It has not.

Police have attended the venue on the 21/10/22 in relation to business crime week and have undertaken controlled substance swabs which have been resulted as readings of cocaine throughout the premise including :- the VIP table, Bar Surface, Mens Disabled toilet,

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details.

Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003 Page 3 of 6 Mens toilet and female toilet. All were varying indications but all were at least "direct contact". One other table was "indirect". Police then re-attended on the 08/12/22 and these results were given to the DPS so he was well aware. Whilst at the venue a drug wipe was used for indication purposes only and it showed possible cocaine presence on the bar. This was completed in front of the DPS. During this meeting they were advised that their "refusals" log was not acceptable and some of the most poorly completed forms / paperwork police had previously seen. The DPS was then told immediately this needed to change and improvements made. There was a denial of the issues on the premise in regards to controlled substances. Drug wipes were used elsewhere in the venue including the toilets again. The DPS was advised in no uncertain terms that improvements needed to be made. Police then re-attended the venue on the 27/1/23 during evening patrols. Police were advised of issues on the premise in regards to no hot water and unsafe flooring behind the bar. The venue was not open to the public at the time. The unsafe flooring had not been coned off and there was no hot water and the boiler was on the pool table. Chris Godwin was advised of this. Further controlled substance swabs were completed by police. Police then re-attended during the opening hours. SIA were on duty but there were no customers on site. Police, on speaking with SIA, then discovered that they do not wear Body worn Video devices and they do not use a Scanner. Doorstaff said this had been for a long time. Both of these are conditions on the premise licence. In regards to this visit, police and the Local Authority Licensing Team attended on the 02/02/2023 for a joint meeting. During the meeting the concerns were discussed and the following issues were raised BWV cameras on site but the SD card is corrupted. Footage was asked to be seen by police but this was not able to be completed. It is therefore confirmed that the equipment is not maintained and footage is not made available to police on request. This was a request of an incident on the 20/01/23. This involved disorder. This was beyond the 48hrs required but the footage had not been downloaded in any case. Police had not been notified of any failure of the equipment as per the conditions in relation to this. No Scanner on site. Issues in regards to the current Patron Scan - it was stated by the DPS that this is expensive and not working very well. Poor internet coverage is considered an issue by the supplying company. It was not confirmed when the issue arose so it could not be confirmed the last ID that had been scanned. Although IDs would be checked by assertive SIA there is not guarantee that those under the age of 18 have not entered the site as they had not been scanned. Previously Screen Shot was used by SIA which is an APP on the phone of the individual SIA which then holds details and scans it. This is of concern as police asked about where that info is but that could not be answered satisfactorily. There are no safeguards explained to police about the details of those persons who have previously been scanned and where the information now is. It has not been confirmed if previous usage of the APP by door staff is secure or if door staff still have those

SIA was discussed by police and the DPS and it was suggested that females are not

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searched as there are no female SIA operatives but the DPS did suggest that SIA do search female's customers pockets. This is not acceptable. It was suggested by the DPS that a female member of staff could search – the partner of Chris Godwin – but this was completely inappropriate due to no training and not being SIA.

In regards to an incident log, it was found that no improvement had been made in regards to this since the previous request. It was exactly how it was found previously. It was just a pile of papers. This consisted of SIA signing on and off sheets and some incident logs. These incident logs were on scrap bits of paper and some were signed and some were not. There was very limited information. For some dates there were not even any incident logs. Police find this extremely unusual because even well run premises have incidents, especially late night venues. Police had to assist in putting paperwork in the correct order. Police did not see any acceptable logs in regards to refusals at the bar. Therefore due to issues stated in regards to BWV there can be no correlation between noted incidents and BWV footage – as there is none. The evidential package / trail available is therefore non-existent.

- CCTV shows the wrong time (6 mins out). There is also no operator manual in regards to the system. Only the DPS and Chris Godwin can use it.

- It was confirmed that not every member off staff had satisfactorily completed training in regards to age restricted products. A new member of staff was on scene who the DPS had stated had not yet completed the training as his first shift was the forthcoming weekend. However it had transpired that he had worked the previous week but not competed the training. The staff member had previously worked at the venue but no proof given in regards to training being completed. The evidential package in regards to training was not complete. There was nothing to confirm what had actually been trained. It was just a signature and a date.

- CCTV viewed on 22/01/23 and it was confirmed that entry had been gained by customers at 01:48hrs despite a condition that no one should be permitted entry to the premise after 01:30hrs until the close.

There is no record of any noise level assessments

The DPS stated that he was allowing 20 persons in the smoking area outside the front of the premise despite it being pointed out that only 10 persons are allowed. It appears that since the venue started trading over 10 people have been allowed in this area despite the condition that no more than 10 should be allowed. The front of the venue on CCTV seems to be poorly controlled and therefore drinking vessels seem to be able to be taken externally.

- The drug swab results from the 27/01 were also given to the DPS which showed a high direct use of cocaine on the bar. This was immediately challenged by the DPS who completely denied use of substances on the bar. It also showed high use of the same substance within the toilets.

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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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In regards to the above it is clear that certain licensing objectives are not being adhered to.

The prevention of crime and disorder is being completely undermined at this venue. As mentioned before within this application, there is no evidential trail. There are no functioning Body Wom Videos available, the footage cannot be saved due to SD card corruption. The equipment is not being maintained. There is no Scanner system in place. This assists in gaining details of those suspected of being involved in crime and disorder so that justice can be sought for the victims. This is not in place. It can also be queried as to the location of sensitive details of scanned customers. This is GDPR related and should be dealt with by the ICO. There is clear high drug use in the premise and there is no sign of this decreasing. This is a constant and there are concerns that due to the readings this could be a real issue within the premise. Violence against Women and Girls is so very important to prevent and with these identified issues this unfortunately cannot be guaranteed.

Due to the lack of a scanner and directed entry processes it could be very possible that those under the legal age to drink alcohol could enter the premise and with the lack of detail in regards to training and the lack of refusals there would be every opportunity for such vulnerable persons to put in a dangerous situation for their health or wellbeing. Therefore the venue is not currently in a position to support the safety of a child or vulnerable person.

No noise assessments have been recorded and double the amount of customers allowed in the external smoking area therefore the level and risk of public nuisance is high. This could so easily be rectified but it seems as though there is a lack of motivation to complete this.

The Chief of Police applies for the Premise to have its license reviewed. I have considered what outcome would be beneficial to both police and the safety of staff and customers. There are no further conditions that could be suggested or added as the license is detailed and agreed to during pre engagement. And even if there were there are real concerns that these conditions would not be followed and breached as staff have not improved or taken on board issues raised during the staged approach. The issues outlined above are so serious in regards to drug use and use of evidential and protective equipment that the Chief of Hampshire Police respectfully requestst that the license is revoked in order to safeguard potential customers and staff and uphold the licensing objectives.

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

1

1

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

NOT APPLICABLE



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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 Page 6 of 6

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 \boxtimes RUSHMOOR 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

Т	Collar Number:	3715
	Date:	02/02/23
	·	

Signature of Authorising Officer (Inspector or above)

Name	PS COHEN	Collar Number:	2849	
Signature:	PS 2849	Date:	02/02/23	

FURTHER DISCLOSURE POLICE LICENSING – PC DENNETT

Please see the below relevant headings relating to issues in regards to Club Culture. The sub – headings contain the relevant dates and names of colleagues who have been involved in the sequence of visits and communications.

BODY WORN VIDEO

On the 02/02/23 a Request was made for DPS to provide footage from 20/01/23. It must be stressed that this is inside the 28 days for footage to be retained on the premise as per the condition ANNEX 2 3XII. This could not be provided. Firstly one of the sets – being kept by the bar serving area was out of battery. On further examination there was no footage as the SD card had corrupted. Therefore the request was not able to be fulfilled as per ANNEX 2 3VIII. Concerns are therefore raised in regards to:-

- 1) The security of the cameras next to the bar is not acceptable
- 2) No notification to police as per 3xi when the equipment fails
- 3) Obvious lack of use of the equipment.
- 4) CCTV footage / stills provided show no use.

