

Notice of Meeting



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Licensing Sub-Committee

Tuesday 24 September 2019 at 10.00am

**in the Roger Croft Room Council Offices
Market Street Newbury**

Members Interests

Note: If you consider you may have an interest in any Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Monday, 16 September 2019

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Stephen Chard.

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

The Vault Club, 4A The Kennet Centre, Newbury



WestBerkshire
C O U N C I L

Agenda - Licensing Sub-Committee to be held on Tuesday, 24 September 2019
(continued)

To: Councillors Jeff Beck, James Cole (Chairman) and Tony Linden
Substitute: Councillor Dennis Benneyworth

Agenda

Part I

Page No.

- 1 **Declarations of Interest**
To receive any declarations of interest from Members.
- 2 **Schedule of Licensing Applications**
- (1) **Application No. 17/01614/LQN - The Vault Club, 4A The Kennet Centre, Newbury** 5 - 96
 Proposal: To review the premises licence under Section 51 of the Licensing Act 2003.
 Location: The Vault Club, 4A The Kennet Centre, Newbury, RG14 5EN
 Applicant: Thames Valley Police

Sarah Clarke
Head of Legal and Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

Agenda Item 2(1)

West Berkshire Council

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 Simon Wheeler, on behalf of the Chief Constable of Thames Valley Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in part 1 below:

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Vault Club 4A The Kennet Centre	
Post town Newbury	Post code (if known) RG14 5EN

Name of premises licence holder or club holding club premises certificate (if known)
Big Fish Clubs UK Ltd

Number of premises licence or club premises certificate (if known)
17/01614/LQN

Part 2 - Applicant details

I am

Please tick ✓ yes

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

☐

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

☒

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

☐

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes
☐

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Thames Valley Police C/O Reading/ West Berkshire Licensing Dept Reading Police Station Castle Street Reading RG1 7TH
Telephone number (if any) 101
E-mail address (optional) Licensing@thamesvalley.pnn.police.uk

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

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

Please tick one or more boxes ✓

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

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

Thames Valley Police (TVP) as a responsible authority under the Licensing Act 2003 and under the objectives of prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm make an application for the review of Premises Licence No. 17/01614/LQN The Vault Club, 4A The Kennet Centre Newbury, Berkshire, RG14 5EN.

The Vault Club premises licence was issued on 12th January 2018 after lengthy consultations with Thames Valley Police to establish a suitable operating schedule that contained what were hoped to be sufficient conditions to ensure that the premises once operated would promote and not undermine the licensing objectives.

Historically the site suffered numerous incidents which specifically negatively impacted the prevention of crime and disorder licensing objective and it is our current understanding that it was the impending review of the premises licence which prompted the previous premises licence holders to withdraw the licence and vacate the property.

Since the licence has been in operation a number of incidents have occurred at the premises ranging from public order incidents, assaults, vulnerability of customers, inconsistencies in door supervision and concerns regarding under 18 and boxing events.

These concerns have been compounded by two extremely poor licensing inspections which have shown inherent failures to comply with licensing conditions in relation to areas such as quality and provision of CCTV and usage of the Newbury radio system and ID scan equipment, as well as the majority of other conditions contained within the licence.

These poor inspection results and subsequent identified licence breaches have led to the issuing of two Section 19 closure notices and letters to the premises licence holders neither which have not led to any improvements at the premises or any greater compliance.

On 22nd February 2019 Thames Valley Police arranged a performance meeting to be held with the premises licence holder to address our concerns, however the premises licence holder or any other representative failed to turn up to the meeting.

Thames Valley Police are of the opinion that this premises licence is failing to promote the four licensing objectives and that a review of the premises licence is required in order to address serious concerns surrounding the management of the venue and failure to comply with the conditions outlined within the operating schedule, as numerous interventions to this point have failed to address these serious concerns.

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

The following chronology refers in relation to this premises licence review:-

12/01/2018 – Assault occurred on the dancefloor whereby a male was punched and apprehended a black eye. This incident was NOT reported to Police on the night and the offender was ejected without their details being recorded. Officers note the investigation failed because CCTV could not be produced by staff and in any case was of inadequate quality. **(SEE APPENDIX 1 & 2a 2&b)**

13/01/2018 – Report from PS Chapman reporting that initially a door book was not available on site and later on it was illegible once available. Also references poor queuing processes. **(SEE APPENDIX 3)**

19/01/2018 – Report from Officer 3947 Peel in relation to a serious sexual offence committed against a female whom had left the club in an extremely intoxicated and vulnerable condition having been ejected from the premises due to intoxication. Concerns were raised at the time as to the amount of alcohol served to the female whom had also preloaded alcohol prior to her arrival. The incident also raises concerns over the duty of care of staff allowing her to be removed to a nearby bus stop without ongoing supervision. **(SEE APPENDIX 4)**

26/01/2018 – Joint Thames Valley Police/ West Berkshire Council inspection of the premises took place whereby a number of key licence conditions were discovered to have been in breach. A Section 19 closure notice was issued for CCTV rectification. **(SEE APPENDIX 5 & 6)**

04/02/2018 – Report from PC Thomas detailing that a male had disclosed to him that a member of the door team had stated that he would let someone into the club after the 0130 last entry time if they paid him £20 to do it. **(SEE APPENDIX 7)**

10/02/2018 – Report from PC Burford referencing an incident whereby door staff had been bitten by a male. On this occasion the door personnel performed well. **(SEE APPENDIX 8)**

11/02/2019 – Report from PC Hill detailing an allegation that a door supervisor punched her. Police were able to meet the victim and confirm that she had bruising to her face however no further complaint was made. **(SEE APPENDIX 9)**

28/02/2018 – Letter to the Designated Premises Supervisor from Andy Dean (TVP) regarding an intention to further visit the premises on 8th March 2018. **(SEE APPENDIX 10)**

03/03/2018 – Report from PC Hanson stating that Police were required to attend the premises to deal with a male committing public order offences. The officer notes that the door staff appeared overly aggressive and unprofessional in their mannerisms, by swearing and smoking. **(SEE APPENDIX 11)**

04/03/2018 – Letter to the DPS from PC Wheeler outlining the breaches of conditions discovered during the visit on 26/01/2018. **(SEE APPENDIX 12)**

10/03/2018 – Report from PC Bull that Police were requested to attend for a detained male that had assaulted the manager. However when Police arrived they were informed that the assailant had been let go because the manager had told them he did not want Police at his premises. **(SEE APPENDIX 13)**

18/03/2018 – Report from PC Burford detailing that staff at the premises had detained a drunk male whom had assaulted two females and had threatened to fight the door staff. **(SEE APPENDIX 14a)**

Further report from PC Hubbard-Clark detailing second incident which occurred at the same time as the first and the officers concerns regarding gaining information from within the club and difficulties surrounding the smoking area. **(SEE APPENDIX 14b)**

25/03/2018 – Report from PS Chapman stating that a door supervisor had been punched by a customer and restrained, but allowed up as soon as Police arrived causing further disorder due to him being released from restraint. The report also indicates a concern regarding the lack of available CCTV coverage of the external area and advice provided to rectify coverage. **(SEE APPENDIX 15)**

05/05/2018 – Report from PC Howard detailing a complaint from a female whom stated that having had a drink thrown over her within the premises that she was upset at the treatment she received from door supervisors who made no attempt to address the situation, and refused to provide her with their SIA badge details which she required to make a complaint. **(SEE APPENDIX 16)**

05/05/2018 – Report from PC Gawronski outlining that a male had been detained for using white powder in the toilets of the club and how door staff dealt with him in a professional manner. **(SEE APPENDIX 17)**

15/05/2018 – PC Thomas reports that staff from Vaults aided officers dealing with an aggressive and assaultive male and received praise for their efforts. **(SEE APPENDIX 18)**

01/12/2018 – Report from PC Herd stating that an unknown member of staff from Vaults confided in her that it was a known fact that large amounts of drugs were being passed and consumed within the premises. **(SEE APPENDIX 19).**

10/01/2019 – A second Section 19 Closure Notice was issued to the premises by PC Allen; this time again for failure to comply with the CCTV licence condition as well as the ID scan device not working or being used in accordance with their conditions, and a failure to utilise a town link radio. **(SEE APPENDIX 20)**

02-03/02/2019 – Report from PC Anderson providing information on a series of disorders in the town at other venues which were linked to persons whom had attended a Boxing promotion at Vaults earlier in the evening, raising concerns over the attendees at future events. **(SEE APPENDIX 21)**

09/02/2019 – Inspection carried out at the premises by PC Allen, the Officer notes that the ID scan condition was not complied with, CCTV still did not cover all licensable areas, an event plan had not been submitted for the previous Boxing event, the radio system was not in use and no training records were available. These are all breaches of condition and other concerns were also noted. **(SEE APPENDIX 22)**

13/02/2019 – Letter to Designated Premises Supervisor from PC Sowden outlining a number of condition breaches discovered during the inspection on 09/02/2019 and requesting attendance at a performance meeting on 22/02/2019. **(SEE APPENDIX 23)**

22/02/2019 – Mr Anderson failed to attend the pre-arranged performance meeting scheduled within the letter sent on 13/02/2019 by PC Sowden. **(Detailed within premises summary report)**

21/02/2019 – Report from PC Hall in relation to an under 18's night at the club, where 18 year olds were also allowed into the premises! It was confirmed that no alcohol was allowed to be sold however two children were located inside the premises in possession of small bags of drugs including Cocaine and Ketamine. The officer confirms that random searching only was taking place for this event. **(SEE APPENDIX 24)**

05/06/2019 – Chief Inspector Finch sent a letter to Mr Anderson with regards to a forthcoming boxing event. Within the letter she details the failure of the Premises Licence Holder/Designated

Premises Supervisor to notify Thames Valley Police of the event and submit a written event management plan contrary to the premises licence conditions. Chief Inspector Finch also outlines the breaches discovered by officers within the inspection earlier in the year and due to these facts objected to the event taking place as is allowed within the premises licence conditions, and with regard for public safety. **(SEE APPENDIX 25)**

15/06/2019 – The planned Boxing event was cancelled at the premises a short time before commencement.

In conclusion Thames Valley Police have taken this most serious step of applying for the review of this premises licence as clearly from the evidence above there are inherent issues in relation to non-compliance with the Licensing Act 2003 and a failure to promote the four licensing objectives.

The premises licence holders have little or no processes to ensure due diligence and it has been recorded during inspections that there is no training for staff in place, no suitable evidence of policies and procedures as required within the licence conditions, and minimal attempts have been made at any stage to rectify these concerns even after numerous interventions by the responsible authorities.

When coupling together the failure to comply with legislation, the failure to show any due diligence, the incidents of crime and disorder and disregard for the Licensing Act 2003, Thames Valley Police respectfully ask the Licensing Sub – Committee to consider the immediate revocation of the premises licence relating to The Vault Club as the only proportionate and necessary step available to prevent the further undermining of the four licensing objectives.

This recommendation has been made having precluded the other steps available to the Licensing Sub-Committee for the following reasons:

- **the modification of the conditions of the premises licence;**

Thames Valley Police are of the opinion that the conditions on the licence are already suitable to promote the licensing objectives and they were devised specifically for this premises. However it is a failure of the premises licence holder to ensure that these conditions are complied with and there are no assurances available that any further conditions shall be implemented or adhered too.

- **the exclusion of a licensable activity from the scope of the licence;**

The only licensable activity if excluded which may impact this premises licence would be the removal of the sale of alcohol and in this would in effect have the same effect as the revocation of the premises licence on a business such as this.

- **the removal of the designated premises supervisor from the licence;**

Mr Anderson is also the owner and sole director of the premise licence holders company as well as the DPS and therefore his removal as DPS would not ensure any improvements are made as he shall remain in control of the business as the premises licence holder.

- **the suspension of the licence for a period not exceeding 3 months; and**

This may be an option that the licensing sub-committee consider, however this option can be used when improvements are expected and thus require time to be implemented.

Unfortunately Thames Valley Police do not believe that this option is suitable in that there is no guarantee when considering the premises previous history that any improvements shall be made or

indeed adhered to in the long term.

If however this option was to be considered by the Sub-Committee as reasonable and proportionate we would ask that a caveat be added that the premises should not re-open until an inspection had been completed and it could be determined that ALL conditions on the licence were compliant.

Thames Valley Police would also like to highlight the relevant sections within the current secretary of state's Section 182 guidance, and West Berkshire Councils Statement of Licensing Policy which we believe are relevant to our outlined concerns at this premises and support this review process:

Secretary of States Section 182 Guidance

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. **Failure to comply with any condition attached to a licence or certificate is a criminal offence**, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, **it 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 or 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.** Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- **suspend the licence for a period not exceeding three months;**
- **revoke the licence.**

11.20 In deciding which of these powers to invoke, **it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify.** The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, **licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.**

11.22 **Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an**

inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

West Berkshire Statement of Licensing policy

2.1 The Council is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates, personal licences and acknowledging temporary event notices in the district. **The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.**

2.7 The Licensing Authority recognises that conditions attached to various authorisations will be focussed on matters which are within the control of the licence holders. **Conditions shall be proportionate and appropriate to achieve the promotion of the licensing objectives, and shall be tailored to suit the circumstances and premises.**

4.1 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. This is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. **The Council expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives. This should follow a thorough risk assessment relating to the specific premises and licensable activities proposed to take place.**

4.2 **Applicants are strongly recommended to discuss their operating schedule with the responsible authorities prior to submitting the application.** The Licensing Team can assist in co-ordinating this process.

5.1 **The Licensing Authority is committed to reducing crime and disorder to improve the quality of life for the people of West Berkshire. Good management and practice procedures in licensed premises can make an important contribution to lessening the impact that consumption of alcohol can have on crime and disorder.** The Licensing Authority and Thames Valley Police through the Building Communities Together Partnership will regularly monitor and review crime statistics within the district and their association with alcohol. When applying conditions, the Council will be mindful of the local Community Safety Strategy.

5.2 Licensees are encouraged to work in partnership with a local Pubwatch scheme to form strategies for actively preventing crime and disorder issues. This scheme encourages the sharing of information and seeks to address matters such as underage sales, drunkenness, illegal drug use and anti-social behaviour.

5.3 Applicants will be **expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and event.**

Licensing Objective 4: Protection of Children from Harm

8.1 This objective includes the protection of children from moral, psychological and physical harm. The applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. **Applicants will be expected to consider the risk of children being exposed to alcohol, drugs, gambling, activities of an adult and/or sexual nature and exposure to excessive noise or incidents of violence and disorder. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.**

8.6 Applicants are required, where appropriate, to set out in their operating schedule the arrangements they have in place to prevent the sale of alcohol and age restricted items to children. The Council expects all applicants to apply a Challenge 25 policy in respect of age restricted items. Where such a policy is not proposed within the operating schedule, it is expected that the applicant provides justification as to why such a policy is not required. The Licensing Authority recommends use of any of the following as an acceptable proof of age:

- (a) Passport
- (b) Photocard driving licence issued in the European Union
- (c) Proof of Age Standards Scheme Card (PASS)
- (d) Official ID card issued by HM Forces or by a European Union country bearing a photo and date of birth of holder.

Consideration should also be given to training (including refresher training) for staff, and records to evidence this training. In addition there should be means of recording challenges and/or refusals relating to potential sales of alcohol to underage persons.

15.1 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management. The Council encourages all licence holders to consider what skills and competencies are required for the safe delivery of regulated activities and secure appropriately trained staff.

15.2 Within all licensed premises, whether or not alcohol is to be sold, the Council will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.

16.3 The Council undertakes proactive risk-based inspections of all licensed premises to ensure continued promotion of the licensing objectives and compliance with licence conditions. **Premises that consistently fail inspections may be subject to a licence review or other enforcement action.** Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure promotion of the licensing objectives.

Furthermore Thames Valley Police recommend that when considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. Thames Valley Police suggest that the authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law – notably *East Lindsey District Council v Abu Hanif* – states that the promotion of the licensing objectives requires a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence and respectfully ask that the licensing Sub-Committee take cognisance of this factor with regards to this review application.

