



Steve Deane
Licensing Officer
Berkshire West BCU
Thames Valley Police
Newbury Police Station
Mill Lane
Berkshire
RG14 5QU
08458 505 505
berkwest.licensing@thamesvalley.pnn.police.uk

Senior Licensing Officer
West Berkshire Council
Public Protection Department
Council Offices
Faraday Road
Newbury
Berkshire
RG14 2AF

7th November 2008

Dear Relevant Authority,

Please find enclosed a copy of the application to review the premise licence of:

Cuba, Saddlers Court, The Broadway, Newbury

Premises licence number 013881

The application has been made in relation to the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm.

Please do not hesitate to contact me regarding the contents.

Regards,

A handwritten signature in black ink, appearing to be "SD".

// Steve Deane
Licensing Officer
Berkshire West BCU
Thames Valley Police

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 SUPERINTENDENT ROBIN RICKARD
 (Insert name of applicant)
 apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 27~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Cuba Saddlers Court 19 The Broadway	
Post town Newbury	Post code (if known) RG14 1AS
Name of premises licence holder or club holding club premises certificate (if known) ID Newbury Ltd	
Number of premises licence or club premises certificate (if known) 013881	

Part 2 - Applicant details

- I am Please tick yes
- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
 - 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
Mr Mrs Miss Ms Other title
(for example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post town	<input type="text"/>	Post Code	<input type="text"/>
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Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
<input type="text"/>
Telephone number (if any)
<input type="text"/>
E-mail address (optional)
<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Thames Valley Police Newbury Police Station Mill Lane Newbury Berkshire RG14 5QU
Telephone number (if any) 0845 8 505 505
E-mail address (optional) berkswest.licensing@thamesvalley.pnn.police.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Thames Valley Police, as a responsible authority under the Licensing Act 2003, make an application for the review of Premises Licence Number 013881 relating to Cuba (also known as the Funky Buddha), Saddlers Court, 19 The Broadway, Newbury RG14 1AS. This application dated 06/11/2008, is being made under the Licensing Objectives of the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm.

The Prelude for requesting the grounds for review are:

On 25th April 2008, an Alcohol Action Group meeting was held consisting of West Berkshire Council and Thames Valley Police representatives. The Designated Premises Supervisor of Cuba was requested to attend this meeting as Thames Valley Police had serious concerns over the manner in which Cuba was being managed.

Specific areas of concern were:

1. The number of assaults taking place inside and outside the premises.
2. Several reports of underage drinking - the premise had a reputation for being the place to go for alcohol if you were under 18.
3. Drugs were being used on the premises.
4. The management were unable to run the premises, despite the presence of door supervisors.

As a result of this meeting the following actions were agreed:

1. Police officers would carry out regular visits to the premise, including speaking with the door staff.
2. A Town Centre Radio would be held on the premise, which all staff would be able to use.
3. A Drug Itemiser would be used at the premise -- date to be agreed between the DPS and the Neighbourhood Police Team.
4. The premise would be kept under close scrutiny for the next few months.

However, between 25th April and 30th October the situation regarding the premises has not improved. Police have attended the location at least 15 times, dealing with assaults, anti-social behaviour, reports of drug taking and reports of underage sales of alcohol.

Please provide as much information as possible to support the application (please read guidance note 2)

During the months of January to March 2008, six separate reports were received by the police that underage drinking was allowed to happen at the premises. These reports were from concerned parents whose children were arriving home intoxicated. Copies of reports for specific incidents on 19 January and 6 March are at Appendix A.

On 7 March, door supervisors reported to the police that a fight was in progress outside the premises. However, while police were dealing with the incident, the DPS made himself known and it appeared to the police officers that he was heavily under the influence of alcohol.

Following the above incidents, a meeting was arranged for 18 March with the DPS, neighbourhood police officers and a licensing officer from West Berkshire Council. The DPS not only failed to attend the meeting, but did not have the courtesy to call to give his apologies. The DPS was then sent a letter inviting him to attend a meeting of the Alcohol Action Group on 25 April. A copy of this letter is attached at Appendix B, along with a copy of the letter sent after the Alcohol Action Group at Appendix C, confirming what was discussed.

At the end of March an Intelligence Report was received to the effect that, whilst a customer was sat in the garden at the premise, people were not only openly snorting cocaine, but drugs were being passed across the bar by bar staff and people were using drugs in the toilets.