Further enquiries and professional notification passed to the Information Commissioners Office on the 15/02/23.

IDENTIFICATION SCANNER

An identification scanner is an integral tool in the prevention of VAWG and most serious violence within the Night Time Economy. When utilised correctly and professionally it can result in valuable evidence for both the police in terms of investigating crime and also allowing the venue to ban a customer and keep this on record including any other notes placed against the details of that person. Initially police were told of an issue with the internet connection with the scanner system in place -Q - rocker / Patron Scan. This resulted in its failure to work properly. SIA then used a system called Scanshot. This was used via an APP on a mobile phone. The DPS was asked where I could get details of any person who has had their details / ID scanned and I was advised to ask the SIA on duty at the time (police would have to ask them). Bearing in mind the issues in regards to the SIA signing on sheet there would be exceptional difficulty in gaining the opportunity to receive those details and also we are not sure who has possession of these persons details in any case. Of course, police do not know if the scanning system was being used in any case. Ultimately we don't know the location of these details.

STAFF TRAINING

Staff training was shown to police at the meeting on the 02/02/23. However it was confirmed that a male on scene by the name of **** had not undertaken any signed training and the DPS had admitted that he had completed a shift a couple of days prior although Chris Godwin stated he hadn't completed a shift at all. It was discovered that this staff member had previously worked at the venue but there had been a break in service and no recorded re-training had taken place since then.

CCTV – TIME NOT CORRECT / NO MANUAL

It has now become clear that there are issues with the CCTV. Previously comment was made by Chris Godwin that the system was experiencing issues and it had to be sent away for repair. It is now confirmed that three sexual assaults that were alleged to have occurred on the premise looked to be either finalised with no police action or suffering limited avenues of enquiry because of the lack of CCTV provided to police. Detectives have often claimed the obstructiveness by Chris Godwin and the DPS is testament to this. On the 2nd of February the CCTV was checked and footage was asked to be retrieved at the scene. The timing of the camera is 6 mins slow (so if it was 01:30hrs on the screen it is actually 01:36mins). It could be said that this is a minor issue – Its not, 6 minutes makes a lot of difference in regards to the evidential chain of an investigation and should be fixed. There is no manual at the scene and Chris Godwin stated it was just him and the DPS who know how to work it. This is not acceptable and may explain the reluctance to hand over CCTV when requested to do so. Interestingly the camera which shows the kitchen area is not working due to a drill incident through either the screen or a wire. Information was received that searching of customers was being undertaken in that area. However no logs showed this. On the 02/02/23 the boiler was now in place within the kitchen.

<u>CCTV – RELATED ISSUES IN REGARDS TO REPORTED SEXUAL</u> <u>OFFENCES</u>

The following incidents of concern in regards to sexual assaults and no support from Staff or adherence to conditions in regards to CCTV procedure.

44220275330 - Filed - CCTV not produced - 10/07/2022 00:50 - Unwanted touching of breasts, suspect arrested and released no further action as not reaching the threshold test / CPS threshold or refusing to progress due to CCTV issues.

44220275399 - Filed - CCTV not produced - 10/07/2022 00:50 - Unwanted touching of breasts, suspect arrested and released no further action as not reaching the threshold test / CPS threshold or refusing to progress due to CCTV issues.

44220339622 - Filed - CCTV not produced - 21/08/2022 03:00 - Unwanted touching of breasts, suspect arrested and released no further action as not reaching the threshold test / CPS threshold or refusing to progress due to CCTV issues.

HEALTH AND SAFETY ISSUES

Police were notified of issues regarding the flooring behind the serving bar within the premise. On the 27th January 2023 police attended prior to the premise opening. On entering it was clear that the boiler system was in pieces on the pool table. This had been mentioned previously as there was no available hot water in the venue. The flooring behind the bar was also still unsafe and had not been coned off. Later in the evening police and the Local Authority re-attended where photographs were taken by Pc Dennett detailing the damage to the men's toilets upstairs and also the lack of any cubicle as they had been screwed shut. There was disrepair within the washroom including an unsafe sink and smashed windows meaning it was very cold. There was also damage to the main access door to the restroom.

STORAGE OF CONTROLLED SUBSTANCES

Concern is raised by Hampshire Police about the seizure and storage of controlled substances seized by staff on site. DPS admits that there is no safe in the venue that can hold controlled substances as the insurance company for the venue refuses to cover the venue if there are drugs being stored. DPS admits storing controlled substances in his car in a secure safe. This has not been seen by police. There is no correlation between incident logs of seized substances and items produced to police.

DRUG SWAB RESULTS - DISPUTED

There were 2 recorded drugs swabs results within the venue undertaken by police:-21/10/2022

VIP table – Cocaine 5.58 Bar Surface – Cocaine 6.29 Mens Disabled – Cocaine 5.00 Table – Cocaine 2.25 Mens Toilet – Cocaine 7.52 / Spice 1.65 Female Toilet – Cocaine 7.24

27/01/2023

Mens restroom sinks /side of sinks - Cocaine 5.91 Ladies toilet / first cubicle on left - Cocaine 6.82 Bar – concentrating on right hand side area - Cocaine 6.25

For information

 $0.1-1.99-contact\ trace\ /\ bank\ notes\ etc$

2.0 - 4.99 -indirect , handles drug then the surface 5.0 +direct contact , taken directly off of surface

<u>08/12/2023 – Visit</u>

Cocaine wipes utilised on surfaces within the Disabled toilet / womens toilet / mens toilet / bar Wipes turned Blue for indication of cocaine presence.

SMOKING AREA / PUBLIC AREA

The Licensed conditions for the venue state that there should be a limit in those within the smoking area of 10. The DPS stated he thought it was 20 and this shows in produced CCTV still showing more than 10 people within the area.

SIA SEARCHING ISSUES

DPS admits that male SIA have been searching the bags and pockets of female customers. There was previously a female member of SIA working at the premise but she was allegedly caught using controlled substances and therefore was relieved of her duties by the SIA company. Please note 3(i) of the license. It seems that no sufficient plans have been put in place in regards to the potential plan of searching females. The searching of any female person should be completed by a female SIA IF there is an intention to search them, which clearly there is if male SIA are searching the pockets of females.

CONDITION 16 – ENTRY AFTER 01:30 01:42 ON CAMERA 01:48 IN REAL TIME 22/1

On the 02/02/23 Police and local authority licensing reviewed footage from the main CCTV system that entry was gained to the premise via the front door separate to the smoking area. This is a breach of condition. Condition 16 relates to this.

ORDER OF VISITS TO PREMISE.

21st October 2022
Pc Kerr attends and swabs taken.
08TH December 2022

Visited with Licensing Officer Vosser and Pc Kerr. Swab results explained. 27th January 2023 Late Night Inspection as detailed above. Swabs taken. 02nd February 2023 Results of swabs given. Numerous non – compliance located.

INCIDENT / REFUSALS LOGS SUMMARY AND CONCERNS

On attendance at the premise (02/02/23) the incident logs were handed to police in a manner whereby there was no date order and days / dates missing. The following is a description of issues faced by authorities in regards to any potential evidential chain. At the scene police even sorted out the order of the paperwork in order to present it in a readable format.