A full transcript of this Case Law is outlined below:

QBD, ADMINISTRATIVE COURT

Neutral Citation Number: [2016] EWHC 1265 (Admin)

CO/345/2016

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Thursday, 14 April 2016

B e f o r e:

MR JUSTICE JAY

Between:

EAST LINDSEY DISTRICT COUNCIL

Appellant

v

ABU HANIF

(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited trading as DTI

165 Fleet Street London EC4A 2DY

Tel No: 020 7404 1400 Fax No: 020 7404 1424

(Official Shorthand Writers to the Court)

Mr P Kolvin QC & Mr D Dadds (instructed by David Dadds LLP) appeared on behalf of the **Appellant**

The **Respondent** did not appear and was not represented

J U D G M E N T

(Approved)

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1. MR JUSTICE JAY: This is an appeal by way of case stated from the decision of the Lincoln Magistrates' Court, District Judge Veits, given on 23 June 2015, whereby he allowed an appeal from the revocation of a premises licence by the licensing authority.
2. The appellant, the East Lindsey District Council, is the licensing authority. The Magistrates' Court in the usual way is not a party to these proceedings. The

respondent, Mr Abu Hanif, trading as Zara's Restaurant and Takeaway, is the licence holder. He through a licensing consultant has submitted correspondence making various limited points, but indicating that he would not be taking any part in these proceedings.

3. The premises in question are Zara's Restaurant and Takeaway situated in North Summercoates on the Lincolnshire coast. They are licensed to sell alcohol ancillary to the supply of food. The restaurant is owned and managed by the licensee, Mr Hanif. On 29 April 2014, the premises were the subject of a joint visit by the police and immigration officers, and it was discovered that Mr Miah was working in the kitchen as a chef. It was common ground that Mr Miah had no current entitlement to remain in the UK, let alone to work. I was told that he arrived here illegally some years ago. Furthermore, it was also accepted by the respondent that he (i) employed Mr Miah without paperwork showing a right to work in the United Kingdom; (ii) paid Mr Miah cash in hand; (iii) paid Mr Miah less than the minimum wage; (iv) did not keep or maintain PAYE records; (v) purported to deduct tax from Mr Miah's salary; and (vi) did not account to HMRC for the tax deducted.
4. The police then applied for a review of the respondent's licence under section 51 of the Licensing Act 2003 and the matter came before the appellant's subcommittee on 30 June 2014. The subcommittee decided to revoke the respondent's licence. Its reasons were as follows:
5. "The subcommittee were satisfied that Mr Hanif did not take the appropriate checks of staff members having knowledge that there were problems previously at the other premises with overstayers, and that he continued to allow staff to work at Zara's restaurant without making appropriate checks.
6. The subcommittee were satisfied that Mr Hanif had not undertaken the relevant checks to ensure the employee concerned was eligible to work in the United Kingdom. Instead of not allowing employees to work if they had not provided the correct documentation he allowed them to work and paid cash in hand. With all this in mind the subcommittee were satisfied that Mr Hanif had knowingly employed person/s unlawfully in the United Kingdom.
7. The subcommittee considered the evidence by Mr Kheng on behalf of Mr Hanif and the Home Office section 182 Guidance to Licensing Authorities. The subcommittee were of the view that the premises licence should be revoked and that revocation was an appropriate step with a view to promoting the crime prevention licensing objective."
8. The respondent then appealed to the Magistrates' Court. There was a hearing

on 27 March 2015, and on 23 June the district judge decided to allow the respondent's appeal. On 1 September 2015, the district judge determined the issue of costs and on 7 January 2016 he stated the case. The appeal to the district judge was de novo, but he accepted that he could only allow the appeal if the subcommittee's decision was "wrong", the burden being on the appellant before him to establish that.

9. Looking now at the stated case, the district judge noted that the respondent had received a civil penalty for employing an illegal worker under section 15 of the Immigration, Asylum and Nationality Act 2006. An immigration officer gave evidence to the effect that although by virtue of section 21 a criminal offence was committed, such proceedings were rarely brought. The district judge also noted that the police and the Council's licensing officer were no longer saying that the respondent was a serial offender, but a redacted report which was placed before the subcommittee still gave the impression that he "was in a much worse position than he actually was". As for the failure to pay the minimum wage, the district judge said this:

A. "In his evidence before me Mr Hanif accepted that he had not paid the minimum wage and this in itself can be a criminal offence. I found that this was not the main basis of the subcommittee's decision however and again there was no evidence that he had been reported for that alleged offence. It would appear from their reasons that the subcommittee used the evidence of paying cash in hand as justification for the finding that he knowingly employed Mr Miah. The prosecuting authority however appear to have taken a different view in offering the civil penalty."

10. The district judge's core reasoning was that no crime had been committed. As he put it:

A. "It appeared to me that no crime had been committed as a result of the visit to the premises in April of last year. A civil penalty had been imposed rather than prosecution for the section 21 offence and no other crime had been reported in relation to not paying the minimum wage."

11. In the district judge's view, the crime prevention objective was not engaged.
12. The district judge also criticised the subcommittee for adopting an inconsistent approach because in other similar cases only warnings were issued. Finally, he considered that the subcommittee may have been influenced by comments in the police report, leading them to believe that they were dealing with a serial offender.
13. At the conclusion of the stated case, the district judge posed two questions for my determination. I will address these at the end of my judgment.
14. I was taken by Mr Philip Kolvin QC to various provisions of the Licensing

Act 2003 as amended. Under section 4(1) and (2) a licensing authority must carry out its licensing functions with a view to promoting the licensing objectives, which include "the prevention of crime and disorder". The provisions dealing with the review application brought by the police are contained in sections 51 and 52. Under section 52(3), the licensing authority (and on appeal the Magistrates' Court):

A. "... must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives."

15. The epithet "appropriate" was introduced by amendment in 2011. Previously the test had been stricter. In my judgment, it imports by necessary implication the concepts of proportionality and relevance.

16. Mr Kolvin submitted that the district judge erred in a number of respects. First, he wrongly held that, given that criminal proceedings were never brought, the crime prevention objective (see section 4(2)) was not engaged. The statute is concerned with the prevention rather than the fact of crime. Secondly, and in any event, the interested party had committed criminal offences in relation to tax evasion, the employment of an illegal worker, and employing an individual at remuneration below the minimum wage. As for the employment of an illegal worker, Mr Kolvin accepted that this requires knowledge on the part of the employer, and he also accepted that it is not altogether clear whether the district judge found as a fact that the respondent possessed the requisite knowledge. However, the core question is the promotion of the licensing objectives, not the fact of anterior criminal activity, and in this regard a deterrence approach is appropriate.

17. Thirdly, Mr Kolvin submitted that there was no evidence of an inconsistent approach by the subcommittee in giving warnings in some cases because all cases turn on their own facts. Finally, Mr Kolvin submitted that there was no basis for the district judge's conclusion that the subcommittee may have been influenced by a suggestion that the respondent was a serial offender.

18. I accept Mr Kolvin's submissions. In my view the district judge clearly erred. The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder.

This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence. The district judge's erroneous analysis of the law precluded any proper consideration of that issue. In any event, I agree with Mr Kolvin that criminal convictions are not

required.

19. To the extent that the analysis must be retrospective, the issue is whether, in the opinion of the relevant court seized of the appeal, criminal offences have been committed. In the instant case they clearly had been: in relation to tax evasion (see the common law offence of cheating the Revenue and the offence of fraudulent evasion of tax contrary to section 106A of the Taxes and Management Act 1970); and the employment of Mr Miah at remuneration below the minimum wage (see section 31 of the National Minimum Wage Act 1998). Moreover, given the evidence that Mr Miah never provided the relevant paperwork, notwithstanding apparent requests, the obvious inference to be drawn is that the respondent well knew that he could not, and that no tax code and National Insurance number had been issued. The corollary inference in my judgment is that the respondent well knew that Mr Miah could not provide the relevant paperwork because he was here illegally.
20. I also accept Mr Kolvin's submission that each case must turn on its own facts. As a matter of law, unless it could be said that some sort of estoppel or related abuse of process arose in the light of warnings given in other cases, the alleged inconsistent approach led nowhere. In my judgment, it could not be so said.
21. Finally, I agree with Mr Kolvin that there is nothing in the point that the subcommittee could have been misled about the interested party being a serial offender. The point that the subcommittee was making was the fact that the respondent had worked at premises where illegal workers were also employed meant that he should have been vigilant to the issue.
22. Thus the answer to the district judge's two questions are as follows:
 - A. Q. "Was I correct to conclude that the crime prevention objective was not engaged as no crimes had been proceeded with, the appellant only receiving a civil penalty?"
 - B. No.
 - C. Q. "Was I correct in concluding that the respondent had been inconsistent in similar decisions in not revoking the licence [sic]?"
 - D. No.
23. Having identified errors of law in the district judge's decision, the next issue which arises is whether I should remit this case for determination in the light of my ruling or whether I have sufficient material to decide the issue for myself. I should only adopt the latter course if satisfied that the issue is so

obvious that no useful purpose would be served by remission. I am so satisfied. Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked. Another way of putting the matter is that the district judge had no proper basis for overturning the subcommittee's assessment of the merits.

24. It follows in my judgment that the only conclusion open to the district judge in the present case was to uphold the revocation of the respondent's licence. This appeal must be allowed and the respondent's licence must be revoked.
25. MR KOLVIN: My Lord, I'm very grateful. Can I deal with the question of costs, both here and below.
26. MR JUSTICE JAY: Yes.
27. MR KOLVIN: Should I start with here.
28. MR JUSTICE JAY: Yes.
29. MR KOLVIN: My Lord, we would ask for the costs before this court. I just want to pray in aid four very brief points. The first is the result. The second is that the district judge's approach was expressly urged on him by the respondent's legal team. Thirdly, that the respondent was expressly urged to concede this appeal to stop costs running, he was given that opportunity at pages 42 and 43 of the bundle. Fourthly, perhaps a little bit tugging at the heart strings, but there's no reason why the Council Tax payers of East Lindsey should bear the cost of establishing what has been established in this court. So we would ask for the costs up here.
30. There is a schedule and the schedule has been served upon Mr Hanif by letter dated 16 March of 2016. I don't know whether the schedule has found its way to my Lord, if not I can hand up a copy.
31. MR JUSTICE JAY: It has.
32. MR KOLVIN: It has. My Lord, I can see that VAT has been added on. It doesn't need to be because of course the Council can retrieve the VAT, so my application is for £16,185. I know there's not a lot of explanation around my fee, but it was taken on a single fee for all work involved in relation to the case stated; advice, the skeleton argument and attendance today, so it's one single - -

33. MR JUSTICE JAY: What about your junior's fees?
34. MR KOLVIN: My learned junior is also my instructing solicitor, he wears two hats.
35. MR JUSTICE JAY: I see.
36. MR KOLVIN: He has his own firm which is Dadds LLP, and he is also a member of the bar, so although he has appeared as my junior, his fee is wrapped up in the solicitors' fees set out in the schedule.
37. MR JUSTICE JAY: Okay. What about the costs below?
38. MR KOLVIN: My Lord, I'm just trying to ascertain what the position is.
39. MR JUSTICE JAY: I thought there was no order for costs below.
40. MR KOLVIN: There was no order for costs below, that was on the basis that the appeal had been allowed. The situation in relation to costs of licensing appeals are set out in section 181 of the Act, which enables the court to make such order as it thinks fit. Normally when appeals are dismissed there is no real question about it, costs follow the event. When appeals are allowed, some further considerations come into play, which are expressed by the Master of the Rolls in a case which you may have come across called City of Bradford v Booth, which is the case where the Master of the Rolls said that local authorities shouldn't be put off from trying to make honest and reasonable decisions in the public interest. And so one has to take account additionally of the means of the parties and their conduct in relation to the dispute, but in this case of course the appeal has now been dismissed, and so we would say that the ordinary rule is that the costs should follow the event, the appeal having failed. I'm just trying to ascertain whether schedules were ever served below, in the light of the way the case came out. **(Pause)**
41. My Lord, I'm really sorry that we don't actually have the schedule here, apparently it was £15,000. If you were minded to order costs below the options are either I suppose to wait and we will have the thing emailed up, or to say, "Look, it was below, it's a little bit more complex, they should be assessed if not agreed."
42. MR JUSTICE JAY: This is going to wipe him out, isn't it?
43. MR KOLVIN: Well he has already said, I have to say, I'm just telling you frankly what I've been told this morning, that when the bundles and the schedules were served on him, he had clearly read them, but he said, "If you win in the High Court and get costs against me, then I'm just going to declare

myself bankrupt." So there may well be a bit of football(?) about this, but nonetheless it was his appeal, his team raised a point which in retrospect was very surprising, and caused an awful lot of costs to be incurred.

44. MR JUSTICE JAY: Yes. Well I am going to assess the costs here in the round figure of £15,000.
45. MR KOLVIN: Thank you.
46. MR JUSTICE JAY: If there was a schedule, which you tell me there was, below, it is proportionate that I assess those costs rather than put you to the trouble of a detailed assessment, so if you could have that emailed to my clerk in due course, I will assess the costs below.
47. MR KOLVIN: Thank you, my Lord.
48. MR JUSTICE JAY: On the basis of that schedule.
49. MR KOLVIN: We're not trying to be too ambitious, but we would like to see what we can - -
50. MR JUSTICE JAY: I'll take a broad brush approach to that.
51. MR KOLVIN: Thank you.
52. My Lord, the only other thing to mention is that this isn't the only case which is kicking around the east of England where licensing subcommittees are being urged to take no action because there has been no prosecution in these immigration cases. Although I appreciate that this is hardly stellar law making, it's an application of pretty well established legal principles to the facts, I'm asking whether my Lord would be minded to certify this so that we can adduce the authority in other cases, because it's a clear statement of the law that there doesn't need to have been a prosecution. So with the practice direction in mind, would my Lord be minded to - -
53. MR JUSTICE JAY: Just remind me of the practice direction.
54. MR KOLVIN: Yes, can I hand it up?
55. MR JUSTICE JAY: Yes. **(Handed)**
56. MR KOLVIN: If Mr Hanif had come I wouldn't need to make the application. It's paragraph 6.1. The judgment has to clearly indicate that it purports to establish a new principle or extends the present law and that has to take the

form of an express statement to that effect, and then 6.2 says what categories of judgment we're dealing with, which include applications attended by one party only.

57. So that's the situation we're in. In reality these judgments get around anyway, because we're dealing with administrative tribunals and not courts, but sometimes the point is taken, "Ah yes, but the court didn't certify".

58. MR JUSTICE JAY: But where's the new principle I've established?

59. MR KOLVIN: My Lord, what you have said clearly, which hasn't been said before, by dint of the fact that not many licensing cases reach the lofty heights of this building, is that there does not need to have been a prosecution in order for the crime to have - -

60. MR JUSTICE JAY: Oh, I see. Well that's so obvious it almost goes without saying, that's why it hasn't been said before.

61. MR KOLVIN: My Lord, it was obvious to everyone except the district judge, the appellant and other licensees in the east of England.

62. MR JUSTICE JAY: Okay.

63. In terms of the logistics, if you want a copy of the judgment, don't you have to pay for it?

64. MR KOLVIN: We may have to, and we would be obviously very pleased to do so.

65. MR JUSTICE JAY: Because I'm not sure that all judgments are, in the Administrative Court, they're not all transcribed and published.

66. MR KOLVIN: That is correct, and I have no doubt that my client would be - this isn't a matter about the costs of the judgment.

67. MR JUSTICE JAY: No, fortunately it doesn't cost that much. But I will give the certification. I have never been asked to do so before, I must confess.

68. MR KOLVIN: Yes.

69. MR JUSTICE JAY: Because these cases are referred to almost willy nilly, if they're available on Lawtel or wherever.

70. MR KOLVIN: Yes, they are.
71. MR JUSTICE JAY: Then they're just provided.
72. MR KOLVIN: They get into the textbooks and they - -
73. MR JUSTICE JAY: No- one objects.
74. MR KOLVIN: Yes. It has happened once before, in relation to the meaning of the Court of Appeal judgment in Hope and Glory, and Lindblom J, as he then was, was asked repeatedly would he certify in relation to the meaning of Hope and Glory, which is an important test, and he was pretty engaged in the practice direction. But since then that judgment, there's always an argument in court about whether it can be cited or not. The difference between licensing and some other fields of law is that very few cases reach here, so when they do, the judgments of High Court judges are gold dust.
75. MR JUSTICE JAY: Yes, well I'm happy to make the certification.
76. MR KOLVIN: Thank you very much indeed.
77. MR JUSTICE JAY: We wouldn't want this point to be taken again successfully.
78. MR KOLVIN: No.
79. MR JUSTICE JAY: Now as a matter of courtesy, is the judgment, once available, sent to the district judge, or is it something that I should do informally?
80. MR KOLVIN: I don't know, my Lord, what the normal practice is. I don't think that I have previously been on a legal team which has sent judgments, but we're very happy to undertake to do so.
81. MR JUSTICE JAY: Yes, I think if you're going to get a copy, obviously you're going to send it to the respondent - -
82. MR KOLVIN: Indeed.
83. MR JUSTICE JAY: - - so he can ingest it. I think you should send it to the district judge, just saying that the judge directed that out of courtesy he should see it.