On 22 June, a member of staff telephoned the police requesting assistance as a fight was taking place and door staff could not control the situation. When police officers arrived in the alleyway (Saddlers Court) that leads to the entrance of the premises, they saw a male bleeding from a laceration above his eye, a volatile crowd and a number of discarded glass beer bottles. The crowd would not leave the area, so additional police units were requested. With the help of extra police officers, the group of people were escorted down the alleyway to Northbrook Street and supervised until taxis arrived. A copy of the witness statement from a police officer who attended the incident is at Appendix D, along with a letter from Insp Oliphant regarding the glass bottles.

On 2 August another incident was reported whereby two members of door staff were assaulted by youths with baseball bats. A member of staff called the police for assistance, however when the officers arrived, the door staff stated that they did not wish to pursue the matter or make a formal complaint. Earlier in the evening a member of staff called the police to report that door staff were currently detaining a customer who had been taking cocaine inside the toilets of the premise. Police officers arrived and arrested the customer for possession of a Class A drug. A copy of the police report is at Appendix E.

On 6 August a member of the public reported that underage drinking had taken place at the premises, involving two females of 16 and 17 years of age. They were served alcohol in the premise, which had an impromptu 'lock-in' until the early hours to celebrate the 16 year old's 17th birthday the following day.

On 8 August a joint visit to the premises was made by West Berkshire Council and Thames Valley Police. During this visit, there were serious concerns over a drinks promotion called the "Goldfish Bowl", which was 12 shots of spirit in one large glass costing £10. Customers were drinking the cocktails by themselves through straws. One male who had been observed drinking one of them, was seen shortly afterwards

staggering through the Market Place, barely able to stand.

On 5 September a member of staff informed the police that a male customer at the premises had been detained by door supervisors as he had been found snorting drugs in the toilets. Police officers visited the premises and arrested the male for drug possession.

On 27 September there was a disturbance outside the premises following the theft of a purse from a female. The female, who was only 17 years of age, was very loud and drunk and stated to police that she and her 17 year old friend had been served alcohol at the premise all evening and that lots of her underage friends were served alcohol. She said that she had no ID on her (and none in the purse that was stolen) and she was not asked to prove her age.

On the following day, 28 September, the police received a call from a female stating she had just been assaulted at the premises. Following a police investigation, both the offender and the aggrieved were issued with fixed penalty notices for public order offences.

The next incident was on 4 October, when a call was made via Shop Safe to the police, stating that there was a disturbance outside the premises. A group of 7 to 8 drunken people were being very abusive as they left the premises; a female in the group was stopped by the police as she had in her possession a large bottle of vodka which she claimed had been purchased from the bar. When police took the bottle back to the bar, although it was not possible to confirm the female's account, there were no complaints from staff regarding a possible theft. There were a series of incidents, culminating in one of the group, who was extremely intoxicated, trying to start fights around the town.

On Sunday 19 October there was a serious outbreak of disorder. The police received a call from Clive Lockhart at Cuba requesting police assistance as approximately 8 males were fighting outside the premises, one of whom had a plank of wood. A short while later, a call was received from a member of staff at The Chequers Hotel, that there was a fight in the Hotel car park between six males and four females. Witnesses state that the fighting started at the Funky Buddha and staff at the Funky Buddha had ejected two males as 'trouble was brewing'. A fight then broke out in the car park near the entrance to Cuba. There then followed the fight in the Chequers Hotel Car Park, which resulted in one male being unconscious. The outcome was that the disorder was sufficiently serious that this one event resulted in 22 members of police and police staff being committed to dealing with the incident. A copy of the detailed police report is attached at Appendix F.

The latest incident occurred on 30th October when a member of staff at the premises was assaulted. The police received a call from a customer stating that there was a fight in progress at Cuba. When police officers arrived, they were informed that a male customer had grabbed a member of staff around the throat and that door supervisors had seen the male with a knife. The offender who made the call to the police was subsequently arrested for assault. The most worrying aspect regarding this incident, was the fact that it was not reported to the police by a member of staff at the premises, but by a customer who turned out to be the offender.

Firstly Thames Valley Police, due to the amount of crime and disorder occurring at the premises, are seeking revocation of the Premises Licence. If members decide that total revocation of the licence is not their preferred option then the following condition should be applied to the licence.

The current Designated Premises Supervisor to be removed from the licence. The

reason for this is that Mr Ian Cook has failed to demonstrate to Thames Valley Police that he is able to effectively supervise the premises in a way which satisfies the Crime and Disorder Licensing Objective.