DATE	SECURITY SIGN	INCIDENT LOG	ISSUES
29/07/22	Y	N	
31/07/22	Ν	Y	DATE MENTIONS 3/12?
06/08/22	N	Y	
07/10/22	N	Υ	
29/10/22	Y	Y	
03/11/22	Υ	Ν	
04/11/22	Y	Y	POORLY FILLED IN – NO DETAIL
10/11/22	N	N	
11/11/22	Y	Y	3 X DIFFERENT CHANGED VERSIONS OF SECURITY SIGN IN
12/11/22	Υ	Υ	
17/11/22	Y	N	3 DIFFERENT VERSIONS OF SECURITY SIGN IN
18/11/22	N	Y	SEEMS TO BE AN INCIDENT REPORT BUT DATE CHANGED
19/11/22	N	Y	
24/25/26/27 / 11/2022	Y	N	4 DIFFERNET SECURITY SIGN IN VERSIONS
03/12/22	Y	Ν	

09/12/22	Y	Y	2 X SECURITY
03/12/22	•		SIGN INS
16/12/22	Y	Y	3 X DIFFERENT
	•		VERSIONS OF
			SECURITY SIGN IN
17/12/22	N	Y	
22/12/22	Y	Y	CONFUSING AS IT
,,	•		ALSO LOOKS AS
			THOUGH THERE
			HAS BEEN A
			RETROSPECTIVE
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			FOR 23/11
			101120/11
23/12/22	Y	N	2 DIFFERENT
			VERSIONS OF
			SIGN IN – NOT
			VERIFIED OR
			SIGNED
24/12/22	N	Y	INCOMPLETE
			SIGNING OF
			DOCUMENTS
26/12/22	Y	N	3 DIFFERENT
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			SECURITY SIGN IN
30/12/22	N	Y	
31/12/22	N	Y	
06/01/22	Y	Y	DIFFERENT
			VERSIONS OF
			SECURITY SIGN IN
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13/01/22	Y	Y	
14/01/22	N	Y	
20/01/22	Y	Y	
28/01/22	Y	Y	NOT CLEAR AT
			ALL
21/02/22	Υ	Ν	

As is clear there are obvious inconsistencies within this paperwork. There are even dates where paperwork would not have been completed at all. There are concerns that there have been retrospective entries, please see 22/12.

The completion of the incident logs that have been entered appear to have been written on scraps of paper. This is not a difficult aspect of the licence to adhere with but there seems to be no attempt to control SIA and the paperwork they submit – or don't.

Looking at this data closely there are real issues in regards to evidential chains and the potential to assist police in enquiries in regards to any incidents.

The logs provided to police are not to an acceptable standard. The lack of safe and secure storage is also not acceptable to Hampshire Police.

POLICE PHOTOGRAPHS / EXHIBITS AND RELEVANT POLICE EXHIBIT NUMBERS.

- 1) PD/CC/01 SCAN OF INCIDENT LOGS PROVIDED TO POLICE IN REGARDS TO VISIT ON 02/02/23
- 2) PD/CC/02 PHOTO OF SIA OUTSIDE THE VENUE ON THE 11/02/23 WITH NO BODY WORN VIDEO
- 3) PD/CC/03 PHOTO OF OVERCROWDED SMOKING AREA >10

PD/CC/01 – SCAN OF INCIDENT LOGS PROVIDED TO POLICE IN REGARDS TO VISIT ON 02/02/23

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0142	- Refise Control Too Ton-safed	~/#	1/4	N/A		
215	- Report the doing Drugs conduct a server. - nothing privat	N/m	NÍO	w/p		
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DATE	29	10	22

TWM SECURITY DOOR SUPERVISOR LOG

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NCIDENT AND REFUSEAL LOC

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ropervisor on hus	Badge Nu	Espiry Date	Times Started	Time Finished	Signature
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18/11/22 INCIDENT REPORT. 231 May 23:45 One made ejected for too intracted and taking other paper drinks 0130 One male greated for being to intervented 0150 make ejected for being too intoxicated 0230 Three ricles where in a toilet Cubicle Supported using drugs. They refuse to be scherch by socialty therefore the Ploice were called. fornet Blice Sharch but isting

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PD/CC/02 – PHOTO OF SIA OUTSIDE THE VENUE ON THE 11/02/23 WITH NO BODY WORN VIDEO



PD/CC/03 – PHOTO OF OVERCROWDED SMOKING AREA >10



APPENDIX B

MAP OF AREA OF THE PREMISES CULTURE, 132 VICTORIA ROAD, ALDERSHOT, GU11 1JX



APPENDIX C

PREMISES LICENCE CULTURE, 132 VICTORIA ROAD, ALDERSHOT, GU11 1JX

Premises Licence Number 22/00452/LAPRE - 1/15



PREMISES LICENCE

Licensing Act 2003

132 Victoria Road Aldershot Hampshire GU11 1JX	Map Ref (E):	486419
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Premises Licence Number 22/00452/LAPRE - 2/15

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SIGNED on behalf of the Head of Operational Services (Authorised Officer)

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1.141	Minicom: (01252) 371 233	Email: licensing@rushmoor.gov.uk	



Premises Licence Number 22/00452/LAPRE - 3/15

Annex 1 – Mandatory conditions

- (1) No supply of alcohol may be made under the premises licence:-
 - at a time when there is no designated premises supervisor in respect of the premises licence, or
 - at a time when the designated premises supervisor does not hold a personal licence or his/her 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) 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.
- (4) 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—
 - 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
 - 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;

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- (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).
- (5) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- (6) (i) 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.
 - (ii) 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.
- (7) 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.
- (8) 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: 1/2 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

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Premises Licence Number 22/00452/LAPRE - 5/15

- (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.
- (9) 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. For the purposes of this condition –
 - "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (ii) "permitted price" is the price found by applying the formula -

P = D + (DxV)

Where -

(i)P is the permitted price

 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

- ii.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;
- (iii) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - a. The holder of the premises licence
 - b. The designated premises supervisor (if any) in respect of such a licence, or
 - c. The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "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
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (vi) Where the permitted price given by Paragraph (b) would (apart from the 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.

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- (vii) Paragraph (b)(ii) applies where the permitted price given by Paragraph (b) 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.
- (viii) 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.
- (10) Where, at any specified time(s), one or more individuals must be at the premises to carry out a security activity (within the meaning of the Private Security Industry Act 2001), each individual must be licensed by the Security Industry Authority (SIA).

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Premises Licence Number 22/00452/LAPRE - 7/15

Annex 2 – Conditions consistent with the Operating Schedule

- (1) From 20:00hours only drinking vessels made from polycarbonate, may be used to serve drinks. Where commercially available bottled drinks shall be served in PET bottles. No glass bottles shall be served to patrons, in all cases where drinks come in glass bottles, drinks shall be dispensed into polycarbonate glasses.
- (2) (i) A representative of the premises (wherever possible the Designated Premises Supervisor (DPS) specified on this premises licence), shall attend meetings of any local Pubwatch or similar scheme, as long as one is in existence and welcomes participation of the venue representative.
 - (ii) The DPS or their representative shall ensure that descriptions of disorderly / banned individuals are circulated to other licensed venues via the Pubwatch or similar scheme. The DPS shall work in co-operation with Hampshire Constabulary and other licensed venues, by refusing entry to any person included on the banned list
- (3) (i) On Thursdays, Fridays & Saturdays from 20:00hours until the premises is closed and the immediate vicinity is cleared of customers; a ratio of 2 frontline SIA licensed door supervisors shall be employed solely on door supervisor / security duties at the venue for the first 75 persons in attendance, and then one per 100 thereafter e.g. 1 75 persons = 2 door supervisors, 76 175 = 3 door supervisors, 176 276 = 4 door supervisors.
 - (iii) At any time where there is an intention to search female customers a minimum of 1 (one) female SIA door supervisor shall be employed and in attendance (i.e. on duty) at the premises.
 - (iv) The vicinity of the venue shall be patrolled by an adequate number of SIA licensed door supervisor(s) following closure of the premises, for 15 minutes or until the immediate vicinity of the premises is cleared (whichever is greater) to assist with the safe dispersal of customers from the area.
 - (v) Any SIA licensed door supervisors on duty shall wear a fluorescent or reflective orange tabard, clearly marked security at all times.
 - (vi) A nominated member of security staff shall be positioned at the entrance / exit door and shall be responsible for counting persons in and out of the venue. They shall use a device suitable for counting as approved by the police licensing department responsible for the area. As such, an accurate number of persons in the venue must be known at all times that the venue is operating. The number must include staff.