84. MR KOLVIN: We're very happy to do that. Thank you very much indeed.

85. MR JUSTICE JAY: Thank you very much.

Appendices

- Appendix 1 – Occurrence 43180014912 relating to assault on 12/01/2018.
- Appendix 2 a & b – 2 x Gen 40 from PC Green relating to assault on 12/01/2018.
- Appendix 3 – Gen 40 from PS Chapman 13-14/01/2018.
- Appendix 4 – Gen 40 from Officer Peel 19/01/2016.
- Appendix 5 – Joint TVP/WBC inspection sheet completed on 26/01/2018.
- Appendix 6 – Copy of Section 19 Closure Notice issued on 26/01/2018.
- Appendix 7 – Gen 40 from PC Thomas 04/02/2018.
- Appendix 8 – Gen 40 from PC Burford 10/02/2018.
- Appendix 9 – Gen 40 from PC Hill 11/02/2018.
- Appendix 10 – Letter sent by Andy Dean (TVP) to the DPS Mr Anderson on 28/02/18.
- Appendix 11 – Gen 40 from PC Hanson 03/03/2018.
- Appendix 12 – Letter sent by PC Wheeler to the DPS on 04/03/2018.
- Appendix 13 – Gen 40 from PC Bull 10/03/2018.
- Appendix 14a – Gen 40 from PC Burford 18/03/2018.
- Appendix 14b – Gen 40 from PC Hubbard-Clark
- Appendix 15 – Gen 40 from PS Chapman 25/03/2018.
- Appendix 16 – Gen 40 from PC Howard 05/05/2018.
- Appendix 17 – Gen 40 from PC Gawronski 05/05/2018.
- Appendix 18 – Gen 40 from PC Thomas 13/05/2018.
- Appendix 19 – Gen 40 from PC Herd 01/12/2018.
- Appendix 20 – Copy of Section 19 Closure Notice issued on 10/01/2019.
- Appendix 21 – Gen 40 from PC Anderson 02-03-02/2019.
- Appendix 22 – Licensing Inspection sheet carried out by PC Allen on 09/02/2019.
- Appendix 23 – Letter sent by PC Sowden to the DPS on 13/02/2019.
- Appendix 24 – Gen 40 from PC Hall 21/02/2019.
- Appendix 25 – Letter from Chief Inspector Finch to Mr Anderson.
- Appendix 26 – TVP Licensed Premises Summary report from 12 June 2018 to 26 June 2019.
- Appendix 27 – URN list of reported incidents between January 2018 and June 2019.

Please tick ✓ yes

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

☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓

yes

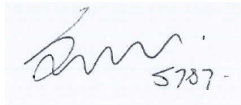
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

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

Signature

A handwritten signature in blue ink, appearing to be 'S. M.', with the number '5787' written below it.

Date **28/07/2019**

Capacity **Thames Valley Police (Authorised officer) Reading/West Berkshire LPA**

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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

Occurrence details

Version 02c73eec5d8b830cee91258d30c9f3798ded7321 (2018/09/08)

Thames Valley Police

Printed: 26/06/2019 20:16 by P5787

Occurrence: 43180014912

Occurrence details:

Report no.: 43180014912
 Occurrence Type: Assault with Injury [8N]
 Occurrence time: 12/01/2018 23:00 - 13/01/2018 01:00
 Reported time: 15/01/2018 18:17
 Occurrence address: 4A, THE KENNET CENTRE, NEWBURY, WEST BERKSHIRE United Kingdom
 RG14 5EN (LIQUID) (County: BERKSHIRE, Neighbourhood: FA NEWBURY
 TOWN CENTRE, LPA: WESTBERKSHIRE)
 Clearance status: Filed
 Concluded: Yes
 Concluded date: 28/02/2018
 Summary: CALLER REPORTING AN ASSAULT AT SIG ON FRIDAY NIGHT. CALLER WAS
 DANCING WITH A FEMALE ON THE DANCEFLOOR ON FRIDAY NIGHT - HE
 WAS STRUCK TWICE BY A MALE CALLED [REDACTED] FIRST BLOW DID
 NOT KNOCK HIM OVER BUT THE SECOND DID.

Remarks:

Associated occurrences:

Involved officers:

- Officer in case / 9 / GREEN, D. / #P1818 / LIVE / Police officer / ICR TEAM 3 - WEST BERKSHIRE LPA / #P5357 WARD, I. / 24/01/2018 / 20180124 --:--:--

Involved property:

Modus operandi:

- Location: Hospitality/Club licenced. Victim age: Over 18. Victim's relationship to offender: Not seen. Victim injuries sustained: None.

Author:

Report time:

Entered by:

Entered time:

Reports:

Occurrence enquiry log:

Type	Entry time	Event time	Author	Link	Task
Enquiry log	15/01/2018 18:25		#CAD CAD INTERFACE	No	
Log entry:	CALLER REPORTING AN ASSAULT AT SIG ON FRIDAY NIGHT. CALLER WAS DANCING WITH A FEMALE ON THE DANCEFLOOR ON FRIDAY NIGHT - HE WAS STRUCK TWICE BY A MALE CALLED LUKE EVANS. FIRST BLOW DID NOT KNOCK HIM OVER BUT THE SECOND DID. STAFF THREW THE OTHER MALE OUT - ASKED IF CALLER WAS OK. HE THEN STAYED UNTIL THE CLUB CLOSED. HE HAS A BLACK EYE. POSS CCTV OR WITNESSES ALTHOUGH CALLER IS NOT 100% SURE				
Investigator summary	17/01/2018 18:04		#P1818 GREEN, D.	No	T1800050117 For action Closed
Log entry:	[REDACTED]				
Investigator	17/01/2018 18:15		#P1818 GREEN, D.	No	T1800050117 For action Closed

Hist - RESTRICTED

Printed by: P5787 Date: 26/06/2019 20:16 Computer: W0810299 Page 1 of 3

action
Completed:
A1. VICTIM STATEMENT - complete
A2. PHOTOS OF INJURIES - complete

Log entry:
Outstanding:
A3. CCTV - enquiries to be completed when venue next open
A4. WITNESSES - [REDACTED]
Voicecall left with him for asking for callback.
A5. FURTHER WITNESSES: enquiries to be conducted with doorstaff when CCTV collected.

Victim/witness contact 17/01/2018 18:20 #P1818 GREEN, D. No T1800050117 For action Closed

VICTIM CONTACT CONTRACT

1. How often have we agreed to contact the victim? (Be specific) phone ??????????????????

2. How would the victim like to be updated? (Phone, Email, Text etc.) when updates, or monthly?????????????????

3. Has the victim been informed of their rights under the Victim's Code? (Please see the Victims Code Operational Guidance for further information) Yes

3a. Have you informed the victim of the Victim's First website (www.victims-first.org.uk)?/No

4. Has the Criminal Justice process (including Court) been fully explained? Yes

5. Has the victim been offered an opportunity to make a VPS? /No

6. Has a VPS been provided? /No

7. Have Special Measures been discussed? Yes

8. Is the Victim vulnerable and are they entitled to enhanced entitlements under the Victims code:
? Are they Vulnerable through Age, Physical or mental disability? /No
? Are they intimidated by suspect, family or associates? /No
? Are they a repeat victim? /No
? What safeguarding and support measures have you put in place if Yes to the above? ??????????????????

9. Restorative Justice: is the victim open to RJ and is there a realistic prospect of a successful RJ process (i.e. offender accepting responsibility for their actions etc)? Yes/
? If the answer is Yes? task RJ Referral on Niche. If the answer is No?, keep under review as the case progresses. TO BE DISCUSSED FURTHER ALONG IN PROCESS.

The contact contract should be revisited periodically to ensure we are meeting the victim's needs and offering the correct level of service and support.

It is strongly advised to manage the continued victim contact through Outlook calendar reminder and essential that all communication is fully recorded within the OEL utilising the ?Victim / Witness contact? title

Sergeant review 18/01/2018 14:16 #P1142 PARFITT, C. No T1800050117 For action Closed

Log entry:
This is a supported complaint of assault. Injuries are ABH level injuries. The agg'd was in a club and had been speaking with a female called [REDACTED] who had been struck by an unknown male. The agg'd has been told the name of the male but [REDACTED]
witnesses. Actions identified are appropriate - CCTV and a debrief with club staff would be a prudent starting point. I note the agg'd has also given details of a possible witness. OIC has completed VCC and to maintain agreed contact.

Investigator action 18/01/2018 21:43 #P1818 GREEN, D. No

Log entry:
Email sent to NHPT asking them to collect CCTV and speak to doorstaff over this weekend late shifts. (A3 and A5).

Sergeant review 18/01/2018 23:23 #P0313 CHAPMAN, J. No

Log entry:
I have spoken with the OIC. I am on nights 18/1 and supervising the town. I have asked the OIC to send me an email with the details of enquiries in the town and I will try to allocate them out, demand allowing. I have also asked the OIC to submit a GEN40 in relation to the venue throwing the suspect out without calling the police, who had been visiting regularly but had not seen or been made aware of this incident.

Investigator action 20/01/2018 00:26 #P5917 EATON, C. No

I have reviewed the CCTV with the manager. It does show the incident, but the quality is not clear, making IDs difficult.

I have dropped of a USB stick and asked for the following footage:

Log entry:
? Main Room 08 ? 00.59.00 -01.30.00
? The camera that shows the area between the entrance to the main room and the dancefloor 00.59.00-01.30.
? Any camera that shows the stairwell towards the exit 00.59.00-01.30.00.
? Entrance camera 00.59.00-01.30.00.

Investigator action 21/01/2018 06:13 #P5917 EATON, C. No

Log entry:
I dropped a USB stick off to the manager on 18/01/18 and went to collect it 20/01/18. However, the manager was not able to fit all of the footage onto the USB stick as it did not have enough memory. I therefore gave him a larger USB stick to burn the footage onto. This will need collecting when they are next open.

Sergeant review 27/01/2018 12:02 #P7011 MALE, E. No

Log entry:
I will ask the team covering the town tonight to try and get the memory stick with CCTV on it back.

Log entry:
OIC can then review the CCTV. If the CCTV is of good enough quality then the capture can be put on ID sought, however if the image is not clear enough then this is likely to be filed.

Victim/witness 27/01/2018 16:43 #P1818 GREEN, D. No T1800050116 For action Closed

Hist - RESTRICTED

contact

Log entry: [REDACTED] reference this incident to pass an update however he politely stated that he was busy and asked if I could phone back later. Agreed to phone back tomorrow as shortly going off duty.

Investigator action 28/01/2018 14:23 #P1818 GREEN, D. No T1800050116 For action Closed

Log entry:

A3. CCTV - I have received the CCTV from PC HANSON, unfortunately it is not playable or viewable and appears to be corrupt on the USB. Staff have stated CCTV is stored for 30 days. I will reattend next weekend on late shift to assess the quality for getting an image for ID sought - if its good enough I will look to BWV the footage to secure it.

Investigator action 03/02/2018 00:52 #P1818 GREEN, D. No T1800050116 For action Closed

Log entry:

A3. CCTV

I have attended The Vault and asked again to view the CCTV. The staff on duty did not know how to work the machine and I have therefore left my details for Alan the manager to contact me reference it.

Investigator action 09/02/2018 21:19 #P1818 GREEN, D. No T1800050116 For action Closed

Log entry:

A3. CCTV

I have attended The vault and they again have been unable to produce a copy of the CCTV on a disc or USB. There was an officer present dealing with another job so I was unable to view the CCTV to assess the quality. I will try and ask night turn to reattend and view the CCTV to see its quality.

Investigator action 16/02/2018 09:17 #P1818 GREEN, D. No T1800050116 For action Closed

Log entry:

A3. CCTV

Unfortunately the vault have been unable to provide the CCTV to me and it has now expired on their system. It was viewed by PC EATON who stated that the quality was too poor for an identification from it anyway.

I have updated the agg'd on a voicemail that there are currently no other lines of enquiry and therefore the job will be filed on our systems. I have left my phone number in case he has further questions.

Sergeant review

TO BE FILED - no suspect identified.

16/02/2018 13:02 #P7011 MALE, E. No

Assault within a nightclub, the allegation that the male was assaulted by someone who was known to another person as [REDACTED] The victim has also given the name and telephone number of a witness.

Has the witness been spoken to? Can they provide a statement?

Log entry:

I have found a date entered on phone who has an associate of a female called [REDACTED] It would be worth assessing the description given by the witness, if they can provide one, and if they are likely then than we can arrange a vol interview.

If the witness cannot provide a description or statement then I will file this as there are no lines of enqs left.

Investigator action

Has a Gen40 been completed in regards to the lack of CCTV evidence by the nightclub?

26/02/2018 19:45 #P1818 GREEN, D. No T1800050116 For action Closed

Log entry:

Following on from sgt review:

I have tried to phone the witness [REDACTED] however his phone states "service not available". I have then tried to phone victim Luke however goes to voicemail. To be re-attempted.

Investigator action

27/02/2018 15:27 #P1818 GREEN, D. No T1800174807 For action Closed

Log entry:

I have tried again to call Riley but it says service not available. I have spoken to [REDACTED] and he did not receive my voicemail message so I have updated him about the CCTV. He says that his friend Riley doesn't want to speak to police and that he himself doesn't want to support police action any further. He has been out in town since and had no problems with anyone so now just wants to move on with his life. I have told him based on Riley and him not supporting there are no further lines of enquiry for this incident.

Further GEN40 submitted reference venue failing to supply CCTV.

Sergeant review

For review by Sgt.

28/02/2018 14:06 #P7011 MALE, E. No

Agg'd no longer supporting the complaint.

CCTV never provided by the venue. GEN40 submitted in regards to this.

Log entry:

Witness does not want to speak to the police.

Suspect never fully ID'd, only a name given.

For filing code 18.

Hist - RESTRICTED

Printed by: P5787 Date: 26/06/2019 20:16 Computer: W0610299 Page 3 of 3

Shoulder No/Name: PC 1818 Green

Station: Newbury

LPA: West Berks

Premises Name/Location: The Vault, Market Street, Newbury

Incident Date: 13/01/18

Incident Time: 0100

Command & Control URN: n/a

Crime Report(s): 43180014912

CCTV Seized? To be completed

Sources of Information: Victim reporting

Victim was assaulted by an unknown male whilst dancing with some girls on the dancefloor. Victim was knocked onto the ground and door staff and friends have dragged suspect off. Suspect has then been ejected from the club by doorstaff whilst they have checked that victim is in order. Suspect has left premises without police attendance and he is currently identified.

Staff did apparently step in to stop the suspect assaulting the victim, they have then ejected the suspect and checked on the victims welfare. However staff have failed to detain the suspect, they have failed to alert police to the incident occurring despite there being police presence through nightsafe operation. Door staff have not alerted police to any part of this assault - victim has reported the assault to police 3 days later.

Police have made a charm appointment, taken a statement and are looking to gain CCTV this weekend on behalf of OIC.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
			Statement given	n/a

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Shoulder No/Name: PC 1818 Green

Station: Newbury

LPA: West Berks

Premises Name/Location: The Vault, Market Street, Newbury

Incident Date: 13/01/18

Incident Time: 0100

Command & Control URN: n/a

Crime Report(s): 43180014912

CCTV Seized? NO

Sources of Information: Victim reporting

Victim was assaulted by an unknown male whilst dancing with some girls on the dancefloor. Victim was knocked onto the ground and door staff and friends have dragged suspect off. Suspect has then been ejected from the club by doorstaff whilst they have checked that victim is in order. Suspect has left premises without police attendance and he is currently identified.

FROM PREVIOUS GEN40: Staff did apparently step in to stop the suspect assaulting the victim, they have then ejected the suspect and checked on the victims welfare. However staff have failed to detain the suspect, they have failed to alert police to the incident occurring despite there being police presence through nightsafe operation. Door staff have not alerted police to any part of this assault - victim has reported the assault to police 3 days later. NEW INFORMATION 27/02/18: Staff at the vault have failed to be able to provide a playable copy of CCTV despite police attending on numerous occasions. They produced a USB stick version initially however this was corrupt and not playable. Police have then reattended a couple of times but staff were unable to produce CCTV onto a disc or USB - sometimes stating that manager was not in, but OIC did not get a reply when contact details were left asking for a call.

