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10th January 2012

Dear Mr Phipps

Licensing Act 2003
Application for Review of the Premise Licence
The Black Horse, 1 St John's Road, Thatcham, RG19 3SY
Premise Licence Number 103215

Please find attached the Grounds and Supporting Information in support of the application by Thames Valley Police in respect of the above.

I will today post the hard copies of the supporting information under guaranteed next day delivery by Royal Mail.

Unfortunately, Inspector Ward has been off sick for a couple of days and therefore I have been unable to obtain dates from him where a meeting may be arranged as you requested. I will contact him as soon as possible and obtain some dates and times

Yours sincerely,

Mike King | Licensing Officer | Thames Valley Police | Reading & West Berkshire Police Area |

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Reading Police Station, Castle Street, Reading, RG12 7TH

Grounds for review

Due to the unacceptable number of complaints, substantiated breaches of the Licensing Act 2003 and the substantiated breaches of the variation in conditions imposed by the Council's Licensing sub-committee following a review of the premise licence on 28th July 2011. Thames Valley Police are requesting the Revocation of the Premises Licence.

If this is not considered appropriate then the following options are:

1. The premise license be suspended for up to a maximum period of three months in order to establish, in relation to the Licensing Act 2003 and the Premise Licence Conditions, proficient, professional working practices in order to bring about to the establishment an acceptable management regime to ensure that the premises operates in a manner that supports the four Licensing Objectives as set out in the Licensing Act 2003 and in compliance with the premise licence conditions.
2. The removal of the current manager who will be replaced by an individual who has a robust approach in implementing the premise licensing conditions and acceptance of the Four Licensing Objectives.
3. A new, local, Designated Premise Supervisor, preferably who has the day to day the on site control of the premise shall be appointed.
4. All windows shall be fixed shut in order that no customer or member of staff may be able to open them.
5. A sound limiter shall be installed in accordance with the guidance and assistance of West Berkshire Council's Environmental Health Department.
6. A written agreement with a nominated local Taxi firm regarding the issues with noise when collecting customers shall be drawn up.
7. All activities at the premise shall cease by 23.00 hours and the premise completely shut by 23.30 hours.
8. The Premises Licence holder shall ensure a minimum of one SIA registered door supervisor shall be employed at the premises until such time that the correct running of the premise has been established to the satisfaction of West Berkshire Council and Thames Valley police.

The Door Supervisor whilst employed at the premises shall wear a 'High Visibility' arm band to incorporate the displaying of their SIA registered badge.

The Premise License holder shall keep and maintain a register of the duty door door Supervisor, the register will show the following details:

The name, home address of the door supervisor working at the premises;

the SIA registration number of the door supervisor working at the premises;

the date and time that the door supervisor commenced duty, countersigned by the DPS or nominated duty member of staff;
any occurrence or incident of interest shall be recorded giving names of the door supervisor involved;

the date and time the door supervisor finished work, countersigned by the DPS or nominated duty member of staff;

the door supervisor register shall 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;

the SIA registered door supervisor shall be present at all times that the venue is providing regulated Entertainment.

Supporting Evidence

Breeches of Licensing Act 2003

Section 141(1) Serving to persons who are drunk.

Sgt Harrison's report dated 30th September 2011. In conversation with BARNABY she admits that there is an acceptance of serving to individuals who are intoxicated, contrary to the above mentioned Section.

GEN40 of 23rd September 2011.

PC 67777 advises in his report following an assault at the premise the victim was highly intoxicated and he was told that the victim had been in the premise since 14.00 hours that day.

Section 136(1)(a)

PC 5233 Murphy statement dated 26th November 2011. Karaoke being played. The premise is not licensed for provision of facilities for making music contrary to the above mentioned Section.

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Breeches of the Amended Conditions post review on 28th July 2011. (Appendix A)

Item 3 Entertainment after 2300.