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- (vii) At all times when SIA licensed door supervisors are on duty at the premises, a minimum of two SIA licensed door supervisors shall wear and operate body worn video (BWV) recording equipment. One must be positioned at the main entrance to the venue, and one must be positioned within the venue.
- (viii) The BWV equipment shall be maintained and the images made available as soon as is reasonably practicable, but in any event no later than 48 hours after request by the Police (subject to Data Protection legislation in force at the time).
- (ix) The BWV equipment shall record high definition colour images, and be able to capture sound, in particular conversation. The equipment shall be able to operate in all levels of illumination. Images shall be correctly time and date stamped. The equipment shall be of a similar specification to those utilised by Hampshire Constabulary, as they should be of sufficient quality to produce evidential data.
- (x) There shall be a suitable number of devices or batteries at the venue to ensure that the devices can operate continually.
- (xi) In the instance that the BWV equipment fails, the police licensing department responsible for the area shall be notified as soon as is reasonably practicable in writing or by e-mail, and the defect rectified within 14 days of the failure.
- (xii) Data obtained on the BWV equipment shall be downloaded as soon as is reasonably practicable and be retained at the venue for a minimum of 28 days.
- (4) Management and staff shall effect suitable and sufficient supervision of all trading areas within the premises, every hour during any period of licensable activity, and carry out regular searches for suspicious items.
- (5) The licence holder shall maintain a bound, consecutively pagenumbered written register giving details of each and every person employed in the role of a door supervisor. The log shall be kept in a secure environment to prevent unauthorised access or alteration, but shall be readily available and provided upon request by any Police or Council Officer and shall contain the following information:
 - The SIA licence number, name, residential address and telephone number of that person;
 - b. The time at which (s)he commenced that period of duty, with a signed acknowledgement by that person;
 - c. The time at which (s)he finished the period of duty, with a signed acknowledgment by that person;

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Premises Licence Number 22/00452/LAPRE - 9/15

- Any times during the period of duty when (s)he was not on duty; and
- e. If that person is not employed directly by the licence holder or venue but via a security contractor company, the name and out of office hours contact details for that company.
- (6) (i) A written incident log shall be kept and maintained at the premises, and should contain details of the following:
 - All refusals of entry to the premises, recorded promptly, including the reason for the refusal; and
 - b. All ejections from the venue, including a summary of the circumstances leading to the ejection, and details of all staff members involved. This log must be completed as soon as is reasonably practicable after an incident, and in all circumstances prior to the end of the staff member's shift.
 - (ii) The log must be kept at the premises to which it relates and be made available to responsible authorities on request
- (7) (i) A suitable and sufficient digital colour CCTV camera system linked to a suitable recording facility, which captures images of evidential quality (minimum 4 frames per second), shall, so far as is reasonably practicable, be operational at the premises during any period in which licensable activities are permitted.
 - (ii) The CCTV system shall incorporate cameras covering both the main public internal areas of the premises, the entrances / exits and the external area immediately outside the front of the premises, and shall be able to cope with all levels of illumination.
 - (iii) So far as is reasonably practicable, the CCTV system must be maintained to a standard acceptable to the relevant Police.
 - (iv) CCTV recordings and footage must be retained for a minimum period of 28 (twenty-eight) days and be made available for immediate review by the Police upon request (subject to the requirements of the Data Protection legislation in force at the time).
 - (v) The CCTV system shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.
 - (vi) All CCTV recorded images / footage and copies thereof shall, so far as is reasonably practicable, display the correct time and date of

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each recording. The system clock shall be checked regularly for accuracy taking account of GMT and BST.

- (vii) Suitable and sufficient warning signs shall be displayed in the public areas of the premises, including at the entrance advising that CCTV is in operation at the premises.
- (viii) A competent person conversant with the operation and retrieval of information contained in the CCTV system / footage shall be available to provide immediate copies of footage to the police on request. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD must also have a copy of the CCTV system software enabled on the disc to allow playback.
- (ix) All operator's shall be trained to use the system, and a simple operator's manual shall be available at the premises to assist in replaying and exporting data from the CCTV system.
- (x) A written record shall be kept of any access made to the CCTV system, and shall be made available to the responsible authorities on request.
- (xi) In the event of a technical failure of the CCTV system, the premises licence holder or DPS shall notify the police licensing department responsible for the area in writing or by email within 24 hours.
- (8) (i) A written log shall be kept of all refusals, including refusals to serve alcohol. The holder of the premises licence shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to, the venue manager checking, signing and dating it on a weekly basis.
 - (ii) Written records of any refusals shall be maintained at the premises for 12 (twelve) months and be made available to the responsible authorities immediately on request.
- (9) (i) Anyone authorised to sell or supply alcohol at the premises shall request and ensure sight of suitable identification, for proof of age, of any person appearing to them to be under the age of 25 (twentyfive) and who is attempting to purchase alcohol.
 - (ii) For the purposes of this condition, suitable identification is photo driving licence, passport, or any other photographic identification bearing the "PASS" logo and the person's date of birth.
 - (iii) Further to the above, anyone authorised to sell or supply alcohol at the premises shall be instructed that no sale of alcohol shall be

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made unless suitable identification, for proof of age, can be provided.

- (iv) Suitable and sufficient warning signs shall be displayed in the premises providing information in respect of the above challenge 25 policy and the request for suitable identification in connection thereof.
- (10) A suitable till prompt system shall be in place reminding staff to check identification for age-restricted products.
- (11) (i) Anyone authorised to sell alcohol at the premises shall (before being permitted to make sales of alcohol) be suitably trained in respect of the following matters to a level commensurate with their duties and responsibilities:-
 - a. the refusal of the sale of alcohol to those who appear intoxicated and how to recognise them; and
 - b. the appropriate precautions to prevent the sale of alcohol to persons under the age of 18, including the above Challenge 25 policy.
 - (ii) Refresher training shall take place at least every 12 months.
 - (iii) Written records of such training shall be produced, and be signed and dated by the member of staff receiving the training, acknowledging that they have received and understood the training. They shall be kept on the premises to which they relate for a minimum of 2 years and be made available to the responsible authorities immediately on request
- (12) (i) An electronic identification scanning system such as Scannet or a suitable equivalent shall be operated at the premises at all times and maintained in good working order. All customers entering the premises shall be asked to provide photographic identification in the form of Passport, Driving Licence or PASS card, which shall be scanned. Customers refusing to allow their Identification to be scanned or failing to provide identification shall be refused entry to the premises.
 - (ii) Details of persons banned from the venue are to be entered on to the device used at the venue, and the information shall be shared both locally and nationally with other venues using the same system by way of the Internet Technology System (internet protocol), subject to the data protection legislation in force at the time.

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- (iv) The premises licence holder or DPS shall notify the police licensing department responsible for the area in writing or by email, as soon as is reasonably practicable if any issues arise in respect of the operation of the scanning system or the internet service accompanying it.
- (13) A suitable written policy on the ejection of customers and refusal of entry, to the satisfaction of the police licensing department for the area shall be produced and implemented at the premises.
- (14) A suitable written policy on how the venue will tackle and deal with drugs and drug prevention, to the satisfaction of the police licensing department for the area shall be produced and implemented at the premises.
- (15) A suitable written policy on the management of customers queuing for and dispersing from the premises, to the satisfaction of the police licensing department for the area shall be produced and implemented at the premises.
 - (16) Entry/access to the premises is not permitted between 01:30am and the end of the specified opening hours on Fridays and Saturdays, for patrons not already using the premises and returning from the designated smoking area.
 - (17) A Personal Licence holder shall be on the premises at all times when alcohol is available for sale to customers.
 - (18) All external doors/windows must be kept closed, other than during access and egress after 17:00 hrs. All doors serving the acoustic lobby shall be provided with self-closing devices (which are adequately maintained) to prevent noise escape from the building.
 - (19) The premises shall be fitted with acoustically treated ventilation/air conditioning allowing windows and doors to be kept closed in accordance with the above condition.
 - (20) All speakers must be kept within the premises and shall not be positioned near to or facing openings such as doors or windows.
 - (21) (i) Sound amplification systems shall be played through a soundlimiting device.
 - (ii) The sound level shall be set at a level agreed with Environmental Health Services at Rushmoor Borough Council.
 - (22) Prominent, clear, and legible notices shall be displayed at all exits requesting patrons and staff to leave the premises and area quietly.