Police have made a charm appointment, taken a statement from victim and made several attempts to gain CCTV.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
[REDACTED]	[REDACTED]	Victim	Statement given	n/a

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Shoulder No/Name: PS 313 Chapman

Station: Newbury

LPA: West Berkshire

Premises Name/Location: The Vault

Incident Date: 13-14 / Jan / 2018

Incident Time: Opening Weekend

Command & Control URN: N/A

Crime Report(s): N/A

CCTV Seized? N/A

Sources of Information: Police visit

Opening weekend. Police attended both nights to make contact with staff and establish a relationship. On arrival on the Friday night, I was shown around the venue to get an idea for the layout. The manager was not present and door staff said he had to go out for a bit. The smaller of the two rooms was shut. On leaving the venue, I asked to see review the incident book. The head door informed me that they did not have one and that the manager had gone home to Swindon to pick one up. The head door went around and obtained the door staff details for me. I returned an hour or so later and they had an incident log. Some of the handwriting was unclear and not readable. Both nights, the queue was down the side of the venue. This bulged across the pavement. DS were spoke too and the manager to make this more organised. Both nights the venue shut the door at 1.30am as required. Customers leaving did so in a trickle as they left between 1.30 and 3.30.

Incident log was obtained. Head door appeared friendly and positive. They tried to sort the queue out and will look to find railings to improve this so there is no pushing in / congestion.

N/A

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Shoulder No/Name: 3947/PEEL

Station: NEWBURY

LPA: WEST BERKSHIRE

Premises Name/Location: THE VAULT NIGHTCLUB, MARKET STREET, NEWBURY

Incident Date: 19/01/2018-20/01/2018

Incident Time: 23.00-08.00

Command & Control URN: 1362 20/01/2018

Crime Report(s): 43180021055

CCTV Seized? YES

Sources of Information: POLICE

Female aggrieved has been ejected from the Vault nightclub around 23:00hrs by door staff together with a friend who then tried to get her a taxi but she then refused to get in. Venue staff had served female approximately 250ml of vodka and five Sambuca shots within the space of 1.5 hours leaving her unable to stand on her own. She has then gone to the bus stop opposite the nightclub and lay down on the bench. The next thing she remembers is then being driven in a vehicle and she was in the seat behind the driver. When the vehicle has stopped she has open the sliding door and exited and tried to run away. The offender has then got out of the car and has pulled her back by the straps of her clothing into the back seat of the vehicle. She then remembers he offender saying in a strong Indian accent "Do you like that, you like that" She can then remember the offender penetrating her vagina with his fingers and then believes he had sexual intercourse with her.

Manager of venue and doorstaff when approached by police have assisted them in their initial enquiries by firstly identifying the friend of the aggrieved and secondly viewing CCTV throughout the nightclub identifying relevant times of events.

Police have taken statements from aggrieved and witness and arranged for SARC medical. Ongoing enquiries and lines of investigation by Force CID.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
		AGGRIEVED		

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

PREMISES - RECORD OF INSPECTION DATED:

Licence No	17/01614/LQN
Name	THE VAULT CLUB
Address	4A THE KENNET CENTRE NEWBURY, BERKSHIRE, RG14 5EN
Type	Premises Licence Club Premises Certificate

Licence Inspection	
Summary on Display: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Correct Part A/Conditions held at Premises: <input type="checkbox"/> Yes <input type="checkbox"/> No
Premises Licence Holder: BIG FISH CLUBS VC LTD	DPS: ROBERT ANDERSON
DPS as per Licence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DPS Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If No, Reason:	Authorised Person: AS ASKIE

Licensable Activities (Carried On)	
Regulated Entertainment:	Plays Films Indoor Sporting Events Boxing/Wrestling Live Music Recorded Music Performance of Dance Anything Similar
	Are there any gaming machines? If so, how many? <u>0</u>
	Gaming permit produced and correct?
Late Night Refreshment: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sale/Supply of Alcohol: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Location: <u>On</u> Off Both
Does the Licence/Certificate permit activities carried on? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Conditions of Licence/Certificate	
NO SEARCH POLICY OR DISCREET POLICY / NO NOISE NUISANCE RECORDS	
NO BWV	
NO BATHING	
NO TRAINING RECORDS CETO IN RESEARCH INSUFFICIENT	

Summary of Key Points Discussed	
QUEUING OUTSIDE (SECTION 19 ISSUED RE CETO)	
FIGHT PLAN FOR BOXING	
CONCERN OVER REFUSAL + INCIDENT LOGS	

Document Checklist	
<input checked="" type="checkbox"/> Age policy operated 25	<input checked="" type="checkbox"/> Section 57
<input checked="" type="checkbox"/> Training Records	<input checked="" type="checkbox"/> Authorisation List

Awareness of the Licensing Objectives by Licence Holder/DPS: A - Good (B - Fair) C - Bad (Circle Appropriate)

Inspection Outcome: ☐ Satisfactory ☒ Unsatisfactory

Lead Authority Inspecting Officer(s): PC 5217 WINTERBET / E. MATHESON

Signature of licensee or representative(s): [Signature]

Date of Inspection: 26/01/2018

Time Started: 21:51 | Time Ended: 23:20



CONTINUATION SHEET OF ISSUES DISCUSSED:

4 - Dispensed Policy - not available.

Search Policy - not available; being produced.

No premise drug dog -

CCTV requiring works - improvement

Posting - when door supervisors - for upgrade etc.
no reduced logs etc. at the moment

BHU - has been ordered - next weekend.
- availability not yet available.

Training Account not available or mention

No records being kept in relation to noise complaints.

INSPECTING OFFICER:

PC 5187 WHEELER / E. NATHAN

SIGNATURE OF LICENSEE/REPRESENTATIVE:

DATE OF INSPECTION:

26/01/2018

APPENDIX 6



**CLOSURE NOTICE MADE UNDER
SECTION 19 OF THE CRIMINAL JUSTICE
AND POLICE ACT 2001**

No. 00071

Date and Time of the Closure Notice:
Person making the Notice:
Signature:
Name (if applicable) and Address of the Affected Premises:
Alleged Unauthorised use of the Premises:
Steps which may be taken to end the alleged unauthorised use of the Premises, or to prevent it from re-occurring:
The Person (if applicable) on whom the closure notice has been served:
Name:
Signature:

White Copy: Occupier Blue Copy: Licensing Unit Pink Copy: Officer


Shoulder No/Name:	P5651 THOMAS	Station: NEWBURY	LPA: WEST BERKSHIRE
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Premises Name/Location: THE VAULT, MARKET STREET, NEWBURY	
Incident Date: 04/02/18	Incident Time: Approximately 0215
Command & Control URN: None	Crime Report(s): None
CCTV Seized? No	
Sources of Information: Male detained under S23 drugs search.	

Male in the smoking area of THE VAULT has been seen to make an exchange with another male outside of the smoking area. Both males have been searched with a negative result. However after strip search of one male, he has disclosed he has given the male £10 cash as his friend wasn't allowed access to the club as it was after 0130hrs. However an unknown member of door staff told him he would let him in if he paid him £20 after the 0130hrs cut off.

Not spoken to

GEN40 only.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
		Police Source	NFA	N/A
		'Victim'	NFA	N/A

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)



Shoulder No/Name: P1442	Station: Newbury	LPA: West Berkshire
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Premises Name/Location: The Vault, Newbury	
Incident Date: 10/02/18	Incident Time: 2346
Command & Control URN: 1545	Crime Report(s): 43180044089
CCTV Seized? No	
Sources of Information: Door staff at The Vault	

Male was ejected from the premises for biting one of the doorstaff, this male fell over down the stairs and as he got up he bit the doorstaff on the left forearm.

Premises ejected the male and was since arrested for ABH. This was a good performance from the staff, they reacted quickly and called police to deal with the male further.

Male was since arrested for ABH, The arresting officer was PC5648 COLLINGS

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
		DOORSTAFF	EJECTED MALE	
		DOORSTAFF	EJECTED MALE	

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Shoulder No/Name: PC 7348 HILL

Station: Newbury

LPA: West Berks

Premises Name/Location: The Vault

Incident Date: 11/02/18

Incident Time:
Command & Control URN: 117 11/02/18

Crime Report(s): 43180044156

CCTV Seized? N

Sources of Information: Victim

Victim reports she was punched by a female member of staff. Victim describes she was dancing on a raised platform by the dancefloor. She describes being pushed by the female doorstaff & has put her arm out to balance herself then been punched to the face, causing a bruise. Victim describes two male doorstaff then coming over to apologise & see if she was ok.

Victim states two male members of doorstaff came over to speak to her & see if she was ok. Nothing more known

Appointment was booked for victim to come in & report the incident. Victim unsure if she wants to make a complaint yet. She has asked for a couple of days to think about it & is going to let OIC know.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
		Victim		

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)



Mr R. Anderson
The Vault
4A The Kennet Centre
Market Street
NEWBURY
Berks RG14 5EN

Andy Dean
Licensing Officer
High Wycombe

Police Station
Queen Victoria Road
High Wycombe
Bucks HP11 1BE

Tel: 01865 309275
Fax:
andy.dean@thamesvalley.pnn.police.uk
www.thamesvalley.police.uk

28th February 2018

RE: Visit on Thursday 8th March at about 11.00 hrs

Dear Sir,

Unfortunately I haven't been able to find a contact phone number or email address for you so that I could warn you of this upcoming visit that I and a colleague will be doing to your premises. This letter may only just have reached you and I apologise for that.

I am to understand that there was a meeting with Police on 26th January 2018 regarding the fact that the premises were not complying with the conditions on your licence – relating to CCTV.

I have received another report complaining of the same thing – hence coming over to meet with you. There are two sides to every story and therefore once I explain the precise details you may have a different version of events. From that we can agree a way of moving forward so that further issues surrounding licensing conditions don't re-occur thus putting you at risk of either prosecution or police requesting a review of the licence.

Yours faithfully

Andy Dean

Shoulder No/Name: PC 5385

Station: Newbury

LPA: West Berkshire

Premises Name/Location: THE VAULT

Incident Date: 03/03/2018

Incident Time: 01:20

Command & Control URN: 98

Crime Report(s): 43180065673

CCTV Seized? No

Sources of Information: Police

Aggressive male was ejected by door staff. Male detained on floor by door staff.

Male was detained by door staff on the floor when police arrived. Over the weekend in general police found the vault door staff to be cocky and overly aggressive potentially creating more problems than required. They were seen to be swearing and smoking; generally they seemed unprofessional.

Male arrestest and issued with a PND for S5 POA

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
		Suspect	Arrested	CRFA18004983

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)



Big Fish Clubs UK Ltd
24-26 Fleet Street,
Swindon,
Wiltshire, SN1 1RQ

PC 5787 Wheeler
Reading Licensing Dept

Reading Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Tel: 101 (07973231273)

Email:

simon.wheeler@thamesvalley.pnn.police.uk

Sunday 4th March 2018

Licensing Act 2003

Premises Licence Number: 17/01614/LQN

Premises: The Vault Club

Premises Address: 4A Kennet Centre, Newbury, Berkshire, RG14 5EN

Dear Mr Anderson

On Friday 26th January 2018 I visited your premises in a joint inspection with West Berkshire Council to ensure you are complying with the above premises licence.

During this visit I was assisted by the Designated Premises Supervisor (DPS) Mr Robert Anderson.

During this inspection, I found a number of items and breaches of the licence conditions that require rectification.

Below outlines the breaches of conditions:-

Conditions agreed with Thames Valley Police (12/12/2017)

Operation of the premises page 8

Condition 4 - This condition was not complied with and no written policy for entry, closure and dispersal was available to be seen. It was stated at the time of the inspection that it was in the process of being produced but no evidence was supplied to support that statement.

Prevention of crime and disorder page 9

Search policy

Condition 1 - This condition was not complied with and no written policy for searching was available to be seen. It was stated at the time of the inspection that it was in the process of being produced but no evidence was supplied to support that statement.

CCTV

This condition was not complied with, the CCTV systems recorded images are not of such quality to identify persons in any light and the entire licensable area is not covered.

A section 19 closure notice was issued in relation to this breach for the system to be improved to a standard that is compliant with your licence condition. A period of 21 days was given to improve the system as Mr Anderson suggested that would provide suitable time to make the required changes.

Please be aware that this will be re-inspected and it is imperative that your undertaking to upgrade the system is completed.

Event plans

Condition 2A – This condition was not complied with; as you utilised an external promoter to organise a white collar boxing event and no written event plan was submitted 14 days prior to the event. You must read and be aware of all of your conditions and pre-emptive notice must be provided to Thames Valley Police and West Berkshire Council in line with this condition.

Door Supervisors page 11

Condition 5 – This condition was not complied with and no BWV was available or deployed and worn by a door supervisor. It was stated at the time of the inspection that this was on order.

Public Safety page 11

Measures to minimise the risk of entry of intoxicated customers

We were informed that a breathalyser was not yet available for usage at the premises; this condition was therefore not complied with.

Staff training and alcohol sales

This condition was not complied with and no training records or training package was available to be shown during the inspection to provide any degree of due diligence in this area.

Conditions agreed with environmental health page 13

Condition 5 – This was not complied with and no noise level monitoring records were able to be produced at the time of the inspection as to date they had not at any stage been completed.

Finally, we discussed our concerns with the current queue management systems and lack of general record keeping and extremely poor licensing administration which has led to the serious failures in relation to your licence condition compliance.

You are reminded that the people legally responsible for the premises under the Licensing Act 2003 are the premises licence holder and the designated premises supervisor.

With that in mind a performance meeting will be arranged to enable us to rectify our concerns over your non-compliance with your licence conditions, and overall general poor performance to date.

It is hoped that you will be able to provide sufficient evidence at this stage to show the required improvements that may negate further action.

We must inform you that this will be a formal process and you may wish to have a licensing legal advisor attend to provide you with advice if you feel that may be required.

You will be contacted in due course and provided the date and venue of the performance meeting.

In the meantime can you please ensure that all of the above points contained within this letter have been rectified, and an unannounced inspection during trading hours will be completed in the very near future to ensure that your licence is now in compliance and that your premises does not continue to undermine the licensing objectives

Yours Faithfully

PC 5787 Simon Wheeler

Reading LPA Licensing Dept

Shoulder No/Name: PC 7297 BULL	Station: Newbury	LPA: W.Berks
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Premises Name/Location: THE VAULT	
Incident Date: 10/03/18	Incident Time: 01:30
Command & Control URN: None	Crime Report(s): None
CCTV Seized? No	
Sources of Information: Bouncer at venue	

During patrols around town centre doorstaff at THE VAULT alerted officers to an incident that had occurred earlier in which the manager of the venue had been assaulted by a male inside the venue, doorstaff removed the male and detained him on the ground to call police but before they called for police the manager has told them to let the male go and not to call police because he didn't want police at his premises.

Door staff alerted police to the incident but were unable to give details of the offender

Attended venue but were unable to deal with the incident.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Shoulder No/Name:	P1442	Station:	NEWBURY	LPA:	WEST BERKSHIRE
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Premises Name/Location:		THE VAULT, NEWBURY			
Incident Date:	18/03/18	Incident Time:	0005		
Command & Control URN:		Crime Report(s): 43180082233			
CCTV Seized?	NO				
Sources of Information:		DOORSTAFF			

MALE WAS ASKED TO LEAVE THE VAULT AS HE WAS TOO DRUNK AND HAD ASSAULTED TWO FEMALES. THIS MALE REFUSED TO LEAVE, HE WAS ESCORTED OUT OF THE CLUB, AS HE WALKED OUT HE STARTED THREATENING TO FIGHT DOORSTAFF AND WAS SHOUTING AND SWEARING AT EVERYONE.

PREMISE EJECTED THE MALE, CALLED POLICE, HANDED THE MALE OVER, GOOD PERFORMANCE, DOORSTAFF STEVEN PARTRIDGE GAVE AN MG11 TO THIS EFFECT.

MALE WAS ARRESTED.
OFFICERS INVOLVED PC1442 BURFORD (MAIN OFFICER), PC853 HUBBARD CLARK, PC1449 DRUMMOND, PC 7737 BURTON

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
[REDACTED]		SUSPECT	ARRESTED	CRFA18006296

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Shoulder No/Name: P0853 Hubbard-Clark

Station: Newbury

LPA: West Berks

Premises Name/Location: THE VAULT NIGHT CLUB MARKET STREET NEWBURY

Incident Date: 18/03/2018

Incident Time: 00:19HRS

Command & Control URN: 35 18/03/2018

Crime Report(s): 43180082263

CCTV Seized? N/A

Sources of Information: DOOR STAFF DETAILS UNKNOWN

Officers were called to the Vault Night Club by door staff regarding another assault via the town safe radio at 00:19hrs. This GEN 40 is in reference to URN 35/18/2018 a report from a customer of the Vault reporting that her boyfriend had been assaulted by another male in the Vault.

PC 853 Hubbard-Clark arrived at the Vault at 00:20hrs along with PC 1449 DRUMMOND and PC 1442 BURFORD.

