

THAMES VALLEY POLICE

Division/Station : Reading Police Station Licensing Dept

From : PC 5787 Simon Wheeler

To : West Berkshire Council

Ref : Application for premises licence, Calcot, Bath Road (Marstons PLC)

Date : 13th January 2018

Subject :

Objection

To whom it may concern

I PC 5787 Simon Wheeler on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted by John Gaunt & Partners on behalf of Marstons PLC in relation to Calcot (New Build) Junction of Bath Road (A4) and Dorking Way, as it is believed that this application in its current format will undermine the four Licensing objectives with specific regard to that of the prevention of crime and disorder.

The proposal before the Sub-Committee is for a pub restaurant with 54 car parking spaces and it has been stated that in the order of 150 covers will be catered for with regulated entertainment being ancillary to the provision of food and alcohol.

In brief discussions with the applicant the premises has been described as a food led rotisserie restaurant with a family friendly feel.

This premises is proposed for location on the junction of the A4 Bath Road and Dorking Way which is in effect opposite the entrance to Reading Sainsburys Centre and at the edge of the Beansheaf estate, with the Fords Farm estate also close by.

The current proposed hours of operation include the supply of alcohol between till 00:00 Sun –Thurs and till 01:00 Fri – Sat.

Thames Valley Police have taken into account the applicants rationale that this is a low risk proposal due to the food led nature of the prospective business, however having undertaken our own investigation into the impact factors of the location of this premises have determined that even a “food led” business of this nature is likely to lead to or at the very least suffer levels of crime and disorder that a business of this nature may not suffer in another location.

In order to determine the impact factors that this proposed licence shall effect we have looked at the four closest licensed premises to its location which are all also “food led” and theoretically low risk premises.

Three of the four premises are within a two mile radius of the proposed premises and the fourth is within a five mile radius. (See **APPENDIX 1**)

In fairness to each of the four premises I have labelled them Pub A to Pub D but can confirm that two are Hungry Horse Restaurants, the third is classified as a Sizzling Pub and the fourth a Flaming Grill Pub.

For each of these premises I have provided a list of URN’s which are logs that are created every time the Police receive a call for service at an individual location. The log details the time of call, details of location and provides a brief precise of the initial incident/reason for the call. (see **APPENDIX 3**)

You will see from the logs which are taken from calls received between 1st January 2017 till 13th January 2018 that each of the premises have suffered a catalogue of incidents throughout this period of time and all times of the day, not just late evenings.

You may also note how similar in nature the incidents are that they are suffering from large scale fights and disorders, through to threats against staff, drug usage, concerns over issues within their car parks and potential drink driving as well as issues with elements of society that refuse to leave when refused service and remain in the premises causing security concerns for the safety of staff.

The common denominator as discussed is that all of these premises are located either on or nearby to the A4 corridor and Bath Road heading out of Reading, and that all should and would normally be considered “low risk” eateries.

However, the unfortunate situation is that for whatever reason the area for which this premises is planned for is in close proximity to a number of other premises that are all dealing with very serious issues of crime and disorder. It is for this reason that it is possible for us to predict the levels of crime and disorder and types of crime and disorder that this premises is potentially likely to apprehend.

We have also included statistics relating to the local “Calcot” Neighbourhood Police area supplied by the Police.Uk website taken from December 2016 to November 2017 and you may note that that both Anti-Social behaviour and Violence offences account for the highest percentages of crime seen within the area. It is also noted on the website that one of the main priorities for the neighbourhood team within the area is indeed anti-social behaviour and drugs (see **APPENDIX 2**)

Further to this the premises is planned to be situated on the edge of a residential area and as such the application for hours of operation for the supply of alcohol till 0000 hours and on weekends 0100, is also of concern in relation to the prevention of crime and disorder and public nuisance regarding potential noise and anti-social behaviour as evidenced in the statistics and problems observed at nearby premises.

In conclusion we strongly feel that this application in its current format is likely to undermine the licensing objectives. Due both to its lack of consideration for the issues apprehended at other premises of a similar nature that will likely beset this premises, as well as those observed within the local area that are detailed in the general crime statistics and supported by the local crime priority regarding anti-social behaviour and drugs.

Section 7.2 of the West Berkshire Council Statement of Licensing Policy states –

“The Licensing Authority will not operate a quota of any kind, which could pre-determine an application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned. The Licensing Authority recognises that pubs, night-clubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. In considering applications, proper regard will be had to these differences and the impact they are likely to have on the local community and the licensing objectives.”

In this situation this is pertinent in that the usual step would be to simply look at this premises application as that of a restaurant with low risk characteristics. However, due to the concerns that we have outlined based around the location and nature of incidents other local premises are suffering the last sentence of section 7.2 is very important when considering the impact

likely to be had by the local community and on the licensing objectives if this licence is granted.

Case law within the East Lindsey District Council v Abu Hanif establishes:-

“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”

Therefore in this situation our opinion is that the licensing objectives are prospective and can be preventative, and would urge the Licensing Sub-Committee to refuse this application for a premises licence in order to prevent the Licensing objectives from being undermined.

However, if the Licensing Sub-Committee were of a mind to grant this application we would strongly recommend that the following conditions be added to the operating schedule as well as a reduction of hours for the supply of alcohol to be reduced 0000 hours Sun – Thurs and Fri – Sat 0100 hours to 2300 hours Mon - Sun.