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- (23) The licence holder or a nominated representative thereof shall regularly, throughout any regulated entertainment being provided, proactively assess noise levels arising from such activities at the nearest residential façade(s) and, undertake corrective/remedial action(s) to reduce such noise levels as may be necessary. Those noise checks are to be documented and made available to officers of the responsible authorities on request. These assessments shall be undertaken at hourly intervals starting from 2100 hrs.
- (24) Procedures for responding to noise complaints shall be established. Written records of noise complaints and action taken in response shall be kept and made available to officers from Rushmoor Borough Council when requested.
- (25) Disposal of refuse such as waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 2200 and 0800 hrs.
- (26) The maximum number of customers permitted to use the public highway at the front of the premises shall be limited to 10 (ten) at any time. The SIA Door Supervisors or staff shall monitor the public highway at the front of the premises where it is being used for smoking by patrons of the premises, to ensure that the above limit is not exceeded, and that patrons behaviour does not cause public nuisance. Customers shall not be permitted to take drinks onto the public highway at the front of the premises.
- (27) The area in the immediate vicinity of the premises, including the smoking area, shall be cleared of litter, including waste arising from smoking activities on a regular basis and always at the close of business.
- (28) All staff shall be made aware of the conditions of this licence by a mechanism in writing.

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Premises Licence Number 22/00452/LAPRE - 14/15

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

None

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Premises Licence Number 22/00452/LAPRE - 15/15

This licence permits the licensable activities stated at the premises addressed above and outlined below in accordance with the plan(s) attached and marked 22/00452/LAPRE - 16



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Council Off		H COUNCIL, Operational Services, bugh, Hampshire GU14 7JU. Telephone: (01252) 398 398
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APPENDIX D

REPRESENTATION – LICENSING AUTHORITY CULTURE, 132 VICTORIA ROAD, ALDERSHOT, GU11 1JX





Council Offices, Farnborough Road, Farnborough, Hants. GU14 7JU Tel: (01252) 398 399

Website: www.rushmoor.gov.uk

Officer: Aimee Vosser

Telephone: 01252 398131

Email: Aimee.vosser@rushmoor.gov.uk

Date: 1st March 2023

Representation to Review of Premises Licence Culture Club, 132 Victoria Road, Aldershot, Hampshire, GU11 1JX

Individual making representations:

My name is Aimee Vosser and I am employed as Licensing Officer for Rushmoor Borough Council. I have been employed in this capacity for 11 years. I hold a BIIAB National Certificate for Licensing Practitioners and a BIIAB National Certificate for Licensing Practitioners (Gambling).

Capacity and authority of individual making representations:

I am making this representation in the capacity and embodiment of a responsible authority as defined in Section 13(4) of the Licensing Act 2003 (as amended by Section 103 of the Police Reform & Social Responsibility Act 2011). For this purpose, and as outlined above, I represent the relevant licensing authority in whose area the above named premises are situated.

Relevance of representations:

As a responsible authority, I am making this representation in accordance with the procedure for review of a premises licence. At this time and in respect of the above named premises it is my opinion that steps are necessary to promote the licensing objectives to ensure the prevention of crime and disorder, public safety and the prevention of public nuisance. The grounds for this opinion are outlined below.

Nature and grounds of representation:

The premises licence for Culture Club is held by C&S Leisure Ltd and the two directors of the company are Christian Godwin and Darren Godwin. The designated premises supervisor is Darren Godwin.

Chris and Darren Godwin approached the licensing authority in early 2022 to liaise with the responsible authorities before an application for a premises licence was made. PC Dennett and I met with the directors of C&S Leisure in order to assist and enable their business within the premises. PC Dennett from Hampshire Constabulary negotiated conditions as part of a premises licence application, which were then transposed as conditions on the licence, which was granted on the 4th July 2022.

Your Ref:

Our Ref: 23/00074/LAPRER

As stated in the review application by PC Dennett, there have been a number of concerns raised since the premises licence was granted. These issues have been referred to in the application, I will refer to the most recent visits and whereby noncompliance of the premises licence was identified.

8th December 2022

I attended the premises with PC Dennett and PC Kerr to discuss recent incidents and the results of the drug swabs taken on the 21st October 2022. As stated in the review application, readings of cocaine throughout the premises were identified and this information was relayed to Chris and Darren Godwin.

During the visit, refusal logs were not completed in accordance with the premises licence conditions and at the time verbal advice was given to rectify the issues as some of the logs had the wrong date on and/or minimal information had been completed.

Chris and Darren both understood an improvement needed to be made, and we advised that further visits would take place to ensure compliance. Further advice was also given relating to cleaning the premises to ensure a fresh start to monitor the drug trace levels within the premises. At the time, I was aware that instructions had been given by the Food and Health and Safety team, and I reminded them both that hot water installation would help with ensuring the premises is cleaned to an appropriate level.

27th January 2023

I carried out inspections with PC Dennett and attended the premises at approximately 19:20pm. The premises was not open to members of the public, and PC Dennett carried out further drug swabs.

As I was aware the premises was preparing to open later that evening and instructions had been given by the Food and Health and Safety team to ensure public safety, I noted that a hot water unit was situated on the pool table and it appeared that no work was being done to install the unit. I also noted that the flooring behind the bar had not been coned / sectioned off as advised. Members of staff were walking behind the bar and on the sections that appeared unstable / unsafe to walk on. I was concerned that the licence holder and designated premises supervisor would not adhere to the instructions to ensure public safety and PC Dennett and I felt it was appropriate to return to the premises later in the evening.

At approximately 22:29pm I returned to the premises with PC Dennett. It appeared that the premises was open to members of the public as SIA door staff were present at the entrance to the premises.

As I entered the premises it was noted that there was no equipment to scan customers ID's and SIA door staff were not wearing body worn video (BWV) as per conditions on the premises licence.

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I also noted that the area behind the bar had not been sectioned off as per the instruction from the Food and Health and Safety team, there was no handwashing facilities (warm soapy water) behind the bar for staff and upon speaking to staff members, no hot water had been installed.

One of the directors, Chris Godwin was in the DJ booth area, and upon entering the premises Chris left the DJ area and did not engage with me and no other staff members were able to locate Chris. Whilst I was waiting for Chris, I spoke with SIA door staff that were in attendance at the premises, and they appeared to be unaware of the need for BWV and using a scanner when allowing customers into the premises.

Given the above, and again non-compliance of the conditions on the premises licence I completed a report of visit and once Chris made himself available, I discussed my concerns and advised a further visit would be made to the premises.

A copy of the report left with Chris is given at exhibit **AV01**. A list of the non-compliance identified is given in the below.

Issue / non compliance	Premises licence condition	Other Legislation
No Scanner in use	Annex 2 Condition 12 (i)	
No body worn video in use by SIA door staff	Annex 2 Condition 3 (vii)	
Damage to floor behind the bar / public safety risk – area not coned off as requested by Health and Safety	objective - Public	Health and Safety
No hot water installed No basins of hot water set up behind the bar as requested by Health and Safety	Licensing objective – Public Safety	Health and Safety

On the 2nd February 2023 I attended the premises with PC Dennett and PC Kerr to discuss the results of the drug swabs and the areas of non-compliance identified during the visit on the 27th January 2023.

During the visit, a number of issues were identified and documented, the table below sets out the issues identified. A report of visit was completed at the time of my visit and a copy is given at exhibit AV02.

Issue / non compliance	Premises licence condition
Incident log – Pages not in date order Paperwork not rectified or improved from visit on the 8 th December 2022	Annex 2 Condition 6 (i) and (ii)
Refusals log – Not maintained and could not be produced during the meeting	Annex 2 Condition 8 (ii)
CCTV – Time on CCTV was incorrect by 6 minutes	Annex 2 Condition 4 (vi)

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Review of CCTV for 22 nd January 2023 - CCTV shows no scanner in use Members of public permitted entry at 01:30am More the 10 persons permitted into the designated smoking area	Condition 16
Noise Assessments – Licence holders and designated premises supervisor unable to produced evidence of noise assessments being undertaken	
Body Worn Video (BWV) – No footage available for BWV No evidence to demonstrate BWV being used as per licence conditions	Annex 2 Condition 3 (vii) (viii) and (xii)

PC Dennett advised that given the issues raised, concerns of drug use within the premises and evidence of non-compliance it was appropriate for formal action to be taken in order to uphold the licensing objectives, and a review application would be submitted by Hampshire Constabulary.