There were a large amount of people using the smoking area outside the front of the night club which added to the mass gathering of on lookers outside the club.

Head door man on the night stated that they were aware of two incidents running at the same time both assaults but involving different persons.

PC 1449 DRUMMOND and PC 1442 BURFORD dealt with the incident in which door staff had called up over the radio about and PC Hubbard-Clark dealt with this report.

Door staff stated that they had been made aware of an assault on the dance floor and that they had ejected a number of persons and that they had taken the female caller to one side.

Officers spoke with her who stated that her boyfriend had been punched in the face on the dance floor by a known offender and that she had reported this to door staff. She had left the club to call Police.

As PC Hubbard-Clark was talking with the caller of this report PC 1449 DRUMMOND and PC 1442 BURFORD needed assistance with the male they had now arrested for another assault in the night club.

It took three officers to take this male to custody due to limited number of officers in the town that night it left no other units to cover the town.

The door staff of the Vault stated that they would look after the female caller to Police until the Officers could re attend.

Once Officers had returned to the night club the boyfriend of the female was spoken to who had no injury and an appointment book in the morning to see victim and caller. (The appointment was attended by the victim and caller and no complaint was made and crime report filed.)

Offender had left the area after being taken out by door staff.

It was a very busy Saturday night for the vault with large number of persons within the night and outside. They dealt with both incidents well and used the shop safe radios when needed.

There does seem to be issues with getting information on what is happening inside the club to the door staff on the doors when officers arrive.

Due to the smoking area being just outside the entrance doors and the que down the side of the night club you are confronted with large groups of people and it can be hard to separate incidents from persons outside the night club.

Door staff dealt with both incidents well and tried their best to separate all persons from both incidents. Used the shop safe radios when needed. A very busy Saturday.

There are issues with getting information on what happened in the club from staff in the Vault to the staff on the doors. This is in my view due to how busy they are and the size of club not from them being unwilling to give information. The smoking area out the front of the Vault is an issue when trying to deal with incidents as it causes a large amount of on lookers and perons trying to get involved and can be hard to separate perons from offenders, witnesses and vctims.

Shop safe radios are outdated and will drop out of signal.

Victim and witnesses identified and spoken to no complaint made.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
		Caller to Police	spoken to by Police and door staff	N/A
		Vicim of an assault	spoken to by Police no complaint made	N/A
		Suspect	Suspect left the area	N/A

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Shoulder No/Name: PS 313 Chapman

Station: Newbury

LPA: West Berkshire

Premises Name/Location: The vault

Incident Date: 25/03/2018

Incident Time: 0253

Command & Control URN: 126 25/3/18

Crime Report(s): 43180090219


CCTV Seized? No

Sources of Information: Police / DS

Call on the nightsafe radio, DS had been assaulted at venue and male detained on the floor.

Male was ejected and then attempted to get back in. DS ushered him away as he tried to push past them. The suspect punched the DS in the face and was then taken too and restrained on the floor. When police arrived, the DS let the male up who promptly kicked off and they struggled to get him down again.

All police were committed at the time, but attended within 3-4 minutes. On arrival the DS on the male let him up which caused further disorder. He was difficult to subdue and Captor was used. DS were spoken too about letting the male up again whilst they had control of him. Victim provided a statement and suspect was cautioned following interview. CCTV was inadequate. The camera on the side of the building which covers the queue and would likely have captured some of the incident, was not working. The camera inside the front door does not cover anything outside. The camera that covers the smoking area, only covers the smoking area and not the front door. There was no footage available outside the front of the venue. The DPS, Andy, stated that he was concerned around the camera covering the smoking area covering too much in to public space!!!! He was advised that the CCTV would expected to cover the working area of his staff, which included the front door, outside. He was told that the faults needed to be rectified by Thursday when they are due to open next.

Name	Date of Birth	Role	Action Taken	Ref No. (eg. Custody, PND etc)
Andy Anderson		DPS - CCTV	Reviewed CCTV with Sgt	
		Suspect	Arrested / Cautioned	
		Head DS / Victim	MG11 / Photo	

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)


Shoulder No/Name:	7110 HOWARD	Station: NEWBURY	LPA: WEST BERKSHIRE
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Premises Name/Location: THE VAULT	
Incident Date: 05/05/2018	Incident Time: 0000
Command & Control URN:	Crime Report(s): 43180135857
CCTV Seized? NO	
Sources of Information: VICTIM, WITNESS	

Victim reported that she was in the club when someone threw a drink over her. She identified a group of males to doorstaff, and although she wasn't sure if it was intentional, she was upset that staff did nothing to help or investigate the matter. She spoke to a number of door staff at the venue, all of which refused to give her their SIA numbers or names when she raised a complaint. She describes the staff members as a white guy with a limp, an Asian male, a black female who was checking ID's (who she stated told her to stop crying and grow up). The reporting party did not know any of the group of males, and could not offer any descriptions.

The victim has not been treated fairly, and has been dismissed without any intervention or safeguarding considerations. They have refused to provide SIA details when asked for them.

Details taken by the reporting officer - reassurance given and GEN 40 submitted. Victim was not sure whether she had actually been assaulted and did not want to make a complaint however was very unhappy about the treatment by staff.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
		VICTIM REPORTING	/ REASSURANCE, ADVICE	N/A
		WITNESS REPORTING	/ REASSURANCE, ADVICE	N/A

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Shoulder No/Name:	PC 1412 GAWRONSKI	Station: NEWBURY	LPA: WEST BERKSHIRE
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Premises Name/Location:	THE VAULT, MARKET STREET, NEWBURY		
Incident Date:	05/05/2018	Incident Time:	00:24
Command & Control URN:	N/A	Crime Report(s):	43180135057
CCTV Seized?	NO		
Sources of Information:	DOOR STAFF		

DOOR STAFF WAVED DOWN POLICE STATING THEY HAVE JUST LOCATED A MALE IN THE TOILETS WITH WHITE POWDER. OFFICER STOPPED AND DEALT WITH MALE APPROPRIATELY.

DOOR STAFF WAS PROFFESIONAL, LITTLE TO NO FORCE USED IN DEALING WITH THE OFFENCE. THEY WERE EVIDENCE AWARE IN TERMS OF PLACING IN A TAMPER PROOF BAG ALSO.

MALES DETAILS TAKEN AND VOLUNTARY INTERVIEW COMPLETED.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
[REDACTED]		SUSPECT	V/I	43180135057
JOE GAWRONSKI		POLICE OFFICER	OIC	P1412

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Shoulder No/Name:	PC 5651 THOMAS	Station: NEWBURY	LPA: WEST BERKSHIRE
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Premises Name/Location:	THE VAULT, MARKET STREET, NEWBURY
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Incident Date:	13/05/18
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Incident Time:	02:32HRS
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Command & Control URN:	143 130518
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Crime Report(s):	43180143756, 43180143759 43180143761 43180143765
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CCTV Seized?	No
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Sources of Information:	
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Suspect was outside THE VAULT, shouting and swearing at door staff, PS MALE and insp JOHNSON approached him and warned him for his language several times, as there was MoP around. Suspect has continued with his behaviour and has been arrested for S5 PO by Insp JOHNSON. At this point he has failed to comply with instructions by officers and was Captored. Suspect has then continued to resist arrest, kicked PS MALE in the chest and swinging punched at insp JOHNSON whilst they tried to restrain the male. Once on the floor whilst being searched he has spat in PC BAKER's face, the spit landing in his eye, causing him to attend hospital for treatment.

Door staff have assisted in trying detain the suspect - Staff were really good - Dan and Andy ANDERSON were very good and praised by Inspector JOHNSON.

Suspect was arrested for 4 offences.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
		Suspect	Arrested	CRFA18011032

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Shoulder No/Name: P1164	Station: Newbury	LPA: West Berks
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Premises Name/Location: The Vault	
Incident Date: 01/12/2018	Incident Time: 0130
Command & Control URN: 106 01/12/18	Crime Report(s): 43180367370
CCTV Seized? N	
Sources of Information: Bar staff	

Whilst at The Vault dealing with another incident, a member of the bar staff approached me and in conversation told me that they had to keep coming outside because the amount of drugs that were opening being passed hands in the club. They said there were deal bags everywhere, they kept being dropped and were being passed between people and they felt really uncomfortable with it. No persons were actually identified, it was more of a general thing that all the staff knew was going on. Before i could get any more information from her, I was needed to assist with a drunk female who was arrested.

A member of staff who i believe was bar staff told me this. It was passing in conversation but they made it apparent that all the staff knew it was going on. as it was so open.

No action has been taken. No one was actually identified as being involved in this, and before i was able to gather any more information i was needed to assist with a drunk female who was arrested from the premises. Intel was submitted.


Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
Unknown				

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

10308

Date and Time of the Closure Notice:
10/1/19 0020H14

Person making the Notice:
PC S110 MATTHEW ALLEN

Signature: 


Name (if applicable) and Address of the Affected Premises:
THE VAULT CLUB, 4A THE
KENNET CENTRE, NEWBURY,
BERK, RG14 5EN

Alleged unauthorised use of the Premises:
I-D SCAN NOT WORKING +
[LWCT NOT BEING MONITORED] TO
CCIV NOT COVERING ALL UNIFORM
MILITARY + QUALITY NOT GOOD ENOUGH
NO RADIO SYSTEM
NOT NO ACCESS TO PRIVATE MEMBERSHIP

Steps which may be taken to end the alleged unauthorised use of the Premises, or to prevent it from re-occurring:
SORT OUT I-D SCAN.
SORT OUT CCIV CAMERAS.
GET RADIO SYSTEM
SORT OUT PRIVATE MEMBERSHIP
1 ACCESS TO BANNING LIST.

The Person (if applicable) on whom the closure notice has been served:

Name: [Illegible]

Signature: 

White Copy: Occupier Blue Copy: Licensing Unit Pink Copy: Officers

Shoulder No/Name: P7791

Station: NEWBURY

LPA: WEST BERKS

Premises Name/Location: THE VAULT

Incident Date: 02/02/2019 to 03/02/2019

Incident Time: from 2100 to 0600

Command & Control URN: URN 12 03/02/2019
URN 208 03/02/2019
URN 252 03/02/2019

Crime Report(s): 43190035290
43190035291 (domestic assault and criminal damage)

CCTV Seized? No

Sources of Information: Police officers, door staff,

The Vault held a boxing event, there was a large group outside at around 2100 hours on 02/02/2019. Later the same evening Walkabout informed officers that The Vault had issue with getting a group to leave. Some of the boxers and supporters went onto Walkabout. Just after midnight Walkabout called for assistance as they were ejecting a group of around 20 who had been at the boxing and were now in their venue. A large group remained outside until officers dispersed them. This was URN 12 03/02/2019. At 03:10 hours another 2 were ejected and related to the boxing event earlier, this is URN 208 03/02/2019.

At 0406 police are then called to reports of a domestic and a criminal damage at the Premier Inn, Town Centre, callers reports that they have been at the boxing match. It was requested a laser trained officer attended due to knowledge of the males that had previously been ejected from Walkabout.

Walkabout removed them when they became and issue and informed police of their behaviour.

Premier Inn took positive action, called police, reported a possible domestic assault.

No information as to whether The Vault have assisted the police in anyway.

Multiple different officers have attended the various incidents, including ICT and NHPT officers, most were dispersed into taxis, 1 male arrested for domestic offences and criminal damage at the premier inn. This is not the first time a boxing event at The Vault has resulted in a large amount of police resources being deployed to incidents resulting in arrests.

Name	Date of Birth	Role	Action Taken	Ref No (e.g. Custody, PND etc)
[REDACTED]		Suspect	Arrested	43190035290 43190035291

PREMISES – RECORD OF INSPECTION DATED:

Licence No.	17701614/LQN
Name:	THE VAULT CLUB
Address:	4A THE KENNET CENTRE, NEWBURY, BERKSHIRE, RG14 5EN
Type	Premises Licence

Licence Inspection

Summary on Display: ☒ Yes ☐ No Correct Part A/Conditions held at Premises: ☐ Yes ☐ No

Premises Licence Holder: ROBERT ANDERSON DPS: ROBERT ANDERSON

DPS as per Licence: ☒ Yes ☐ No BIG FISH CLUB OK 470 DPS Present? ☒ Yes ☐ No

If No, Reason: _____ Authorised Person: _____

Licensable Activities (Carried On)

Regulated Entertainment: Plays | Films | Indoor Sporting Events | Boxing/Wrestling | Live Music | Recorded Music | Performance of Dance | Anything Similar

Are there any gaming machines? If so, how many? NO

Gaming permit produced and correct? YES

Late Night Refreshment: ☒ Yes ☐ No Sale/Supply of Alcohol: ☒ Yes ☐ No Location: On Off Both

Does the Licence/Certificate permit activities carried on? ☒ Yes ☐ No

Conditions of Licence/Certificate

SEE ATTACHED

Summary of Key Points Discussed

MORE + MORE PROMINENT CHALLENGE 25 POSTERS
CHALLENGE 25 POINT NOT ON DISPLAY - PUT ABOVE LICENCE SUMMARY
PRIVATE FUNCTION - PHE SUMMER
I.D. SCAN NOT SWITCHED ON - DOESN'T ID SCAN EVERYONE, NOT EVERYONE
PHOTO I.D. I.D. SCAN

Document Checklist

☒ Age policy operated YES ☒ Section 57 YES ☐ Training Records NO ☐ Authorisation List ?

Awareness of the Licensing Objectives by Licence Holder/DPS: AL Good | B - Fair | Bad (Circle Appropriate)

Inspection Outcome: ☐ Satisfactory ☒ Unsatisfactory

Lead Authority Inspecting Officer(s): K. J. Allen

Signature of licensee or representative(s): [Signature]

Date of Inspection: 9/12/19

Time Started: 104 | Time Ended: 0030

2245

CONTINUATION SHEET OF ISSUES DISCUSSED:

ADDHERE TO I.A. SCAN POLICY. (OIM) I.A, B+C
SORT OUT KEEPING OF PHOTOS, ONLY 7 PHOTOS
PROBLEM.

(SEARCH POLICY POINT 2- PUT UP NOTICE THAT
THAT THIS.

CON CAMCROD TO COVER ALL LICENSED AREAS + QUALITY

NO EVENT PLAN SUBMITTED FOR RECENT BOYING EVENT.
MOVON DIDNT HAVE TO DO ONE AS PREVIOUSLY
SUBMITTED FOR SAME EVENT LAST YEAR.

RADIO SYSTEM - JIMED BEING OVERCHARGED BY NEWBURY
(3.11).

PERMATION - NOT ON IT. TO SORT.

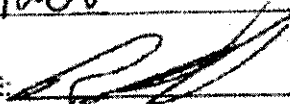
FEMALE POLICIAFF STAFFED WITH KENNEDY CENTRE

NO & NO RECORD OF TRAINING COMPLETION.

INSPECTING OFFICER:

PC 5110 ALEN

SIGNATURE OF LICENSEE/REPRESENTATIVE:



DATE OF INSPECTION:

9/2/19



Big Fish Clubs UK Ltd
24-26 Fleet Street,
Swindon,
Wiltshire, SN1 1RQ

PC 5246 Sowden
Newbury Neighbourhood Policing

Newbury Police Station
Mill Lane
Newbury
Berkshire
RG14 5QU

Tel: 101
Email:
darryl.sowden@thamesvalley.pnn.police.uk

Wednesday 13th February 2019

Licensing Act 2003

Premises Licence Number: 17/01614/LQN

Premises: The Vault Club

Premises Address: 4A Kennet Centre, Newbury, Berkshire, RG14 5EN

Dear Mr Anderson

On Saturday 9th February 2019 PC 5110 Allen visited your premises to ensure you are complying with the above premises licence.

During this visit PC Allen was assisted by the Designated Premises Supervisor (DPS) Mr Robert Anderson.

During this inspection, PC Allen found a number of items and breaches of the licence conditions that require rectification.

Below outlines the breaches of conditions:-

Conditions agreed with Thames Valley Police (12/12/2017)

Prevention of crime and disorder page 8

Admission Policies ID Scan

Condition 1 (a) (b) and (c) – The ID SCAN was not on 45 minutes after opening and it was identified that it was not working. When asked when he had reported this as the license prescribes Mr Anderson stated he is reporting it now to the inspecting officer. Mr Anderson also stated it has been problematic and only keeps the details for 7 days not 31 days as the license prescribes. Having spoken to a former door supervisor who stopped working at the Vault before Christmas 2018 she had never seen the ID SCAN working. It appears to have been faulty for a long time and has not been reported immediately to Thames Valley Police as the license prescribes neither has it been remedied as soon as practicable as prescribed in on the license (Page 9).

