

# THAMES VALLEY POLICE

Division/Station : Reading Police Station Licensing Dept

From : PC 5787 Simon Wheeler

To : West Berkshire Council

Ref : Superbowl UK Newbury, The Kennet Centre

Date :8<sup>th</sup> January 2019

Subject :

## Premises Licence 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 in relation to Superbowl UK Newbury, The Kennet Centre, Newbury, Berkshire, RG14 5EN as it is believed that this application and proposed operating schedule 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 the sale of alcohol from 0900 – 0000 Sun-Thurs and 0900-0100 Fri & Sat. With late night refreshment 30 minutes later each night in line with the applied for hours open to the public.

Prior to this application Thames Valley Police can confirm that no contact has been received from the applicant prior to this application in order to discuss any concerns which we may have had in relation to the application or the proposed operating schedule.

Neither has any communication been received from the applicant in order for them to determine any information that could have been supplied relating to our advice on local issues or concerns and or suitable conditions to be included within the operating schedule.

Paragraph 8.46 of the Secretary of States Guidance issued under Sec 182 Licensing Act 2003 states:-

*“While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application.”*

Section 4.2 of the local statement of Licensing Policy states:

*“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.”*

Thames Valley Police believe that currently the application and included proposed operating schedule does not provide sufficient measures for the promotion of the licensing objectives and in order to support the prevention of crime and disorder believe that door security staff and a number of further and reworded conditions are required to promote the licensing objectives.

Newbury Town Centre has a vibrant night time economy which unfortunately does apprehend a certain degree of alcohol related disorder and other anti social behaviour linked incidents involving both groups and individuals. Thames Valley Police believe in this situation that this premises is likely to generate some incidents related to its opening hours,

late night refreshment and supply of alcohol and that robust measures and the inclusion of security staff at peak times is both appropriate and proportionate.

The local statement of Licensing Policy states:

*“2.6 When determining applications, the Licensing Authority must be satisfied that the applicant’s operating schedule (please see section 4) seeks to promote the four licensing objectives. The Licensing Authority will make decisions guided by this policy but will not fetter its right to discretion. In the interests of the safety and wellbeing of all users of the facilities it licenses, the Licensing Authority expects licensees to adopt best practices for their industry. This policy further outlines the expectations of the Licensing Authority and should assist applicants.*

*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.*

*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; for example*

- *Prevention of use, sale or supply of illegal drugs on the premises, and procedures and provision for storage of seized items.*
- *Prevention of drunkenness and alcohol abuse such as drinking games and irresponsible drinks promotions.*
- *Security features such as provision and storage of CCTV - capable of retaining recording images for a period of 31 days from the date of an event and to an identifiable standard (bearing in mind the need to comply with data protection regulations)*
- *A prescribed capacity limit*
- *Use of door staff to control entry to the premises*
- *Procedures for ejection or dispersal of persons from the premises*
- *Procedures for dealing with harassment, discrimination and inappropriate behaviour.*
- *Use of polycarbonate/plastic containers and toughened glass and prevention of persons taking drinks from the premises in open containers*
- *Display of crime prevention notices*
- *An appropriate ratio of tables and chairs to customers based on capacity*

*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.*

*8.7 Where there are off-licence sales, the Licensing Authority would expect the operating schedule to demonstrate how the licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity ('proxy sales'). For example, if the licensee has any suspicions of this activity to ask the customer if they have been approached by children to purchase alcohol and if necessary contact the Police.*

*11.4 If it is reasonably considered that the licensing objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching those which are appropriate for the promotion of the licensing objectives, proportionate to the individual style and characteristics of the event or premises concerned.*

*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.*

*15.5 The Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However every sale of alcohol must be made or authorised by a person who holds a personal licence on the premises, or by the DPS under authority that has been delegated (or must be made or authorised by the management committee in the case of community premises). **The Licensing Authority recommends that if the DPS authorises persons to make sales of alcohol, that this is done in writing, that the document of authorisation is kept on the premises and that all staff are made aware of the location of the document.** Where the DPS has delegated responsibility for the sale of alcohol, they still have a duty of responsibility for the action of those they have authorised to make those sales."*

Thames Valley Police submit the following licence conditions for the consideration of the licensing sub-committee which we feel are appropriate and proportionate in order to promote the four licensing objectives and support other measures that the applicant has proposed within their application. Thames Valley Police believe that the recommended conditions are supported by the relevant sections of the statement of licensing policy detailed above and takes into consideration all relevant and specific factors regarding this application.