URN 1691 of 24th September 2011, 23.32 hours. (Appendix C2)

Police receive a complaint that the premise is open beyond the termination hour. The complainant also asserts that there is a party going on and loud music can be heard.

URN 1811 of 28th October 2011, 23.07 hours (Appendix C7)

Police receive a complaint regarding customers coming in and out of the premise when it should be closed. In addition, there is loud music emanating from the premise.

GEN40 of 28th October 2011, 23.07. (Appendix D3)

In the report the officer witnessed music coming from the premise.

ISR Report 9097 of 20th November 2011 (Appendix G2)

The information contained in this report, **not submitted**, suggests that the premise is not complying with the licence conditions which have been placed upon it by the Council. Some of the residents have stated that the music goes beyond 23.00 hours and are willing to make whereas some of them are not.

PC Murphy's Statement of 26th November 2011. (Appendix B3)

In his statement the officer witnessed entertainment in the form of a Karaoke taking place at 23.24 hours. He approached BARNABY and told her to turn the music off as it was nearly 23.30 hours.

**E-mail from West Berkshire Environmental Health 3rd January 2012.
15.37. (Appendix F6)**

An e-mail advises that they have had a complaint about being disturbed at 23.20 hours by music being played.

Item 4 Provision of entertainment facilities.

PC Murphy's Statement of 26th November 2011.

PC 5233 Murphy dated 26th November 2011. Karaoke being played. The premise is not licensed for the provision of facilities for making music.

Item 5 Smoking at the front of the premise.

Sgt Harrison's report dated 30th September 2011. (Appendix D4)

In conversation with BARNABY she freely admits that some of her customers still smoked outside the premise at the front.

E-mail of 7th November 2011, 09.55 hours. (Appendix E2)

In her report the officer advises that she was informed that smoking is still taking place outside of the premise at the front.

ISR Report 6066 20th November 2011. (Appendix G3)

The information contained in this report, **not submitted**, suggests that the premise is not complying with the licence conditions which have been placed upon it by the Council. One of the items in the report indicates that smoking is still taking place outside of the premise at the front.

Item 8 CCTV

URN 1491 of 23rd September 2011, 21.16 (Appendix C1)

Following an assault at the premise the attending officer requested to review the CCTV footage to try and establish the identity of the suspect currently being held by a colleague. The CCTV system could not be interrogated.

Sgt Harrison's report dated 30th September 2011. (Appendix D4)

In conversation with BARNABY she stated that the CCTV system is quite easy to use.

Item 10 Customers leaving quietly

E-mail of 7th November 2011, 09.55 hours. (Appendix E2)

In her report the officer advises that she has witnessed BARNABY at 11.32 hours talking loudly with customers as they are leaving the premise out in the road rather than encouraging customers to leave quietly. She was also seen talking and assisting a male into a taxi which added to the noise.

E-mail of 7th November 2011, 09.38 hours. (Appendix E1)

In her report the officer advises that one resident has stated that when the customers are leaving the premise they are loud and has even heard the landlady shouting at the front of the premise after it should have been closed.

E-Mail No Date 23.33. (Appendix E2)

The officer observed 4 people come out of the premise at 23.40 hours and there was a lot of laughter and joking and being very noisy.

Item 11 Windows and doors open.

URN 1620 of 22nd October 2011, 23.09 hours. (Appendix C6)

URN 1881 of 28th October 2011, 23.07 hours (Appendix C7)

Police receive a complaint regarding loud music playing at the premise with both the doors wide open.

GEN40 of 28th October 2011, 23.07. (Appendix D3)

In his report the officer witnessed music emanating from the premise with the doors and windows wide open.

E-mail from West Berkshire Environmental Health 3rd January 2012. 15.37. (Appendix F6)

An e-mail advises that they have had a complaint about being disturbed at 23.20 hours by music being played whilst all the windows were open.

Item 13 Taxis

E-mail of 7th November 2011, 09.38. (Appendix E1)

In her report the officer advises that a resident was bothered by taxis beeping their horns and revving their engines whilst waiting for customers from the premise.