Prevention of crime and disorder page 9

Search policy

Condition 2 - This condition was not complied with as the notices advertising the correct information was not displayed. The notice should clearly demonstrate that the right is reserved as a condition of entry and Thames Valley Police shall be informed if anyone is found to be in possession of Drugs or Offensive weapons. It would be prudent to include condition 1(a) that 100% of customers after 2200 hours will be searched on the notice.

Prevention of crime and disorder page 10

Radio System

The condition is not complied with as The Vault is no longer a member of the Shop Safe scheme and their radio has been returned to the BID who manage the scheme. Mr Anderson states this is due to an over charging matter where he was charged as a larger organisation when he joined the scheme but then recently went down to a lower tariff. All of these charges were made clear at the time but failing to pay has resulted in the breach.

Pubwatch

The condition is not complied with as The Vault has not complied with the requirements of Pubwatch and their authority to access DISC prohibited. There is no way for them to now check to see if patrols are in fact on the Pubwatch banned list.

CCTV

This condition was not complied with, the CCTV systems recorded images are not of such quality to identify persons in any light and the entire licensable area is not covered. It was identified that not all parts of the licensable area were covered by the cctv system.

A section 19 closure notice was issued in relation to this breach for the system to be improved to a standard that is compliant with your licence condition. A period of 21 days was given to improve the system as Mr Anderson suggested that would provide suitable time to make the required changes.

Please be aware that this will be re-inspected and it is imperative that your undertaking to upgrade the system is completed. This was also identified in January 2018 following a similar inspection.

Event plans

Condition 2A – This condition was not complied with; as you utilised an external promoter to organise a white collar boxing event and no written event plan was submitted 14 days prior to the event. You must read and be aware of all of your conditions and pre-emptive notice must be provided to Thames Valley Police and

West Berkshire Council in line with this condition. This condition was identified in your previous inspection in January 2018.

Door Supervisors page 10

Condition 3 – This condition was not complied with as there was no female door supervisor on duty. The DPS claimed he shared a female door supervisor with The Kennet Centre. They do employ a female who works on her days/evenings off as a door supervisor but doesn't provide door supervision support for The Vault whilst employed at The Kennet Centre. Police spoke to her and she confirmed that she had never covered whilst working at The Kennet Centre and in fact had been told by Robert Anderson that she would no longer be working for the Vault prior to Christmas 2018 and had not worked there since. She is unaware if he has employed any female since she left.

Public Safety page 12

Staff training and alcohol sales

This condition was not complied with and no training records were available to be shown during the inspection to provide any degree of due diligence in this area.

You are reminded that the people legally responsible for the premises under the Licensing Act 2003 are the premises licence holder and the designated premises supervisor.

With that in mind a performance meeting will be arranged to enable us to rectify our concerns over your non-compliance with your licence conditions, and overall general poor performance to date.

It is hoped that you will be able to provide sufficient evidence at this stage to show the required improvements that may negate further action.

We must inform you that this will be a formal process and you may wish to have a licensing legal advisor attend to provide you with advice if you feel that may be required.

We required you to attend this meeting on Friday the 22nd of February at 1000hours at Newbury Police Station, Mill Lane, Newbury, Berkshire, RG14 5QU.

In the meantime can you please ensure that all of the above points contained within this letter have been rectified, and an unannounced inspection during trading hours will be completed in the very near future to ensure that your licence is now in compliance and that your premises does not continue to undermine the licensing objectives

Yours Faithfully

PC 5246 Darryl SOWDEN

Newbury Neighbourhood Police Team

Shoulder No/Name:	PC 3591 HALL	Station: NEWBURY	LPA: WEST BERKSHIRE
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Premises Name/Location: THE VAULT, 10-12 MARKET STREET, NEWBURY, RG14 5EN	
Incident Date: 21/02/19	Incident Time: 1935hrs
Command & Control URN: 1189	Crime Report(s): 43190056071
CCTV Seized? No	
Sources of Information:	

1900-2300hrs on Thursday 21st February 2019, THE VAULT night club, NEWBURY held an under 18s club night (known to staff as "nappy night"). Tickets were purchased before hand, and staff had a spreadsheet of all those attending. Whilst checking the toilets, a member of door staff saw a 16yo male [REDACTED] holding three packages of white powder thought to be cocaine.

Later on in the evening, staff found another male, [REDACTED] 17yo had one small bag of ketamine and white powder on his nose.

Door staff were randomly searching bags on entry. Staff said that if anyone is found to be in possession of only one small bag of drugs, then these are seized and collected to be given to police at a later date - they don't tend to call police there and then.

Police were called on this occasion as [REDACTED] had three bags and made comments that suggested he might have been in PWITS - he was therefore detained, pending police arrival.

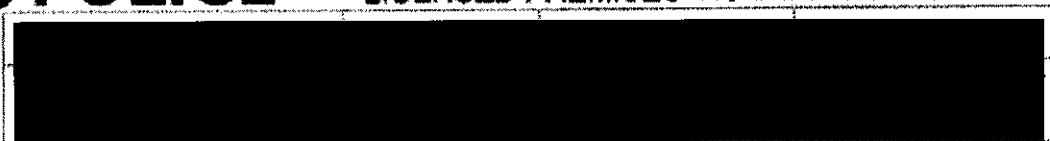
[REDACTED] was marched to police officers, who happened to be in the club taking a statement - if police hadn't been in the building at the time, it is not know if [REDACTED] would have been brought to police attention.

Alcohol was is not served during under 18s nights. Over 18s are allowed in the club on under 18s nights - staff try to keep them in a separate room.

[REDACTED] was arrested by PC 3591 HALL for PWITS class A and drugs were seized. He was dealt with at NEWBURY CUSTODY.

The drugs were seized from [REDACTED] by PC 7773 SIMPSON who took his details and later referred him to a drug diversion course.

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
PC 3591 Rachael HALL		Arresting officer	[REDACTED]	
PC 7773 Claire SIMPSON		Assisting officer		
[REDACTED]		Club patron	Arrested PWITS	CRFA19004024

	43190057122

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)



Big Fish Clubs UK Ltd
24-26 Fleet Street,
Swindon,
Wiltshire, SN1 1RQ

Lindsey Finch
Chief Inspector

Newbury Police Station
Mill Lane
Newbury
Berkshire
RG14 5QU

Tel: 101

Email:

lindsey.finch@thamesvalley.pnn.police.uk

Wednesday 5th June 2019

Licensing Act 2003

Premises Licence Number: 17/01614/LQN

Premises: The Vault Club

Premises Address: 4A Kennet Centre, Newbury, Berkshire, RG14 5EN

Dear Mr Anderson

I am writing to you regarding your planned event on the 15th of June 2019 where you intend to hold a boxing event at The Vault Club. Thames Valley Police has today not received a written event management plan. It is clear in your premises licence number 17/01614/LQN, stipulates the following:

Event Plans Section 2 No event organised by an external promoter shall take place at the premises unless:

- a) A written event management plan for the proposed event has been forwarded to Thames Valley Police and West Berkshire Council no less than 14 days prior to the commencement of the event and;
- b) Thames Valley Police in the form of an officer of at least the rank Chief Inspector have not provided the licence holder with reasonable objection to the holding of the event which is maintained at the time that the event take place. The event management plan to be provided shall include details of the promoter and any performers that are proposed to perform and shall take account of any intelligence sources readily available to the licence holder. In particular, the name of the proposed headliner shall be checked on the ID Scan device.

A copy of the letter sent to you on the 13th of February 2019 explaining all of the breaches we found with the above licence has been attached. PC 5246 Sowden has attended the above address numerous times over the last 8 weeks to ascertain if any or all of these breaches have been addressed and improved. Unfortunately The Vault has been closed each and every time he has attended. So as a result Thames Valley Police have no assurance that any improvement has been made. As a number of the breaches have a significant impact on public safety and with the lack of any event management plan I am writing to inform you that Thames

Valley Police reasonably object to the event proceeding on the 15th of June 2019.
I will also be informing the appropriate licencing authorities of our objection.

I am more than happy to make one of my Police officer available to confirm that the breaches detailed have been addressed and review any event management plan you submit by no later than Sunday the 9th of June 2019. After this I may be able to review our position regarding our objection.

Yours Faithfully

Lindsey Finch

Chief Inspector

Newbury Police Station



Licensed Premises Summary Report

VAULT

4A The Kennet Centre, Newbury, RG14 5EN

Events dated between 12 January 2018 and 26 June 2019

PLEASE NOTE: The information below is OFFICIAL - SENSITIVE and should not be shared outside of Thames Valley Police without the express consent of the Licensing Team. The records in this summary are derived from a variety of sources. In some cases, multiple records may relate to the same incident and should not necessarily be counted individually. The report relates only to events which have been entered on Amandus at the time of the report being run and may not be a comprehensive list. All data entry is at the discretion of the Licensing Team.

Incident: Assault - Less Serious

Date/Time: Saturday 13 January 2018 - 01:00

Niche Ref(s): 43180014912

Victim was punched on the dancefloor by the ex of a female he was dancing with in unprovoked attack, leading to a black eye. The offender was ejected from the premises & not detained, Police were not informed by staff of the incident. CCTV not provided

Premises Response: Mixed

Engagement: Visit by Police

Date/Time: Saturday 13 January 2018

Visit to premises on the opening night by patrol, Sergeant PS 313 Chapman.

No door book was on site, but it was promised this was due for collection and once provided it is recorded that not all entries were legible. Also noted that the queue was not well managed and may require barriers. Gen 40 within correspondence folder.

Incident: Intoxication

Date/Time: Friday 19 January 2018 - 23:00

Niche Ref(s): 43180021055

Inc Ref(s): URN 1362 20/01/18

At approx 2300 a female was ejected from the premises for showing signs of intoxication and left in the care of her friend. After an argument with the friend the female was left alone and allegedly sexually assaulted during the journey home in a taxi.

Premises Response: Unknown

Engagement: Visit by Police

Date/Time: Friday 26 January 2018

Joint TVP/WBC visit -

Numerous non compliance issues with conditions. CCTV not compliant with licence conditions and Section 19 Notice served. All documents attached to folder.

Incident: Other (specify in notes)

Date/Time: Sunday 04 February 2018 - 02:15

male in smoking area seen to make an exchange with another male both males were searched with negative result. Police conducted search and male disclosed he had given male £10 as his friend was not allowed access but d/s said £20 and they would let him in

Premises Response: Mixed

Incident: Assault - Less Serious

Date/Time: Saturday 10 February 2018 - 23:46

Niche Ref(s): 43180044089

Inc Ref(s): 1545

09x1 assault on d/s. male has fallen / pushed down the stairs. He was found by d/s unconscious but when he woke up he bit d/s. caution in custody for battery

Premises Response: Positive



Licensed Premises Summary Report

VAULT

4A The Kennet Centre, Newbury, RG14 5EN

Events dated between 12 January 2018 and 26 June 2019

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Incident: Assault - Less Serious

Date/Time: Sunday 11 February 2018 - 01:42

Niche Ref(s): 43180044156

Inc Ref(s): 117

caller states d/s have assaulted GF. Victim was told she was not allowed to be dancing and was punched in the face. Aggd not sure she wishes to pursue a complaint

Premises Response: Mixed

Incident: Intoxication

Date/Time: Saturday 17 February 2018 - 01:00

Niche Ref(s): 43180050547

females ejected as too intox allowed back to locate friends with d/s then ran off and locked herself in toilets removed again and stood at door shouting at staff. Females refused to listen 09x1 D&D

Premises Response: Positive

Incident: Disorder

Date/Time: Sunday 18 February 2018 - 03:25

after closing a group of 4 females and 2 males came out of sig arguing. Group were managed and no offences just a small drunken disturbance

Premises Response: Unknown

Engagement: Letter sent by Police

Date/Time: Wednesday 28 February 2018

another Gen 40 re CCTV issues - there was a meeting on 26/1 re this. Requesting further mtg 8/3/18 11.00 hrs

Incident: Disorder

Date/Time: Saturday 03 March 2018 - 01:20

Niche Ref(s): 43180065673

Inc Ref(s): 98

aggressive male ejected by d/s and detained on floor over weekend in general d/s were cocky aggressive and created more issues than solved. They were swearing smoking and being un professional. 09x1 with male PND issued

Premises Response: Negative

Engagement: Letter sent by Police

Date/Time: Sunday 04 March 2018

Letter to premises outlining condition breaches discovered during inspection on 26/01/18 and informing that a performance meeting is to be scheduled. Re-inspection and performance meeting jointly with West Berks Council to be convened.

Incident: Drugs

Date/Time: Sunday 04 March 2018 - 01:05

Niche Ref(s): 43180066369

sus noticed by d/s to be acting suspiciously in toilets. Was seen to be about to snort white powder was detained and nothing further found was escorted out and handed to police.

Premises Response: Positive



Licensed Premises Summary Report

VAULT

4A The Kennet Centre, Newbury, RG14 5EN

Events dated between 12 January 2018 and 26 June 2019

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Incident: Drugs

Date/Time: Sunday 04 March 2018 - 00:50

Niche Ref(s): 43180066322

Inc Ref(s): 68

d/s found male in toilets with white powder he was detained drugs and male handed to police.

Premises Response: Positive

Incident: Assault - Less Serious

Date/Time: Saturday 10 March 2018 - 01:30

d/s alerted officers to incident that occur earlier manager had been assaulted d/s removed male and detained him but manager told them to let him go as he did not want police involved

Premises Response: Negative

Incident: Assault - Less Serious

Date/Time: Sunday 18 March 2018 - 00:05

Niche Ref(s): 43180082283, 43180082324

Inc Ref(s): 31

male asked to leave as too intox and assaulted 2 females he refused and was ejected he then threatened to fight d/s and was swearing at everyone.

Premises Response: Positive

Incident: Assault - Less Serious

Date/Time: Sunday 18 March 2018 - 00:19

Niche Ref(s): 43180082263, 2694

Inc Ref(s): 35

Doorstaff were aware of two fights. Called police via town radio. Officers spoke witness. No complaint made.

Premises Response: Mixed

Incident: Disorder

Date/Time: Sunday 25 March 2018 - 02:40

Niche Ref(s): 43180090168

male refused to move on was abusive and drunk and resisted arrest. Male was ejected from sig for intox levels. Police tried to get male to leave area but he refused 09x1 D&D male resisted and d/s watched rather than helped.

Premises Response: Mixed

Incident: Assault - Less Serious

Date/Time: Sunday 25 March 2018 - 02:57

Niche Ref(s): 43180090219

Inc Ref(s): 126 25.3.18

d/s stopped him from entering venue so he punched d/s 09x1 male was detained on floor by d/s after assault. When police arrived d/s let go of male who then kicked off again and they had to restrain him again. CCTV not working

Premises Response: Mixed

Incident: Disorder

Date/Time: Monday 02 April 2018 - 02:15

Niche Ref(s): 43180098307

aggd asked bar maid for number was declined then asked d/s to step o/s as believed he was her BF. Was physically removed after altercation aggd friends say d/s had hands on aggd throat.

Premises Response: Unknown



Licensed Premises Summary Report

VAULT

4A The Kennet Centre, Newbury, RG14 5EN

Events dated between 12 January 2018 and 26 June 2019

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Incident: Other (specify in notes)

Date/Time: Saturday 05 May 2018 - 00:00

Niche Ref(s): 43180135857

victim states someone threw a drink over her she pointed a group out to d/s but they did nothing. They refused to provide SIA numbers when asked.

Premises Response: Negative

Incident: Drugs

Date/Time: Saturday 05 May 2018 - 00:00

Niche Ref(s): 43180135057

Doorstaff have stopped police- information on a male, caught in toilet with a bag containing white powder (MDMA)

Premises Response: Positive

Incident: Drugs

Date/Time: Saturday 12 May 2018 - 00:48

Niche Ref(s): 43180142760

Inc Ref(s): 47

male seen snorting white powder by d/s called in over storenet. Male made off from officers 09x1 PWITS in interview stated was personal use then went no comment.

Premises Response: Unknown

Incident: Assault - Less Serious

Date/Time: Sunday 13 May 2018 - 02:32

Niche Ref(s): 43180143756, 43180143759, 43180143761, 43180143765

Inc Ref(s): 149

call to sig then 3 x assault police and PO from same offender.

Premises Response: Positive

Incident: Disorder

Date/Time: Sunday 20 May 2018 - 03:30

Niche Ref(s): 43180151813

d/s asking for assistance male asked to leave and still being abusive. Male continued to be aggressive when police arrive 09x1 D&D PND issued

Premises Response: Unknown

Incident: Disorder

Date/Time: Saturday 02 June 2018 - 21:44

Inc Ref(s): 1540 - 02/06/18

Disorder reported by reporting officer; no other details known.