Following the review application submitted by Hampshire Constabulary, I obtained CCTV footage to assess any improvements following on from the issues raised.

I reviewed CCTV from a randomly selected date after my visit. The CCTV was viewed from the 12th February 2023 (relevant footage is given as exhibit AV03) and the following was noted as breach of conditions on the premises licence.

CCTV Ref	Time of issue	Issue Identified	Breach of Condition
1	00:07am - 00:10am	Over 10 in the designated smoking area	Annex 2 Condition 26
1	00:11am	DPS visible on CCTV – breach of conditions not rectified	
1	00:15am	Licence holder visible on CCTV – breach of conditions not rectified	
1	00:17am	Over 10 in the designated smoking area	Annex 2 Condition 26
2	00:19am	DPS visible on CCTV – breach of conditions not rectified	
2	00:19am	Over 10 in the designated smoking area	Annex 2 Condition 26
2	00:19am	No visible body worn cameras on SIA door staff	Annex 2 Condition 3 (vii)
2	00:24am	DPS visible on CCTV – breach of conditions not rectified	

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2	00:31am	No visible body worn cameras on SIA door staff	Annex 2 Condition 3 (vii)
2	00:31am	DPS visible on CCTV – breach of conditions not rectified	
2	00:33am	DPS appears to be smoking whilst coming in and out of the premises	under Health Act 2006
3	01:14am	No visible body worn cameras on SIA door staff	Annex 2 Condition 3 (vii)
	01:18am	Licence holder and DPS present - breach of conditions not rectified	
3	01:18am	Licence holder and DPS appear to be smoking whilst coming in and out of the premises	under Health Act
4	01:28am	No visible body worn cameras on SIA door staff	Annex 2 Condition 3 (vii)
4	01:28am	Over 10 in the designated smoking area	Annex 2 Condition 26
4	01:34am	Over 10 in the designated smoking area	Annex 2 Condition 26
.5	01:37am	DPS visible on CCTV – breach of conditions not rectified	
5	01:37am	No visible body worn cameras on SIA door staff	Annex 2 Condition 3 (vii)
5	01:38am	Customers identified with drinks outside the front of the premises and over 10 persons in the designated smoking area	
6	01:52am	Lone woman approaches premises who appears intoxicated is permitted entry into the premises	
6	01:52am	Licence holder and DPS visible on CCTV – breach of conditions not rectified	
6	01:56am 02:02am	 Over 10 in the designated smoking area 	Annex 2 Condition 26
7	02:20am	No visible body worn cameras on SIA door staff	Annex 2 Condition 3 (vii)
7	02:26am	Over 10 in the designated smoking area	
7	02:26am	DPS visible on CCTV – breach of conditions not rectified	
7	02:27am	DPS permits member of public back into the premises	

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7	02:27am	DPS appears to be smoking whilst coming in and out of the premises	
8	02:31am	Customer lets themselves back into the designated smoking area No SIA present at front of premises to stop this from happening	
8	02:32am	Over 10 in the designated smoking area	Annex 2 Condition 26
8	02:33am	No visible body worn cameras on SIA door staff	Annex 2 Condition 3 (vii)
8	02:39am - 02:40am	Customers permitted entry to premises	Annex 2 Condition 16

Summary of recommended steps / conditions / actions to be taken:

In summary, I believe it is appropriate for formal action to be taken in respect of the premises licence. Chris Godwin (director / licence holder) and Darren Godwin (Director / licence holder / DPS) have not demonstrated they are able to operate a premises effectively promoting the licensing objectives and can been seen in the footage to be instrumental in breaches taking place.

The current premises licence has a number of conditions in order to uphold the licensing objectives. As evidenced within my representation these conditions are not being complied with and this is still the case after my last visit on the 2nd February 2023 where a report was left, detailing the repeated breaches. The CCTV reviewed from the 12th February 2023 evidences the failure to comply with the premises licence conditions, despite this being highlighted to the licence holder and designated premises supervisor at previous meetings.

The non-compliance with the licence conditions, despite multiple discussions with the licence holders gives me no confidence in the management of the premises and therefore I believe it is not proportionate to add further conditions as they are unlikely to be complied with.

Given the above and in conjunction with the Guidance issued under S182 of the Licensing Act 2003 (Detailed in the table below), I support the recommendation for revocation of the premises licence in the review application submitted by Hampshire Constabulary.

Aimee Vosser Licensing Officer, acting in the capacity as a responsible authority Rushmoor Borough Council

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Guidance issued under S182 of the Licensing Act 2003 (December 2022)

Paragraph(s)	Page(s)	Content
9.42	80	Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They should also take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
9.43	80	The authority's determination should be evidence - based, justified as being appropriate for the promotion o the licensing objectives and proportionate to what it is intended to achieve.
11.10	95	Where authorised persons and responsible authorities have concerns about problems identified at premises, i is good practice for them to give licence holders early warning of their concerns and the need for improvement and where possible they should advise the licence of certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.
11.18	96	Where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
11.22	97	It may emerge that poor management is a direc reflection of poor company practice or policy and mere removal of the designated premises supervisor may be an inadequate response to the problems presented Indeed, where subsequent review hearings are generated, it should be rare merely to remove succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
11.24	99	A number of reviews may arise in connection with crime that is not directly connected with licensable activities For example, reviews may arise because of drug problems at the premises [] The licensing authority's role when determining such a review is not therefore to establish guilt or innocence o

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		any individual but to ensure the promotion of the crime prevention objective.
11.28	100	It is envisaged that licensing authorities, the police, the home office and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities (given in 11.27) and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

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Exhibit AV01

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APPENDIX E REPRESENTATION – RESPONSIBLE AUTHORITY FOR HEALTH & SAFETY CULTURE, 132 VICTORIA ROAD, ALDERSHOT, GU11 1JX



Council Offices, Famborough Road. Famborough, Hants. GU14 7JU Tel: (01252) 398 399

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The Licensing Team Rushmoor Borough Council Julie Burke

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21 February 2023

Dear Sirs

THE LICENSING ACT 2003

Representation In Respect Of An Application To Review A Premises Licence PREMISES: C & S Leisure Ltd, T/a Culture Night Club,132-4 Victoria Road, Aldershot, Hampshire GU11 1JX

Individual Making Representations:

Julie Burke, employed as an Environmental Health Officer in the Food, Health & Safety Team of Environmental Health for Rushmoor Borough Council.

Capacity and authority of individual making representations:

Julie Burke makes this representation in the capacity and embodiment of Environmental Health (EH) a responsible authority as defined in Section 13(4) of the Licensing Act 2003 (as amended by Section 103 of the Police Reform & Social Responsibility Act 2011).

Relevance of representations:

The responsible authority makes this representation in accordance with the procedure for review of a premises licence detailed in Section 51 of the Licensing Act 2003, it is the opinion of EH that the above business is not meeting the Licensing Objective for public safety. The grounds for this opinion are outlined below.

Nature and grounds of representation:

C & S Leisure trading as Culture Night Club is a commercial premises situated on Victoria Road Aldershot and operates as a pub / night club providing alcohol and other non-alcoholic drinks to the public. The premises generally operates Thursday – Saturday evenings.

The premises is a food business and is required to register as such, under the Food Safety legislation thereby the premises is subjected to the national food hygiene rating system and inspection programme as prescribed by the Food Standards Agency. In addition, the premises is a defined workplace under the Health and Safety at Work Etc Act 1974 and is required to meet statutory obligations to its employees and non-employees (i.e. members of the public) to ensure the premises is safe and risk free so far as is reasonably practicable.

