

THAMES VALLEY POLICE

Division/Station : Reading & West Berkshire Police Station Licensing Dept

From : C2107 Declan Smyth

To : West Berkshire Council

Ref : The White Hart Inn, Hamstead Marshall, Newbury, RG20 0HW

Subject :

Date : 28th February 2019

Objection

To whom it may concern

I C2107 Declan Smyth 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 The White Hart Inn, Hamstead Marshall, Newbury, RG20 0HW 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 public nuisance and the prevention of crime & disorder.

The proposal before the Sub-Committee is for:-

- **The Supply Of Alcohol**, Monday to Sunday, 11:00 - 02:00
- **Hours Premises Are Open To The Public**, Monday to Sunday 11:00 - 02:00

Thames Valley police would like to bring to attention of the Licensing Applications Sub Committee that this applicant has previously been the DPS for the premises and is also a Director of the company that was the Premises Licence Holder. This Licence Lapsed on 4th September 2017.

(See Appendix: TVP-DS -1 and TVP-DS-2)

Prior to this application Thames Valley Police can confirm that no contact has been received from the applicant in relation to this application in order to discuss any concerns which we may have had in relation to this and to determine any information that could have been supplied relating to our advice on local issues.

The Secretary of States Guidance issued under Section 182 Licensing Act 2003 states:

8.41 In completing an operating schedule, applicants are expected to have regard to the **statement of licensing policy for their area**. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and

- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 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. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

Thames Valley Police believe that in its current format that this application including the proposed operating schedule and hours of operation regarding the sale of alcohol will undermine the four licensing objectives. The applicant has not sufficiently taken into account concerns relating to public nuisance, crime and disorder within the local area and in our opinion not therefore provided sufficient steps to promote the licensing objectives.

Paragraph 5.3 of the West Berkshire Statement of Licensing policy States:

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

Thames Valley Police understand that the Licensing Objectives are prospective and preventative, and as such submit that in order to ensure that the licensing objectives are upheld with specific regard to the prevention of crime and disorder that this application should be refused.

If this application proceeds to a Licensing Applications Sub Committee, and a licence is granted, Thames Valley Police requests the Sub-Committee to consider the following conditions which we feel are appropriate in order to promote the four licensing objectives:- .

1. A minimum of two SIA licensed door supervisors shall be employed specifically to monitor and control patrons within the premises. These two door supervisors shall be employed on a Monday to Sunday trading period from 2100hrs until the last customer has left the premises if the premises is trading past 2300hrs. A risk assessment shall be produced to officers of West Berkshire Council and Thames Valley Police upon request.

Whilst on duty Door Supervisors shall be clearly identifiable and display Hi-Vis personalised armbands containing their SIA badge. From 2100 hours, The Premises Licence Holder (PLH) shall ensure that all door supervisors whilst employed at the premises shall wear hi visibility jackets/ tabards as follows: (1) Those working on the door or outside the premises in bright green, yellow or orange and (2) those working inside the premises in a design and colour agreed by the police, in order that they can be clearly visible and identifiable at all times to the public and via CCTV both internally and externally. When tabards are worn, hi-visibility armbands must also be worn that incorporate displaying SIA badges. If hi-visibility full sleeved jackets are worn the PLH must ensure that all door supervisors badges are also displayed via an easily visible arm band of a different hi-visibility colour to the jacket that is being worn.

2. When employed, a register of Door Supervisors shall be kept. The register must include 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.

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.

3. 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. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. This includes any areas designated for tables and chairs and/or a designated smoking area. 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. 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.

4. Whilst Door Supervisors are employed at the premises a minimum of one Door Supervisor working on the entrance/ exit to the premises, and one internally within the premises will be deployed with digitally recording Body Worn Video (BWV). The BWV will be used to record any incidents which occur inside or outside of the premises involving customers, prospective customers or any staff member that impact on 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.

5. A closure and dispersal policy for controlling the closing of the premises and the departure of customers from the premises at the conclusion of 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. 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. Staff shall be available to assist in the dispersal of customers at the cessation of licensable activities each evening. After 2130hrs staff shall be available to ensure that customers disperse quietly.

7. The Premises Licence Holder shall ensure that all staff employed in the sale of alcohol shall be trained in their responsibilities and a record of their training shall be maintained. Refresher training shall be carried out every six months and documented. These records shall be made available to an authorised officer of Thames Valley Police or an authorised officer of West Berkshire Council.

8. Staff shall be trained on the Premises Licence Holder's policies on intoxication, age verification and customer welfare and vulnerability. Refresher training shall be carried out every six months and documented. These records shall be made available to an authorised officer of Thames Valley Police or an authorised officer of West Berkshire Council.

9. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification. Notices advertising the Challenge 25 and proof of age policies shall be displayed in prominent positions on the premise.

10. All staff 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;
- Any detail or description of the person refused and the reason why

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

11. 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.

12. No deliveries or contracted waste removal services shall be permitted to attend the premises between 2000hrs and 0800hrs the following day.

13. The premises licence holder or nominated representative shall ensure that the premises actively participates in the local Pub Watch scheme.

14. The external area/ Beer garden will not operate beyond 2200hrs. All customers shall be requested to vacate the area by this time and staff will be available to assist with dispersal from the premises if required.

15. No music – either live or recorded – shall be played at any time in the external patio, garden area or any other external area of the premises.

16. The PLH 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.

17. 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 from 2100hrs.

18. During operating hours the licensee or nominated representative shall be available to receive and respond to nuisance related complaints a contact number shall be readily available to residents upon request.

19. The Premises Licence Holder shall ensure that no drinking glasses, other than toughened glasses, not capable of forming shards when broken, may be used for serving of drinks.

20. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include:

- Proof of identity (such as a copy of their passport)
- Nationality
- Current immigration status
- Employment checks will be subject of making copies of any relevant documents produced by an employee, which will be retained on the premises and kept for a minimum period of one year. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of West Berkshire Council or Thames Valley Police upon request.

Appendices

Appendix TVP-DS-1 - Companies House register

Appendix TVP-DS-2 – Premise Licence/ Lapsed 4th September 2017