Premises Response: Unknown

Incident: Disorder

Date/Time: Sunday 03 June 2018 - 02:35

Inc Ref(s): Urn 213

3 males fighting

Premises Response: Unknown



Licensed Premises Summary Report

VAULT

4A The Kennet Centre, Newbury, RG14 5EN

Events dated between 12 January 2018 and 26 June 2019

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Incident: Drugs

Date/Time: Saturday 01 December 2018 - 01:30

Niche Ref(s): 43180367370

Inc Ref(s): URN 106

Bar staff informed police that they had to keep coming outside because the amount of drugs that were opening being passed hands in the club. No persons were actually identified, it was more of a general thing that all the staff knew was going on.

Premises Response: Unknown

Incident: Assault - Serious

Date/Time: Saturday 01 December 2018 - 01:14

Niche Ref(s): 43180367342

Inc Ref(s): URN 106

ASSAULT ON 24YO MALE HIT IN THE BACK OF HIS HEAD WITH A GLASS BOTTLE - PATIENT IN FIRST AID ROOM - OFF NOT BELIEVED TO BE ON SCENE

Premises Response: Unknown

Incident: Disorder

Date/Time: Wednesday 09 January 2019 - 02:00

Inc Ref(s): URN 54

Male detained on the floor by door staff - The door staff have removed the male from the premises - ET informed

Premises Response: Unknown

Incident: Disorder

Date/Time: Saturday 02 February 2019 - 21:00

Niche Ref(s): 43190035290 & 43190035291

Inc Ref(s): URN 12, 208,252

Boxing event took place, staff had issues getting a group of persons to leave. They then went onto other licensed premises and started causing issues. 2 persons were ejected. Later there was a report of criminal damage linked to event.

Premises Response: Unknown

Engagement: Other sent by Police (Tier 2)

Date/Time: Wednesday 13 February 2019

The Club has failed to adhere to its licence in respect of ID Scanner found not to be working, Search policy, No radio system, Not being in pubwatch, CCTV failure por quality and not all parts of licensable area covered, failure to notify events.

Letter sent and spoken to on phone.

Incident: Drugs

Date/Time: Thursday 21 February 2019 - 19:35

Niche Ref(s): 43190056071

Inc Ref(s): URN 1189

Under age event - Staff at the premises have 2 males using and dealing drugs

Premises Response: Mixed

Engagement: Other sent by Police (Tier 2)

Date/Time: Friday 22 February 2019

Tier 2 meeting
Mr Anderson failed to attend at 10am as notified

APPENDIX 27

URN: Date: Time: Location Reference:
 162 20/01/2018 02:49 21/7/485/201

LIQUID

UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN

Beat Code: EAS1

Caller:

Classification: MISCELLANEOUS : REQUEST FOR ASSISTANCE

Response: URGENT ATTENDANCE

Result: NO FURTHER POLICE ACTION

Closing Type L1: 3. PUBLIC SAFETY / WELFARE

Closing Type L2: CIVIL DISPUTE

Brief Details:

00201/200118: DOOR STAFF AT THE VAULT HAVE KICKED CALLER AND HIS BROTHER OUT OF THE CLUB BUT HIS HEARING AID IS INSIDE.

URN: Date: Time: Location Reference:
 1543 10/02/2018 23:46 21/7/485/201

LIQUID

UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN

Beat Code: EAS1

Caller: FQ11 1449 DRUMMOND CONSTABLE

Classification: CRIME : ASSAULT/OTHER

Response: IMMEDIATE

Result: FORCE REPORT

Closing Type L1: 1. CRIME

Closing Type L2: VIOLENCE AGAINST THE PERSON

Brief Details:

THE VAULTS CALLING UP ON THE RADIO NICHE OCC 43180044089 ASSAULT

URN: Date: Time: Location Reference:
 56 03/03/2018 01:26 21/7/485/201

LIQUID

UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN

Beat Code: EAS1

Caller: FQ12 5383 HANSON CONSTABLE

Classification: MISCELLANEOUS : ALTERCATION IN PROGRESS

Response: IMMEDIATE

Result: ENQUIRY COMPLETED

Closing Type L1: 3. PUBLIC SAFETY / WELFARE

Closing Type L2: SUS CIRCUMSTANCE/INSEC PREM/VEH

Brief Details:

2 PEOPLE DETAINED BY DOOR STAFF

URN: Date: Time: Location Reference:
 68 04/03/2018 00:50 21/7/485/201

LIQUID

UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN

Beat Code: EAS1

Caller: JTR02 812 AUSTIN CONSTABLE

Classification: MISCELLANEOUS : SUS CIRC/INC/PERSON/VEHICLE

Response: IMMEDIATE

Result: NO FURTHER POLICE ACTION

Closing Type L1: 3. PUBLIC SAFETY / WELFARE

Closing Type L2: SUS CIRCUMSTANCE/INSEC PREM/VEH

Brief Details:

NEED ANOTHER UNIT

URN: Date: Time: Location Reference:
 110 17/03/2018 01:34 21/7/485/201
 LIQUID
 UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN
 Beat Code: EA22
 Caller: FQ16 1442 BURFORD CONSTABLE
 Classification: EMERGENCY :
 Response: IMMEDIATE
 Result: ENQUIRY COMPLETED
 Closing Type L1: 3. PUBLIC SAFETY / WELFARE
 Closing Type L2: CONCERN/SAFETY/COLLPSE/NI/TRAP
 Brief Details:
 DISTURBANCE - MORE UNITS TO THE VAULT

URN: Date: Time: Location Reference:
 55 18/03/2018 00:22 21/7/485/201
 LIQUID
 UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN
 Beat Code: EA22
 Caller: [REDACTED]
 Classification: CRIME : ASSAULT/OTHER
 Response: URGENT ATTENDANCE
 Result: FORCE REPORT
 Closing Type L1: 1. CRIME
 Closing Type L2: VIOLENCE AGAINST THE PERSON
 Brief Details:
 00029/180318: [REDACTED] HAS ASSAULTED IN THE VAULT

URN: Date: Time: Location Reference:
 64 18/03/2018 00:40 21/7/485/201
 LIQUID
 UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN
 Beat Code: EA99
 Caller: FQ15 853 HUBBARD-CLARK CONSTABLE
 Classification: MISCELLANEOUS : ALTERCATION IN PROGRESS
 Response: IMMEDIATE
 Result: ENQUIRY COMPLETED
 Closing Type L1: 3. PUBLIC SAFETY / WELFARE
 Closing Type L2: CONCERN/SAFETY/COLLPSE/NI/TRAP
 Brief Details:
 ASSISTANCE SHOUT FROM STAFF

URN: Date: Time: Location Reference:
 182 18/03/2018 02:23 21/7/485/201
 LIQUID
 UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN
 Beat Code: EA99
 Caller: FQ13 6477 ARGYLE CONSTABLE
 Classification: MISCELLANEOUS : ALTERCATION IN PROGRESS
 Response: IMMEDIATE

Result: ENQUIRY COMPLETED
 Closing Type L1: 3. PUBLIC SAFETY / WELFARE
 Closing Type L2: CONCERN/SAFETY/COLLAPSE/INJ/TRAP
 Brief Details:
 DISORDER

URN: Date: Time: Location Reference:
 126 25/03/2018 02:53 21/7/485/201

LIQUID

UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN

Beat Code: EAS1

Caller: PQ13 6987 PERRY-SMITH CONSTABLE

Classification: MISCELLANEOUS : ALTERCATION IN PROGRESS

Response: IMMEDIATE

Result: FORCE REPORT

Closing Type L1: 1. CRIME

Closing Type L2: VIOLENCE AGAINST THE PERSON

Brief Details:

DISTURBANCE AT SIG

URN: Date: Time: Location Reference:
 62 06/10/2018 00:59 21/7/485/201

LIQUID

UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN

Beat Code: EAS1

Caller: IFS23 1053 SYKES INSPECTOR

Classification: MISCELLANEOUS : FEAR FOR PERSONAL WELFARE

Response: IMMEDIATE

Result: ENQUIRY COMPLETED

Closing Type L1: 3. PUBLIC SAFETY / WELFARE

Closing Type L2: CONCERN/SAFETY/COLLAPSE/INJ/TRAP

Brief Details:

WITH UPSET FEMALE

URN: Date: Time: Location Reference:
 106 01/12/2018 01:14 21/7/485/201

LIQUID

UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN

Beat Code: EAS1

Caller: SCAS 115

Classification: CRIME : ASSAULT/OTHER

Response: URGENT ATTENDANCE

Result: FORCE REPORT

Closing Type L1: 1. CRIME

Closing Type L2: VIOLENCE AGAINST THE PERSON

Brief Details:

00143/011218.ASSAULT ON 24YO MALE HIT IN THE BACK OF HIS HEAD WITH A GLASS BOTTLE - PATIENT IN FIRST AID ROOM -
 OFF NOT BELIEVED TO BE ON SCENE - [REDACTED]

URN: Date: Time: Location Reference:
 1162 21/02/2019 19:13 21/7/485/201

LIQUID

UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN

Beat Code: EA81
 Caller: ROBERT ANDERSON
 Classification: MISCELLANEOUS : INCIDENT
 Response: URGENT ATTENDANCE
 Result: FORCE REPORT
 Closing Type L1: 1. CRIME
 Closing Type L2: DRUGS
 Brief Details:
 02227/210219: SECURITY HAVE DETAINED A MALE CARRYING BAGS OF POWDER WHICH HE ADMITTED TO BRINGING INTO THE CLUB TO SELL

URN:	Date:	Time:	Location Reference:
<u>1494</u>	21/02/2019	22:54	21/7/485/201

LIQUID

UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN

Beat Code: EA81
 Caller: PF712 7773 SIMPSON CONSTABLE
 Classification: MISCELLANEOUS : SUS CIRC/INC/PERSON/VEHICLE
 Response: IMMEDIATE
 Result: ENQUIRY COMPLETED
 Closing Type L1: 3. PUBLIC SAFETY / WELFARE
 Closing Type L2: SUS CIRCUMSTANCE/INSEC PREM/VEH
 Brief Details:
 MALE WITH DRUGS

URN:	Date:	Time:	Location Reference:
<u>71</u>	27/05/2019	01:04	21/7/485/201

LIQUID

UNIT 3, THE KENNET CENTRE, NEWBURY, RG14 5EN

Beat Code: EA81
 Caller: PAS33 7011 MALE SERGEANT
 Classification: MISCELLANEOUS : ALTERCATION IN PROGRESS
 Response: IMMEDIATE
 Result: FORCE REPORT
 Closing Type L1: 1. CRIME
 Closing Type L2: OTH NOTIFIABLE OFF INC WEAPONS
 Brief Details:
 UNITS TO SIG

Environmental Health & Licensing

Bracknell Forest
West Berkshire
Wokingham

12 January 2018

Big Fish Clubs UK Ltd
24 - 26 Fleet Street
Swindon
Wiltshire
SN1 1RQ

Public Protection Partnership
Environmental Health and Licensing
West Berkshire District Council
Council Offices
Market Street Newbury
Berkshire RG14 5LD

Our Ref: 17/01614/LQN
Please ask for: Cheryl Lambert
Direct Line: 01635 519184
Fax: 01635 519172
e-mail: Cheryl.Lambert@westberks.gov.uk

Dear Sir/Madam

Licensing Act 2003 – Premises Licence 4A The Kennet Centre, Newbury, Berkshire, RG14 5EN,

Please find enclosed your Premises Licence. The licence must be retained by you whilst you are responsible for the premises and must be available on request, by any authorised officer.

The licence is accompanied by a Premises Licence Summary. This document must be displayed in a prominent position within the premises at all times.

It is the responsibility of the licence holder to check that the licence details are correct. If incorrect, you must contact the Licensing Team, in writing and state clearly why you believe the licence details are wrong. Where errors have been made and are the responsibility of the Council, they will be rectified as soon as possible. If errors have been made by the applicant in filling out the application, these will need to be addressed by making a variation to the licence issued.

The annual fee will be due on the date of issue of the licence each year. You will be sent an invoice prior to the anniversary of the issue date and failure to pay may result in suspension of the Premises Licence. Invoices are sent to the Premises Licence Holder at their registered address as quoted on the Licence.

You are reminded that the Designated Premises Supervisor's details must be correctly stated on the licence at all times and that all sales of alcohol must be authorised by a Personal Licence Holder. (Clubs and non alcohol licensed premises are exempted from this requirement).

Yours faithfully


Authorised Officer
Licensing Team

**PUBLIC PROTECTION PARTNERSHIP
A SHARED SERVICE PROVIDED BY BRACKNELL FOREST COUNCIL, WEST BERKSHIRE DISTRICT COUNCIL
AND WOKINGHAM BOROUGH COUNCIL**

West Berkshire District Council

Public Protection Partnership, Environmental Health & Licensing, Council Offices, Market Street,
Newbury, Berkshire RG14 5LD
Tel: (01635) 519184 Fax (01635) 519172

Licensing Act 2003 Premises Licence

Uniform Ref: 17/01614/LQN

Premises licence number 17/01614/LQN

Part 1 - Premises details

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

The Vault Club
4A The Kennet Centre, Newbury, Berkshire, RG14 5EN

Licensable activities authorised by the licence

Boxing or Wrestling Entertainment
Performance of Live Music
Recorded Music
Performance of Dance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Boxing or Wrestling Entertainment

Friday & Saturday: 13:00 to 23:00

Activity will take place Indoors/Outdoors : **Indoors**

Performance of Live Music

Monday to Sunday: 11:00 to 03:30

Activity will take place Indoors/Outdoors : **Indoors**

Recorded Music

Monday to Sunday: 11:00 to 03:30

Activity will take place Indoors/Outdoors : **Indoors**

Seasonal Details: Activities extended by one hour for British summertime.

Performance of Dance

Friday to Sunday: 11:00 to 03:30

Activity will take place Indoors/Outdoors : **Indoors**

Late Night Refreshment

Monday to Sunday: 11:00 to 03:30

Activity will take place Indoors/Outdoors : **Indoors**

Seasonal Details: Activities extended by one hour for British summertime.

Supply of Alcohol

Monday to Sunday: 11:00 to 03:00

Alcohol On/Off Premises: **On Premises**

Seasonal Details: Activities extended by one hour for British summertime.

The opening hours of the premises

Monday to Sunday: 11:00 to 03:30

Seasonal Details: Activities extended by one hour for British summertime.

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

On /Off Sales : **ON**

Part 2

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

Big Fish Clubs UK Ltd
24 - 26 Fleet Street, Swindon, Wiltshire, SN1 1RQ

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

09610080

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

Mr Robert William Anderson


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

881140221LIPER Swindon Borough Council

Date: 12th January 2018

Signed:



Authorised Officer

Licence granted 05/01/2018

Annex 1 - Mandatory conditions

Premises - Supply of Alcohol

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

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 (in force 1 October 2014)

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

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - a) a holographic mark, or
 - b) an ultraviolet feature.
6. The responsible person must ensure that -
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
7.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (2) For the purposes of the condition set out in paragraph 1 –
 - a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where—

- (i) **P** is the permitted price,
 - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4)
- 1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - 2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Premises - Door Supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
2. But nothing in subsection (1) requires such a condition to be imposed-
 - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - b) in respect of premises in relation to -
 - i. any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - ii. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under the Act).
3. For the purposes of this section-
 - a) security activity means an activity to which paragraph 2(1)(a) of the Schedule applies, and
 - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of the Schedule.

Annex 2 - Conditions consistent with the operating Schedule dated 15/11/2017

Prevention of Crime and Disorder

During periods when regulated entertainment is being provided and the premises is open to the public, a nominated individual with appropriate training and experience will be identified as being responsible for all bar areas.

Public Safety

1. No drinks such as glasses or bottles will be permitted on any dance floor area or smoking area.
2. The maximum capacity for the premises will be determined by an internal risk assessment (this will include all members of staff and visiting entertainers).
3. The DPS/ management will adopt a policy for any emergency or evacuation of the premises and ensure all staff including door staff are trained in the content of the policy.

Protection of Children from Harm

1. Persons under the age of 18 will not be permitted to play any sort of AWP machine.
2. During events such as an under 18 event all AWP machines will be switched off.
3. During such events as an under 18 event the premises smoking area will be closed and under 18's will not be permitted to smoke.
4. When under 18 events are being held all alcohol will be removed and not be visible during the duration of the event

Conditions agreed with Thames Valley Police 12/12/2017

Operation of the Premises

Hours of operation and Entry restrictions

1. The terminal hour for cessation of alcohol on Monday to Sunday shall be 03:00.
2. Hours open to the public 03:30.
3. The PLH shall ensure that no new customers shall be permitted entry to the premises after 01.30 on Monday to Sunday.