C & S Leisure Limited through Mr Chris Godwin and Mr Darren Godwin (the premises DPS) have responsibilities under food hygiene and health and safety legislation to provide a clean

Chief Executive Paul Shackley . Executive Director Ian Harrison . Executive Director Karen Edwards

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hygienic, safe and risk-free premises. The Council's Environmental Health section take the lead role in administration and enforcement of the aforementioned legislation. At the initial inspection of the licensed premises on 27 October 2022 numerous breaches of the legislation existed on the premises, all of which the premises management appear slow or reluctant to address.

Issues of concern included:

- No hot water supply in the premises
- Premises and equipment dirty bar, wash hand basins, floor, soda station, ice machine
- Premises and equipment in poor condition bar floor, cellar ceiling, glasses
- · Bar flies noted in the bar area
- No Food Safety Management System in place alleged by manager to be in his car that was getting serviced
- Fire exits obstructed
- Numerous gas cylinders unsecured
- · Evidence of smoking in the premises smell and cigarette ends/ash noted

Please see the attached chronology (Attachment A) for further details of visits and contact we have made with the business and the lack of improvements noted. Photographs have also been attached to illustrate the general issues at the above premises (Attachment B)

Whilst the above issues are related to duties under the appropriate legislation the accumulation of issues including the dirty condition of the premises, the dirty ice machine, the presence of pests as well as the absence of, or provision for, hot water on the premises raises a fundamental issue with regard to public safety. A lack of hot water to enable proper sanitation and cleaning of surfaces, equipment, glasses, toilets and basic touch surfaces provides its own risk in regard to the public's safety.

The committee will be aware the strict requirements for basic infection control measures and hygiene measures following the Covid crisis which continues to be an issue. Members of the public should be able to use the premises in the expectation of being basically clean and risk free. Absence of hot water to the public and staff negates any effective handwashing, sanitation and proper cleaning of taking place on the premises. Washing hands and equipment in cold water (even if this was taking place) does not provide any suitable or adequate protection from the risk of infection to members of the public using the premises and is in the opinion of the responsible authority unacceptable and illustrates the business not meeting their licensing requirements.

EH have made the management aware of the importance of ensuring a clean premises, clean equipment, a lack of pests and of personnel hygiene, including the need to minimise the risk of infection and protect the public via the provision hot water to wash hand basins and sinks etc. Over the last four months there has been, and continues to be a lack of co-operation, commitment or understanding by the management to remedy matters whether food hygiene, health and safety or public safety issues and EH have little confidence in the present management to do so.

This was backed up following a visit by our Licensing colleague, Aimee Voser, on 27 January 2023 who advised that there was no supply of, or system for, hot water for cleaning or hand washing behind the bar at the time the premises was due to be open to the public. She further advised that the area of defective flooring remained 'open' and in use by staff, which has been an ongoing issue. This was confirmed in a report of visit she left at the time.

Summary of recommended steps / conditions / actions to be taken:

In summary, the Environmental Health Service, as a Responsible Authority would invite the Committee to note the best efforts of officers to support compliance by informal and formal means over a period of time.

Further, the evidence submitted demonstrates a lack of and failure in the business systems and procedures to provide for an appropriate and safe environment for the public.

By their action and inaction, (and please note the failed responses and inaction in the Appendix A) the organisation has likely failed in legal obligations in food hygiene, health and safety and licensing law, including failure to comply with formal notices, a criminal offence, and which is likely to result in further formal action being taken against the Company.

Members are invited to consider that these failures also mean that the licensing objectives of public safety and the prevention of crime are NOT met.

Should the committee decide that the present management are not able to fulfil their duties then EH would support the Police's recommendation to revoke the licence.

Yours faithfully



Environmental Health Officer Operational Services

Attachment A

Culture, 132-4 Victoria Road, Aldershot History Log

Officer: JB

Date	Action	Comments		
27.10.2022	Routine FH inspection – new food premises, wet sales only - CG at inspection	 Rated a 2 – Improvement necessary issues included: Evidence of smoking in the premises - smell and cigarette ends/ash Premises and equipment dirty including ice machine Premises and equipment in poor condition including bar No hot water supply – agreed short term fix of hot water and basins /anti- bac gel for toilet areas for this weeken until remedied next week (part ordered) Bar flies noted in the bar area No FSMS in place – in car getting serviced Fire exits obstructed Gas cylinders unsecured 		
28.10.22	RoV sent via email to general email & DG's email with photos	Request in writing to keep me updated as to the urgent situation regarding the hot water situation and generally to advise by 27.11.22 on all 13 points from RoV Nothing heard		
1.11.22	Follow up email to general email & DG asking for an update on the hot water situation by return	Nothing heard		
10.11.22	Telephone call to CG to assess hot water situation – advised hot water working and most of other works complete - he will confirm works in an email Agreed meeting on 23.11.22 at 2pm for r/v with CG	Nothing received		
17.11.22	JB sent follow up email again requesting info and evidence.	Nothing received		
22.11.22	SR received regarding poor conditions of toilets – email to CG & DG advising of complaint and confirming appt the next day	Delivery receipt obtained for both emails		

23.11.23	JB turned up for appt but no one there and premises locked – hung around for 15 mins, rang CG no answer	JB leaves voicemail messages x 2 and then calls DG - Dad to follow up as concerned being obstructed in duty as hasn't replied to email and failed to attend agreed appt.
24.11.23	Request to call DG via CSU	
24.11.23	JB called DG and followed the conversation up with an email.	JB speaks to Dad who requests original rov - copied into him on 28.10.22 and advises he will take ownership of the issues, water to wc's an issue but advised electric water heaters and complaint of dirty/blocked toilets. DG agrees to contact me early next week and arrange an appt for revisit.
5.12.22	Email to DG chasing update and evidence	Delivery receipt obtained for email Nothing received
20.12.22	Further email sent to CG & DG– revisit to take place in NY – consideration to formal action – requested update and evidence.	Delivery receipt obtained for both emails Nothing received
18.1.23	Revisit to premises No improvements evident Concern re: fire safety so referred to FA Confirmation by CG – hot water will be on by Friday as gas being connected Friday am	 No hot water Premises dirty Accumulations of rubbish Bar floor defective Gas cylinders unsecured Fire exits obstructed Smoking evidence
19.1.23	Email referral to FA with concerns	
20.1.23	Further Revisit with OR & FA No improvements evident CG advised hot water and cleaning would be completed by opening at 11 am and he would provide evidence of this via email to JB that evening ROV handwritten left there and then with items that must be in place prior to opening	 No hot water Premises dirty Accumulations of rubbish Bar floor defective – to be taken out of use Gas cylinders unsecured Rat droppings (old) noted in store and bar area No evidence provided
23.1.23	Email sent to CG & DG with RoV from 20.1.23	Formal action to follow advised

		Confirmation of receipt requested and appt made on 25.1.23 at 4 pm Email from <u>culturesportsbars@qmail.com</u> advising 'All received thank you'
26.1.23	Voicemail contact from CG advising at 2 pm he will not be able to make the 4 pm appt as has childcare issues. DG in meeting so won't make it but may make 10:30 am the next day – he will let JB know	Nothing received
27.1.23	Revisit JB & OR at 2pm no improvement RoV from 20.1.23 attached to email explaining outstanding issues and formal notices now being served on the need for: • Hot water to all sinks and basins • FSMS in place • Floor safe in bar • Bar in good condition • All cylinders secured JB completed an electronic ROV ROV sent to the phone too as requested by CG Again CG promised all cleaning, hot water would be available prior to tonight and he would provided evidence to JB via email prior to opening No evidence received	 water heater at premises but on pool table and not plumbed in – alleged pending bar floor in use – not coned off or secured gas cylinders unsecured accumulation of rubbish area such as floors and sinks dirty wash hand basins not in use bar fridges dirty bar in poor condition in capable of being cleaned Flies (blue bottles) noted in bar area
27.1.23	AV & PD regarding Licensing/Police issues visited the premises	Feedback advised: • no hot water available • dangerous bar floor in use
31.1.23	Email from DG to AV and copied to JB	'I have ordered 2 new body cams and more hot water heaters for the toilets etc these should be in place this week. The flooring behind the bar is also being looked at today.'
31.1.23	JB serves 4 x H improvement Notices (food) and 2 x Improvement Notices (H&S) on Company, sent by email to CG & DG and copies posted through letter box of club	 HIN required Constant supply of hot water to sinks / basins The premises to be cleaned A FSMS to be put in place