## **Protection of Children from harm**

### **1. Challenge 25 & Age verification**

(a) 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;

(b) 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**

(a) All staff employed to sell alcohol shall undergo training upon induction. Training must be completed before any staff member is authorised to sell alcohol and must be documented, countersigned and dated by the trainer and member of staff receiving it. This training shall include, as a minimum:-

- 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.
- Identifying signs of drug usage and prevention.
- The Four Licensing Objectives

a) Refresher training shall be provided every 6 (six) months.

b) Signed induction and refresher training records are to be kept for a minimum of 2 (Two) years of the date of training, and made available for inspection by a Police Officer or authorised officer of West Berkshire Council upon request.

(c) 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.

### **3. Incident Register**

(a) All incidents which impact on any of the four licensing objectives shall be recorded in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded;

(b) The incident register 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

register shall be signed off by the Designated Premises Supervisor or nominated representative at the end of each trading session.

(c) A weekly review of the incident register shall also be carried out by the Designated Premises Supervisor.

#### **4. Refusals Register**

(a) All cashiers involved in the sale of alcohol shall be trained upon induction to record refusals of sales of alcohol in a refusals register (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.

(b) This register will be available for inspection by a Police Officer or authorised officer of West Berkshire Council upon request.

#### **5. Entry and Dispersal policy**

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.

#### **6. Queue management**

A written risk assessment shall be put in place to manage the queuing of patrons outside of the venue on the public highway. This risk assessment shall be reviewed on a regular basis, be provided in written form and be made available for inspection to officers of West Berkshire Council and Thames Valley Police upon request.

### **Prevention of Crime and Disorder**

#### **7. 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 and an appropriate number of cameras shall be installed to cover the external areas immediately outside of the premises. 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.

#### **8. Door Security**

(a) A minimum of eight Security Industry Authority (SIA) registered door staff shall be employed at the premises on a Friday and Saturday night from 2100 hours until close and all

customers have dispersed from inside and outside the premises, and at least two door supervisors will remain outside the premises during this time;

(b) At all other times, SIA registered door staff shall be employed at the premises in accordance with a written risk assessment, to be carried out by the Designated Premises Supervisor. The risk assessment shall be produced to an authorised officer of West Berkshire Council or Thames Valley Police upon request.

(c) When employed, door staff shall wear identifiable clothing that clearly distinguishes them from patrons. Hi visibility armbands shall be worn at all times displaying their Security Industry Authority badge. The uniform worn by door staff must be suitable to ensure that they are clearly visible via both internal and external CCTV camera systems. Hi Visibility fluorescent jackets/tabards must be worn by door staff at any time when stationed at the entry/exit of the premises and whenever on the public highway, and during dispersal;

(d) 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 impacting any of the four licensing objectives must be recorded giving names of the Door Supervisor involved.

(e) 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 twelve months.

## **9. Search policy**

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.

## **10. Toilet Checks**

Regular checks of high risk areas for drug use (including the toilets) shall be carried out by Door staff and premises staff when door staff are not available; A written record of all checks shall be maintained and made available upon request by an authorised officer of the Thames Valley Police and West Berkshire Council.

## **11. Radio Scheme**

The Premises Licence Holder shall participate in the Local Town Radio Scheme whenever the premises are open for licensable activities Monday to Sunday inclusive.

## **12. Pubwatch**

The premises licence holder or duly nominated representative shall be an active member of the local Pubwatch scheme (or similar) if such a scheme is operative.

## **Prevention of Public Nuisance**

### **13. Dispersal process**

- (a) At the end of the evening management and staff shall assist with the orderly and gradual dispersal of patrons in line with the written dispersal policy;
- (b) Staff members (including door personnel when employed) shall advise patrons to leave the premises quickly and quietly out of respect for neighbours;
- (c) Notices shall be displayed requesting customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention shall be drawn to these notices by members of staff;
- (d) Bottle and drinking receptacles shall be removed from any patron before exiting the premises;
- (e) Customers shall be actively discouraged from assembling outside the premises at the end of the permissible hours;

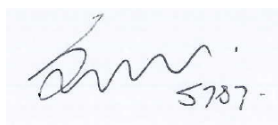
### **General conditions**

**14.** A current written authorisation list shall be displayed in a prominent position on the premises confirming the details of all current staff that have been authorised to sell alcohol by a Personal Licence Holder. The authorisation list shall include, the name of the staff member authorised, the name and personal licence details of the person authorising them to sell alcohol. This list shall also contain the date and signature of the staff member authorised and countersigned by the authorising Personal Licence Holder.

**15.** A section 57 notice shall be displayed in a prominent position detailing the location of the Part A of the premises licence and a list of staff members that have an awareness of its location and content.

**16.** The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to authorised officers of West Berkshire Council and Thames Valley Police upon request.

**Thames Valley Police would be in position to withdraw this objection if agreement was reached with the applicant to include fully all of the proposed conditions within their operating schedule.**



**PC 5787 Simon Wheeler**