Re-admission to existing customers to retrieve personal belongings and those who have gone outside to use the smoking area is permitted, subject to a search by the Door Staff prior to being let back inside.

4. An entry, closure and dispersal policy for controlling the opening and closing of the premises and the departure of customers from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated. The policy shall be in written format and made available upon request to an authorised officer of West Berkshire Council and Thames Valley Police.
5. Recorded music shall be reduced to background level 30 minutes before the end of the time that the premises is permitted to be open to the public.

Protection of Children from Harm

Challenge 25 & Age verification

1. At all times that the premises is operating under this licence, the Premises Licence Holder shall ensure that its staff operate a Challenge 25 Policy (to minimise the risk of alcohol being sold to underage customers). This Policy shall (as a minimum provide) that before entry (or alternatively before any sale of alcohol), any person who appears to be under the age of 25 will be required to produce photo ID in the form of a passport; driving licence, UK Military ID card; PASS (or similar) card to prove that he/she is over the age of 18, before being permitted;
2. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent places in the premises so that they can be seen internally and externally;
3. The Premises Licence Holder shall display in a prominent position a copy of their policy on checking proof of age.

Age Policy

At all times that the premises is operating under this licence no person under the age of eighteen years old will be allowed entry onto the premises.

Prevention of Crime and Disorder

Admission Policies ID Scan

1. ID SCAN shall be available as a condition of entry and specifically the PLH's staff shall:
 - a) Operate 100% ID Scanning for all customers from 22:00 till last entry Mon - Sun inclusive.
 - b) From when its security personnel start shift, daily operate an ID scan of all customers reasonably thought to be under 25; and
 - c) Shall ID scan any potential customer of any age at any time in large groups or when intelligence led;

"Customer" for the purposes of this condition shall include any patron; non-regular Staff, promoters and performers entering the premises. This condition shall not apply to headline performers and regular staff members whose identity is already known to PLH staff;

The ID Scan Device shall record the names and dates of birth of all persons entering the premises and retain the image and details of the ID. These records shall be kept for a minimum of thirty one days and shall be made available to any authorised Officer of TVP or an authorised Officer of West Berkshire Council;

Records shall be made available to an authorised officer of TVP or an authorised officer of West Berkshire Council together with facilities for viewing with immediate access by a person qualified to operate the system;

Any breakdown or system failure will be notified to TVP immediately and remedied as soon as practicable;

2. The Designated Premises Supervisor shall ensure licenced security staff shall manage persons awaiting entry to the premises. Management shall ensure queuing customers do not obstruct the thoroughfare. This shall include any designated smoking areas.

Search Policy

1. The Premises Licence Holder shall implement a written search policy (following discussion with TVP), to minimise the risk of illegal weapons and drugs being brought onto the premises, including search, detection, confiscation, storage and disposal of drugs procedures. The search policy shall provide, as a minimum:
 - a) For 100% search of all customers attempting to enter the premises, from 22:00 till last entry Mon - Sun;
2. Notices shall be displayed advising the public that the right to conduct an outer body search is reserved as a condition of entry, and that the Thames Valley Police shall be informed if anyone is found in possession of illegal drugs or offensive weapons;

CCTV

The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping.

The entire licensable area shall be covered by the CCTV. Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or West Berkshire Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act. Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

Event Plans

1. A written Event Management Plan for events where the predominant licensable activities involve the performance of recorded or live music with dancing shall be submitted to Thames Valley Police and West Berkshire Council setting out how the event will be managed and the precautions which have been taken to cater for all reasonably foreseeable contingencies and which will demonstrate the procedures, roles and specific responsibilities of the management team, security and associated personnel. The finalised version of such a plan must be submitted at least 14 days prior to the commencement of the event.
2. No event organised by an external promoter shall take place at the premises unless:
 - a) A written Event Management Plan for the proposed event has been forwarded to Thames Valley Police and West Berkshire Council no less than 14 days prior to the commencement of the event and;

- b) Thames Valley Police in the form of an officer of at least the rank of Chief Inspector have not provided the licence holder with a reasonable objection to the holding of the event which is maintained at the time that the event takes place. The Event Management Plan to be provided shall include details of the promoter and any performers that are proposed to perform and shall take account of any intelligence sources readily available to the licence holder. In particular, the name of the proposed headliner shall be checked on the ID Scan device.

Radio System

The Premises Licence Holder shall participate, as far as is practicable, in the Local Shop Watch Radio Scheme when the premises are open for licensable activities after 21:00hrs Mon - Sun.

Pubwatch

The premises licence holder must ensure that the Designated Premises Supervisor holds membership of, and actively participates in the Local Pub Watch Scheme, including making use of apparatus supplied as part of the scheme.

Incident Book

An incident/refusal book shall be used to record details of incidents that occur in and around the venue and refusal of sale of alcohol. The incident book shall truly reflect what has occurred and shall be specific in detail. All incidents shall be signed off by either the Head Door Supervisor; the DPS or the nominated individual when DPS is not on site. The premises licence holder shall ensure a recorded weekly review of the incident/refusal book by the DPS shall be carried.

Door Supervisors

The Premise Licence holder shall keep and maintain a register of door supervisors.

1. The register will show the following details:
 - a) The name, home address and registration number of all door supervisors working at the premises.
 - b) SIA registration number.
 - c) Date and time that the door supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.
 - d) Any incident of crime and disorder, or concerning children must be recorded giving names of the door supervisors involved.
 - e) Date and time the door supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.
 - f) The door supervisor register must be kept at the licensed premises and be available for inspection by Thames Valley Police or an authorised officer from West Berkshire Council and shall be retained for period of six months from the date of the event.
2. The Premises Licence holder shall ensure that all Door Supervisors whilst employed at the Premises shall wear 'High Visibility' arm bands to incorporate displaying their SIA badges.
3. The Premises Licence Holder shall ensure that at least one female door supervisor shall be employed and available where appropriate. eg: if a female customer is subject to a body search.
4. The premises licence holder must ensure that a minimum of 3 door supervisors are employed whenever regulated entertainment is planned to take place Monday to Sunday inclusive to manage entry to the premises and searching processes.

A further door supervisor shall be employed for every 100 persons (See example below)

The Premises Licence Holder shall risk assess the requirement to increase the ratio to 1:75 and a copy of that risk assessment must be available on request by Thames Valley Police or an authorised officer from West Berkshire Council.

Eg:-

0 persons = 3 Door Supervisors

100 persons = 4 Door Supervisors

200 persons = 5 Door supervisors

300 Persons = 6 Door Supervisors

400 Persons = 7 Door Supervisors

500 Persons = 8 Door Supervisors

600 Persons = 9 Door Supervisors

700 Persons = 10 Door Supervisors

800 Persons = 11 Door Supervisors

And so forth.

5. Whilst Door Supervisors are employed at the premises a minimum of one Door Supervisor working on the entrance/ exit to the Club will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur outside of the premises involving customers either entering, exiting or in any queue or external smoking area that impact any of the four licensing objectives.

Data recordings shall be made immediately available to an authorised officer of Thames Valley Police or West Berkshire Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.

Public Safety

Measures to minimise the risk of entry of intoxicated customers

The Premises Licence Holder shall have a breathalyser unit available for Security staff to use at their discretion as an aid to determine the intoxication of customers trying to gain entry.

Staff training & alcohol sales

Staff employed to sell alcohol shall undergo training upon induction. This training shall include, but not be limited to:-

- The premises age verification policy
- Dealing with refusal of sales
- Proxy purchasing
- Recognising valid identity documents not in the English language
- Identifying attempts by intoxicated persons to purchase alcohol
- Identifying signs of intoxication
- Conflict management
- How to identify and safeguard vulnerable persons who attend and leave the premises
- Drug Policy and substance awareness and effects
- Search Policy
- Dispersal Policy
- Crime scene preservation
- Child Sexual Exploitation

Refresher training shall be provided every 3 (three) months and signed records made available for inspection by a Police Officer or authorised officer of West Berkshire Council upon request. Written records are to be kept for a minimum of 2 (two) years of the date of training.

Polycarbonate

The premises licence holder shall ensure that all draught alcoholic, draught non-alcoholic and spirits are served in polycarbonate containers.

All alcoholic and non-alcoholic bottled drinks where possible should be served in plastic bottles.

Whenever plastic bottles are not available and glass bottles are supplied the premises licence holder shall conduct a written risk assessment. The risk assessment shall include a consideration to decant the drinks into polycarbonate containers, and a rationale provided whenever this measure is precluded.

The risk assessment shall be made available to an authorised officer of Thames Valley Police or West Berkshire Council upon request.

Prevention of Public Nuisance

Signage

Signs will be prominently displayed on the premises to encourage customers to leave the premises quietly.

Conditions agreed with Trading Standards 06/12/2017

1. All staff employed in the sale of alcohol shall be trained in respect of the law relating to the sale of alcohol. The training shall include: Details of the Challenge 25 Policy operated by the premises, how to ask for ID, what ID to accept, what to do if a customer complains about being refused/asker and how to record any challenges. This training will be documented in writing and made available on request to Thames Valley Police, Trading Standards & Licensing Officers. Staff will be trained at least every 6 months and the content of the training will be reviewed and updated on a regular basis.
2. The premises shall maintain a refusals register. This register should detail the following information: Date, time, member of staff, what was requested, whether ID was produced, if so what ID, or the reason for refusal. A responsible member of staff will review and sign the refusals register at least once a week

Conditions agreed with Environmental Health 07/12/17

Noise and Vibration

1. The volume of amplified music within the premises should be played at a level that is appropriate to the circumstances such as the time of day and the degree of sound insulation afforded by the buildings in relation to the distance of the premises from dwellings or other noise sensitive premises.
2. All doors and windows to rooms in which amplified speech or music is taking place should be kept closed, other than for access and egress. In addition the doors to the entrance lobby should similarly be kept closed when amplified speech or music is taking place.
3. No amplified music or speech shall be relayed via external loudspeakers.
4. A noise limiting device must be installed at the premises and maintained in such a manner as to control all sources of amplified music and speech at the premises. The device must be:-
 - used at all times during the entertainment;
 - set at a level agreed in writing with the Council; and
 - sealed in a manner, which is tamper proof.
5. The licensee or nominated representative during operation of regulated entertainment should monitor the noise levels outside the premises. A record of the monitoring, any action taken and any matters giving rise to concern shall be maintained in a log book.
6. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
7. The licensee or a nominated representative shall receive and respond to complaints of noise throughout the duration of all entertainment and during the time that patrons are leaving the premises.
8. Staff must be given adequate training to ensure they keep noise levels to a minimum when leaving the premises.
9. The licensee or nominated representative should monitor the effect of patrons leaving the premises from time to time and at least once a week. A record of the monitoring and of any matters giving rise to concern shall be maintained in a log book.

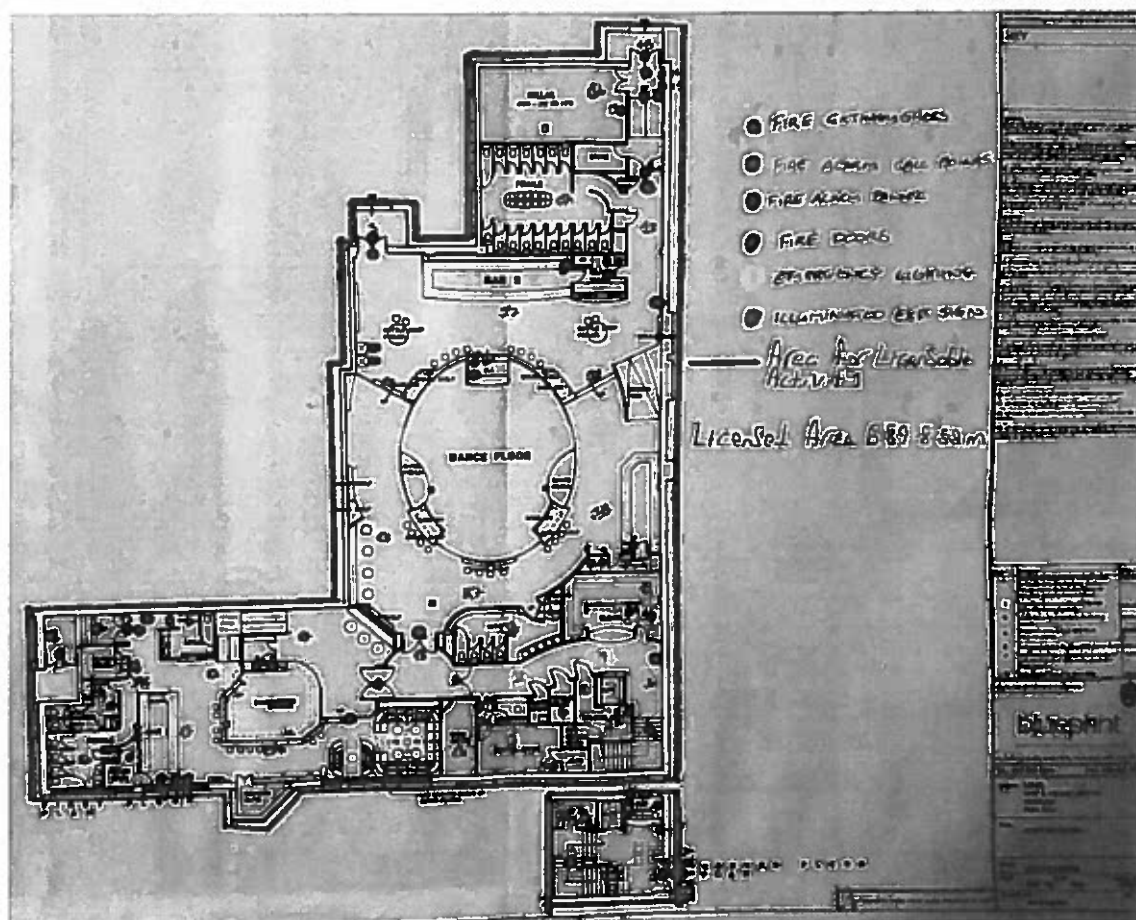
Refuse

10. Refuse, such as bottles, shall not be placed into receptacles outside the premises between 22:00 hours and 08:00 hours in order to minimise the disturbance to nearby properties.
11. Waste receptacles shall be provided and placed outside the entrance lobby in order to minimise litter from food wrappings and soft drinks.

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

None

Annex 4 - Plans as submitted 15/11/2017



West Berkshire District Council

Public Protection Partnership, Environmental Health & Licensing, Council Offices, Market Street,
Newbury, Berkshire RG14 5LD
Tel: (01635) 519184 Fax (01635) 519172

Licensing Act 2003 Premises Licence Summary

Uniform Ref: 17/01614/LQN

Premises licence number	17/01614/LQN
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Premises details

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

The Vault Club
4A The Kennet Centre, Newbury, Berkshire, RG14 5EN

Licensable activities authorised by the licence

Boxing or Wrestling Entertainment
Performance of Live Music
Recorded Music
Performance of Dance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Boxing or Wrestling Entertainment

Friday & Saturday: 13:00 to 23:00

Activity will take place Indoors/Outdoors : **Indoors**

Performance of Live Music

Monday to Sunday: 11:00 to 03:30

Activity will take place Indoors/Outdoors : **Indoors**

Recorded Music

Monday to Sunday: 11:00 to 03:30

Activity will take place Indoors/Outdoors : **Indoors**

Seasonal Details: Activities extended by one hour for British summertime.

Performance of Dance

Friday to Sunday: 11:00 to 03:30

Activity will take place Indoors/Outdoors : **Indoors**

Late Night Refreshment

Monday to Sunday: 11:00 to 03:30

Activity will take place Indoors/Outdoors : **Indoors**

Seasonal Details: Activities extended by one hour for British summertime.

Supply of Alcohol

Monday to Sunday: 11:00 to 03:00

Alcohol On/Off Premises: **On Premises**

Seasonal Details: Activities extended by one hour for British summertime.

The opening hours of the premises

Monday to Sunday: 11:00 to 03:30

Seasonal Details: Activities extended by one hour for British summertime.

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

On/Off Sales : **ON**

Name, (registered) address of holder of premises licence

Big Fish Clubs UK Ltd
24 - 26 Fleet Street, Swindon, Wiltshire, SN1 1RQ

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

09610080

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

Mr Robert William Anderson

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

At all times that the premises is operating under this licence no person under the age of eighteen years old will be allowed entry onto the premises.

Date: 12th January 2018

Signed:


Authorised Officer

Licence granted 06/01/2018