The West Berkshire Council Statement of Licensing Policy statement states:-

8.6 The Licensing Authority may impose conditions other than those consistent to the Operating Schedule or attached to the existing licence. However, they can do so only when Relevant Representations are made. For example, conditions may be attached requiring the provision or control of:

8.6.1 CCTV;

8.6.2 door staff

8.6.3 toughened glass or polycarbonate drinking glasses and restrictions on open bottles and glasses being removed from the premises;

8.6.4 drinks promotions;

8.6.5 ‘proof of age’ measures;

8.6.6 other measures intended to address the Licensing Objectives such as the playing of ambient music towards the end of an evening to reduce the possibility of violence and the handing out of sweets as people leave premises to reduce public nuisance by noise.

9.6 Generally, the Licensing Authority will consider proposed licensing hours submitted in applications for the sale and supply of alcohol and adjust these appropriately, according to Relevant Representations.

Therefore in this situation we would suggest that the reduced adjustments to the supply of alcohol hours and our recommended conditions below are all relevant representations for due consideration by the Licensing Sub-Committee in this circumstance.

Thames Valley Police believe that all of our proposed conditions are of equal weight and value to ensure that the premises licence if granted has the most robust conditions available to aid it when dealing with the incidents that are likely to occur.

However as an aside could I please also specifically draw your attention to the age verification policy that details “Challenge 25” and specifically relates to the protection of children from harm.

We note that the applicant has within their application offered to undertake a “Challenge 21” age verification policy and in a brief discussion with them it is possible that the applicant would see the “benefits across their estate” to maintain this lower standard as a reason not to implement “Challenge 25”.

We would strongly recommend that Challenge 25 is implemented by the Sub-Committee as Challenge 21 has recently been proven to be a standard which has when implemented failed to prevent the sale of alcohol to underage persons, most notably within some high profile cases involving failed test purchases in both Reading and West Berkshire.

Proposed Thames Valley Police

Operation of the Premises

Hours of operation and Entry restrictions

- i) The terminal hour for cessation of alcohol on Monday to Sunday shall be 23:00 hours.
- ii) Hours open to the public 23:30 hours.

Protection of children from harm

1) Challenge 25 & Age verification

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;

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;

Public safety

2) 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 6 (six) months and signed records made available for inspection by a Police Officer or authorised officer of West Berkshire Council upon request. These records are to be kept for a minimum of 2 (two) years of the date of training.

Prevention of Crime and disorder

3) 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.

Door Supervisors

4) The Designated Premises Supervisor shall conduct a written Risk Assessment whenever regulated entertainment is held at the premises between Monday and Sunday inclusive to establish if door staff are required. The risk assessment shall be produced to an authorised officer of West Berkshire Council or Thames Valley Police upon request.

5) When employed, a register of Door Supervisors shall be kept. The register must show the following details:

- Full SIA registration number.
- Date and time that the Door Supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.
- Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.
- Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.

6) The Door Supervisor register shall be kept at the premises and be available for inspection by an authorised officer of Thames Valley Police, or an authorised officer from West Berkshire Council and shall be retained for a period of six months.

7) Door Supervisors shall be clearly identifiable at all times whilst on duty and display Hi-Vis personalised armbands containing their SIA badge

Search Policy

8) An active search policy shall be put in place to prevent illegal drugs and weapons being brought on to the premises. The policy shall include, but not be limited to, methods of search, detection, confiscation and disposal 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. Notices shall also be put in place informing customers that the management reserve the right to conduct an outer body search and or bag as a condition of entering the premises.

Refusals

9) All cashiers involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic). The log shall contain:

- Details of the time and date the refusal was made;
- The identity of the staff member refusing the sale;
- Details of the alcohol the person attempted to purchase.

Incident Register

10) An incident log shall be maintained to record all incidents of crime and disorder occurring at the premises. Details of occasions when the police are called to the premises shall be recorded. This log shall be available for inspection by a Police Officer or an authorised officer of West Berkshire

Council upon request and shall be retained for one year. The log shall be signed off by the Designated Premises Supervisor or nominated representative at the end of each trading session. A weekly review of the incident register shall also be carried out by the Designated Premises Supervisor.

Public Nuisance

Dispersal Policy

11) 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.

12) The licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents.

13) All [external doors / windows] must be kept closed, other than for access and egress, when events involving amplified music or speech are taking place so as not to cause disturbance to nearby residents and businesses.

14) Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.

15) The Premises and area immediately outside the premises shall be kept clear of all forms of litter whilst the premises is open for licensable activities.

Food Service

16) Substantial food shall be available at all times with Waiter and Waitress service whilst the premise is open for all Licensable activities.

Alcohol removal

17) Customers shall not be permitted to remove open containers of alcohol or bottles from the premises.

Appendices

Appendix 1 – Map detailing the radius within which Pub B – D are situated. The proposed premises is seen marked as a red square.

Appendix 2 - Map and annual statistics taken from Police.uk in relation to the “Calcot” Neighbourhood Police area (December 2016 – November 2017)

Appendix 3 – List of URN (Police calls for service) relating to four local “food led” pubs, three of which are within a two mile radius of the proposed premises, between the dates of 1st January 2017 and 13th January 2018.