

Premises : 11/00134/PRMR

Club : 11/00139/CLWBQ

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I PC 417 COOK  
(Insert name of applicant)

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

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> HILLVIEW SOCIAL CLUB HULBERT CRESCENT UP HATHERLEY	
<b>Post town</b> CHELTENHAM	<b>Post code (if known)</b> GL51 3FZ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> HILLVIEW SOCIAL CLUB
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<b>Number of premises licence or club premises certificate (if known)</b> 10/00837/PRMVPS & 07/01023/CLUBV
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**Part 2 - Applicant details**

I am

**Please tick yes**

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

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

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

**Please tick**

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

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

PC Andrew Cook  
Licensing Officer  
Gloucestershire Constabulary  
on behalf of the Chief Constable

Telephone number (if any)

01242 276334

E-mail address (optional)

andrew.cook@gloucestershire.police.uk

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

Please tick one or more boxes

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

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

##### BACKGROUND

The Hillview Social Club is a Members Club situated in a community building in a residential area. It holds a Club Certificate, which caters for regular members, however the premises also holds a Premises Licence, which allows it to host events to the wider community/public. Additionally, Temporary Event Notices (TENs) are used on occasions, in order to extend the hours for entertainment.

For several years the Hillview Club has been operating in an unsettled manner, with various changes to the staff and Committee. It has been accompanied by a few incidents of concern and allegations that things were not running as they should. The Police and Local Authority Licensing departments have both been involved, to some extent, in trying to settle the Club, encouraging it to operate in a well-controlled and responsible manner.

On 16th February 2010 the DPS changed and the new DPS, Louise Hingley, was called to a meeting at the Police Station on 23rd February. At this meeting the Licensing Officer PC COOK expressed concern regarding the way the premises were allegedly being operated. Among Police concerns were allegations that members were being served alcohol until they were drunk. Ms Hingley was told to get a grip of things promptly. She was also asked to arrange for the Chair of the Committee, Norman ADLAM, to telephone PC COOK and discuss the same concerns. That telephone call took place a couple of days later. This call was designed to ensure that the Committee as a whole would be fully aware of Police concerns.

##### EVENT TRIGGERING REVIEW

On Saturday 17th April 2010 a public dance event was held at the premises which



resulted in the Bar remaining open for an extra hour under a TEN. On this evening, 51 year-old regular member Nigel RUSSELL attended the Club and consumed an assortment of alcohol, including high-alcohol spirits. Some of the alcohol was served directly and some by participation in a drinking-game with four other members.

Mr RUSSELL drank to the point of being so intoxicated that he collapsed in the Bar. He was carried outside and then carried home but, sadly, never regained consciousness and died in hospital the following day.

A Police investigation revealed that Mr RUSSELL (who was a relatively fit and healthy man) had been allowed to consume 12 or 13 drinks during the evening, of which 3 or 4 were consumed immediately prior to him attending the Hillview. This level of consumption inevitably results in a high risk of fatality, especially where medical attention is not sought early.

Forensic Analysis revealed that Mr RUSSELL had a very high level of Alcohol in his blood, being 461 milligrams per 100mL. (Fatal levels of Alcohol poisoning typically occur above 350mg per 100mL.) This blood/alcohol level is consistent with the high number of drinks consumed.

#### CONCLUSION

Recommendations and advice made over a long period by the Licensing Authority and the Police have, to some extent, gone unheeded and day-to-day running of the Club has remained slightly lax. The Police investigation also revealed that there were unclear lines of responsibility for operation of the Bar and very poor training of Barstaff.

Various Staff and Committee members and Club Members were interviewed during the Police investigation, several being interviewed 'under caution' for consideration of prosecution. A file was submitted to the Crown Prosecution Service, however CPS decided that no particular individual should face prosecution and felt that any failings should be dealt with by means of Review by a Licensing Committee and not prosecution.

One further deficiency in the Club is lack of CCTV. The CCTV system in this multi-purpose building is provided essentially for the Public areas such as the Library foyer, and is not adequate for a licensed premises. Following this tragedy, a strong recommendation was made by the Police to install CCTV to incorporate a dedicated system within the Licensed parts of the building, but as of this date this has still not been done.

#### RECOMMENDATION

Given that the Club has struggled to operate in a cohesive and settled manner for a considerable period and given their involvement in the untimely death of a member, the Constabulary believes that it would be appropriate for a Licensing Committee to have the opportunity to revoke or suspend either one or both of the two Licences, or curtail the Licensable Hours, and/or impose robust conditions that will ensure it operates to a high standard in the future.

In the absence of positive action by the Committee/Club, the Constabulary suggests that such a tragedy could be repeated in the future.



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

In the event that the Committee decides not to revoke the licences for these premises, the Constabulary would respectfully suggest that the terminal hour on both licences be reduced from 1am back to Midnight on Fridays and Saturdays. (The premises would still be able to operate later on up to 12 occasions per year using Temporary Event Notices, however the Constabulary would have the opportunity to consider each of these applications and object).

Some appropriately firm conditions should also be applied (in addition to the existing conditions) that will ensure that the premises operates to a suitably high standard in the future.

Suggested additional conditions:

1. A dedicated 4-camera CCTV system shall be installed within 3 months, in accordance with a specification supplied by the Gloucestershire Constabulary.
2. All Barstaff shall undertake the National Certificate for Personal Licence Holders within 3 months of commencing that activity.
3. The Bar shall not operate unless at least one person serving has passed the NCPLH course.
4. Whenever the Bar is operated by more than one person, a 'lead person/supervisor' shall be identified.
5. Staff shall take proactive steps to discourage drinking games, and notices shall be displayed in the Bar Area to the effect that such games are not permitted. Action shall be taken against Members who ignore these notices e.g. Warnings, Suspension of Membership, Revocation of Membership.
6. A member of the Committee shall be present throughout any event where a Temporary Event Notice is used and throughout any event where the Public are admitted.

**Please tick yes**

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

If yes please state the date of that application

Day Month Year  

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

**Please tick yes**

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

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

**Part 3 – Signatures** (please read guidance note 3)

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

Signature

.....

Date 25<sup>th</sup> January 2011

.....

Capacity Licensing Officer on behalf of Chief Constable

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

**Post town**

**Post Code**

**Telephone number (if any)**

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

**Notes for Guidance**

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