	JB asked for acknowledgement of notices received	 Structure of bar to be improved IN required Bar floor to be improved Gas cylinders to be secured No confirmation received
2.2.23	AV advises she met with CG & DG today and that they had received the notices	
3.2.23	Email received from <u>culturesportsbars@qmail.com</u> advising of improvements made with photos advising: we have now installed the new floor on the bar, it's now stable. - we now have running hot water, in the kitchen for staff and upstairs toilets for customers. - we have removed all the glasswear that sat underneath the bar.	
14.2.23	Email sent to CG & DG advising 3 x HIN expired and visit on Thurs at 2 pm to check compliance Request to confirm appt	Delivery receipt obtained for both emails
15.2.23	Call from CG 12:32	Advisiing he cant make the appointment tomorrow, he is 'up North', DG might he'll ring me back in an hour to confirm. Nothing heard by 16:30 JB calls CG x 2 no answer JB emails CG & DG requesting confirmation of appointment Nothing received
16.2.23	JB calls CG in am	No answer
16.2.23	JB calls DG in am	DG says he understood CG was at the premises today? 'Doesn't know what he is playing at?' DG advised he would speak to CG and call me back. Stating he wouldn't be able to make it until 3:30 pm tomorrow
16.2.23	Email received from Culture	Advising 'Hi Julie We are unable to be there before 6:30PM Failing that we are both back early morning Please advise

16.2.23	JB emailed Culture	Hello
		Can I clarify who this message is from please? I have just spoken with Darren and am somewhat confused as to your email following our conversation. Please confirm what time you are proposing to meet tomorrow on Friday moming and who will be meeting me there?
16.2.23	Contact from CG	Advising he will be there from 9:30 am 17.2.23 – JB confirmed appt for 10:30 am
17.2.23	Email received from Culture at 8:31 am	Morning Julie We are on our way but running late with trains Our current eta is 15:15 We are moving as fast as we can Chris &
17.2.23	JB emailed Culture back	Advising our attendance at 3:30pm that afternoon. Advising I will expect DG to be there if CG can't, explaining potential obstruction of an officer in their duties if no one is in attendance.
17.2.23	Email received from DG	Hi Julie Chris will be meeting you Kind regards Darren
17.2.23	JB & LMc visit Culture	2 of the 3 expired notices not complied with. CG advised he was at the premises this moming and removed a water heater from the ladies toilets which was also alleged to be supplying the Gents toilet with hot water, as he wanted to improve it? JB queried CG being at the premises that am as his email had advised he was on a train? No confidence in the management of the premises to be truthful or comply / implement the basic requirements of the law. He confirmed he was there the moming but 'was busy and couldn't meet me.'

		No evidence of hot water supplied to the sinks or wash handbasins in the premises over the last nearly 4 months, only one sink in the kitchen supplied with hot water today. The Gents didn't even have cold water supply at the time of my visit. No FSMS in place, blank documents provided did not relate to this premises, where no specific to their requirements, were not implemented and there were a lack of monitoring and recording relating to pre-requisites in place including, hot water, pest checks and a cleaning schedule. The premises was generally cleaner At the time of the visit CG advised he was currently trying to get instantaneous water heaters for hot water supply to the bar and that he would email me that evening to show them in place. He then emailed JB a copy of a training certificate there and then to check he could send photos thorough from his phone to JB's email. Whilst some works had been completed to the bar floor, another area was still considered dangerous, and it was agreed it would be taken out of use. CG sent a further email confirming he would email JB prior to opening confirming the hot water supply to the bar and toilet.
		Once again Nothing was received
c a	B writes to the Company head office, copied the letter via email to Culture and posted a copy of the letter through he letter box at the premises itself	JB's correspondence confirmed the failure of the business to comply with 2 of the 3 notices -failing to provide hot water to all sinks and basins in the premises and -failing to put in place a FSMS JB explained in the letter that she would be recommending further formal action against the company as it was an offence not to comply with the Hygiene Improvement Notices. JB also stressed the need to comply with the notice requiring gas cylinders to be secured by the following day and to ensure the dangerous flooring in the bar was no longer accessed until it could be

remedied. JB requested contact to confirm action taken with the appropriate evidence. Advising of further offences will be considered, if evidenced at further visits.

Attachment B

Photographs from the original Inspection of Culture on 27.10.22

Redundant hot water heater /shower in kitchen



Cigarette end in pooling liquid on floor

Wash hand basin in kitchen scaled up and not in use



Accumulation of rubbish near fire exit



Spillages on floor of kitchen



Example of the numerous unsecured gas cylinders



Flaking ceiling paint and hole in ceiling in cellar



Mould inside ice machine



Photographs from revisit to Culture dated 18 / 20 / 27 January 2023 (as indicated)Wash hand basin dirty with cigarette ash
inside 20.1.23Floor giving way below bar and rat dropping
20.1.23



Obstructed fire exit and unsecured gas cylinders 18.1.23





Spillages and litter on cellar floor 20.1.23



Rotten and mouldy underside to car counter 27.1.23



Cellar sink filthy and full of litter and debris 27.1.23



Water heater still awaiting fitting 27.1.23



Bar flooring cracked and dangerous 20.1.23



Ice machine still in mouldy condition 20.1.23



Accumulation of refuse in cellar 27.1.23



Plastic re-usable glasses stacked by sink without a hot water supply 27.1.23



Accumulation of items in storeroom where rat droppings were noted 20.1.23



Bar fridges in dirty condition near junction with floor 27.1.23



APPENDIX E

RELEVANT CONSIDERATIONS CULTURE, 132 VICTORIA ROAD, ALDERSHOT, GU11 1JX

1.0 Guidance issued under S182 of the Licensing Act 2003 (December 2022)

1.1. The sections of the Secretary of State's guidance identified in **Table 1** below may be relevant to the consideration of this application

	TABLE 1 - SECTIONS OF THE SECRETARY OF STATE'S GUIDANCE WHICH MAY BE RELEVANT TO THIS APPLICATION						
Section	Other	Paragr	aph(s)	Cubicot Mottor		e(s)	
Section	Ref.	From	То	Subject Matter	From	То	
2	-	2.1	2.32	The licensing objectives	6	12	
10	-	10.1	10.66	Conditions attached to premises licences	82	93	
10	-	10.8	10.9	Imposed conditions	83	-	
10	-	10.10	-	Proportionality	83	-	
11	-	11.1	11.29	Reviews	94	100	
11	-	11.1	11.11	The review process	94	95	
11	-	11.16	11.23	Powers of a licensing authority on determination of a review	96	98	
11	-	11.24	11.28	Reviews arising in connection with crime	99	100	
13	-	13.1	13.13	Appeals	109	111	
12	-	13.10	13.11	Giving reasons for decisions	110	-	

2.0 The Council's Licensing Policy

2.1. The sections of the Council's Licensing policy identified in **Table 2** below may be relevant to the consideration of this application.

TABLE 2 - SECTIONS OF THE COUNCIL'S LICENSING POLICY WHICH MAY BE RELEVANT TO THIS APPLICATION						
Section	Oction Other		aph(s)	Outlined Matter	Page(s)	
Section	Ref.	From	То	Subject Matter	From	То
3	Part C	3.1	3.47	Licensing principles, objectives & general considerations	13	17
3	Part C	3.12	3.14	General licensing principles	14	15
14	Part N	14.1	14.29	Review of relevant authorisation	52	55
18	Part R	18.1	18.59	Representations, Responsible Authorities & Interested Parties	69	75
19	Part S	19.1	19.29	Conditions and restrictions	76	79
19	Part S	19.10	19.15	General principles of transposition and imposition of conditions	76	77

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