ISR Report 9097 of 13th October 2011. (Appendix G2)

The information contained in this report, **not submitted**, suggests that the premise is not complying with the licence conditions which have been placed upon it by the Council. One of the items in the report indicates that residents are still being disturbed by noise from taxis beeping their horns.

Item 14 Movement of Barrels

E-Mail No Date 23.38 (Appendix E2)

At 23.3 hours the officer observed the landlady at the front of the premise and there was a van and where something had just been loaded with the assistance of a sack truck and it was not being done very quietly.

E-mail of 7th November 2011, 09.38. (Appendix E1)

The report advises that a resident had stated that on a regular basis, around midnight, a white van pulls up at the premise and beer barrels are rolled into the back of it.

Miscellaneous

Crime Report FA3912236/11 of 24th September 2011. (Appendix F1)

Crime Report of an assault at the premise causing Actual Bodily Harm.

E-Mail of 28th September, '0730. (Appendix E1)

E-mail from Inspector Ward advising that the premise is not being run correctly and advising an inspecting officer to warn the premise accordingly.

URN 1886 of 2nd October 2011, 23.42 hours. (Appendix C3)

Police receive a complaint of excessive noise emanating from the premise at a time when it should be closed.

ISR Report 3096 of 4th October 2011. (Appendix G1)

The information contained in this report, **not submitted**, suggests that the premise is open beyond 23.30 hours. The report also indicates that customers are leaving the premise up until midnight.

URN 1794 of 21st October 2011, 23.30 hours. (Appendix C4)

Police receive a complaint regarding the premise being open beyond 23.30 hours and disturbing the complainant.

URN 972 of 22nd October 2011, 15.48 hours, By Arrangement. (Appendix C5)

Police receive a complaint regarding the ongoing problems with the premise. Advising that staff are very noisy, swearing and shouting in the car park up to 02.00 hours. In addition, staff have been abusive to his wife when asked to be quieter.

URN 826 of 3rd November 2011, 14.57, By Arrangement (Appendix C8)

Police receive a complaint regarding the premise and its licence conditions. Also, concerning the premise being open beyond 23.00 hours and up until 01.00 hours.

URN 1291 of 11th November 2011, 21.23 hours, By Arrangement (Appendix D9)

Police receive a complaint of excessive noise emanating from the premise is so loud it keeps waking him up.

ISR Report 5052 of 21st November 2011. (Appendix G4)

The information contained in this report, **not submitted**, following victim contact after ASB coming from the premise on Saturday 19th November 2011. At midnight individuals were seen coming out of the premise. The premise had been closed by Police Officers following music coming from the premise after 23.00 hours. At 02.00 hours on Sunday 20th November 2011 individuals were seen coming out on to the road and getting into a taxi.

**E-mail from West Berkshire Council 9th December 2011,
(Appendix F5)**

The e-mail describes the events when an authorised officer from the Council tried, without success due to interference by BARNABRY and her customers, to post a notice, a legal requirement under the Licensing Act 203, advertising that there had been submitted an application for a review of the premise licence.

**E-mail from West Berkshire Environmental Health 3rd January 2012.
15.37. (Appendix F6)**

An e-mail advises that they have had a complaint about being disturbed at 03.00 hours by noise from fighting.

Appendices

- Appendix A** Notice of decision following the review of the Premise Licence on 28th July 2011.
- Appendix B** B1 Statement regarding the writers issue with the premise.
B2 Statement regarding the writers issue with the premise.
B3 PC Murphy's Statement of 26th November 2011.
- Appendix C** A list and sanitised copies of the URNs itemised in this report.
- Appendix D** A list and sanitised copies of the GEN40 reports itemised in this report.
- Appendix E** A list of E-mails received itemised in this report.
- Appendix F** List of Crime reports itemised in this report.
- Appendix G** A summarised list of the Intelligence Reports received.