Further measures deemed proportionate and necessary to ensure that the Licensing Objectives can be met are:

1. All incidents which impact on any of the 4 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 of members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded.
2. The Premises Licence Holder shall ensure that a system of preventing drinks being taken from the building by customers other than to a beer garden or other enclosed area is adopted and maintained.
3. The Premises Licence holder shall ensure all alcoholic and soft drinks shall be served on the premises only in polycarbonate containers after 21:00hrs till closing time, Monday to Sunday inclusive.
4. The Premises Licence Holder shall ensure that a system is in place, and is used, to prevent any customer who attempts to purchase alcohol and who appears to the staff member to be under the age of 21, without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or a proof of age card showing the "Pass" hologram are to be accepted as identification.
5. The Premises Licence Holder shall ensure that the existing digitally recorded CCTV system shall cover all the major entry and exit points and be able to record frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Dat recordings shall be made immediately available to an authorised officer of West Berkshire Council or police officer together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.
6. The Premises Licence Holder shall have installed by 1st February 2009, an additional operational digitally recorded CCTV camera to cover the entire beer garden, which is able to identify every person in any light condition.
7. The Premises Licence Holder shall ensure no new customers to be admitted after 22:00 hours Monday to Sunday inclusive.
8. The Premises Licence Holder shall ensure that a minimum of three door supervisors are employed Friday and Saturday from 20:00 hours till the premises have been cleared of customers at closing time. The Premises Licence Holder shall also ensure that at least one female door supervisor is employed on a Friday and Saturday from 20:00 hours till the premises have been cleared of customers at closing time.
9. 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.
10. The Premises Licence Holder shall keep and maintain a register of door supervisors. 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 occurrence or incident of interest 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.

11. The Premises Licence Holder shall ensure that alcoholic drinks are not advertised, promoted or supplied in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.

12. The Premises Licence Holder shall ensure that alcoholic drinks are not supplied in such a way which will enable or which is intended to enable persons to consume in excess of double measures of alcoholic drinks on payment of a single payment.

13. The Premise License Holder shall participate in, and use, the "Local" Town Radio Scheme when the premises are opened for licensable activities.

14. The Designated Premises Supervisor or their nominee shall be an active member in the Newbury Town Centre Pubwatch Scheme.

Thames Valley Police also seek to have the hours for the licensable activities amended to read as follows:

Performance of Dance
 Performance of Live Music
 Recorded Music
 Performance of Dance
 Other Similar Entertainment
 Provision of Dancing facilities
 Provision of Other Facilities
 Late Night Refreshment
 Supply of Alcohol

Monday to Wednesday 11:00 hrs to 23:00hrs
 Thursday to Saturday 11:00 hrs to 24:00hrs
 Sunday 11:00hrs to 23:00hrs
 Non Standard Timings to be removed

The opening hours of the premises to be amended to read:
 Monday to Wednesday 11:00hrs to 23:30hrs
 Thursday to Saturday 11:00hrs to 00:30hrs
 Sunday 11:00 to 23:30hrs
 All Non Standard to be removed

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

None Submitted.

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 06 November 2008

Capacity Local Police Area Commander West Berkshire

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Licensing Department Thames Valley Police Mill Lane	
Post town Newbury	Post Code RG14 5QU
Telephone number (if any) 0845 8 505 505	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) berkswest.licensing@thamesvalley.pnn.police.uk	

Notes for Guidance

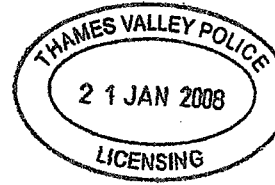
1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor)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

THAMES VALLEY POLICE

LICENSED PREMISES INCIDENT REPORT

Division WEST BERKSHIRE

Station: NEWBURY



Name of Premises: FUNKY BUDDHA

Time and Date of Incident: 19/01/2008 2000HRS

Sources of Information (i.e. Discovered by Police on supervisory visit, Complaint by member of public/licensee - name of officer or name and address of complainant to be included)

Sc 8308 Ashman informed by member of police staff.

Nature of Incident:
UNDERAGE DRINKING

Details of Person(s) arrested or reported and offences:

Action taken in all other cases:

Other Information:

A MEMBER OF POLICE STAFF INFORMED SC 8308 ASHMAN THAT HER 17YR OLD DAUGHTER HAD ATTENDED THE FUNKY BUDDHA WITH HER BOYFRIEND. NEITHER WERE ASKED FOR ANY FORM OF ID BY DOORSTAFF OR BY BARSTAFF AND WERE SERVED ALCOHOL ALL EVENING. THE 17YR OLD WAS INTOXICATED WHEN SHE RETURNED HOME.

GEN 40 endorsed:

Date: 20/01/08

Officer Reporting: SC 8308 ASHMAN

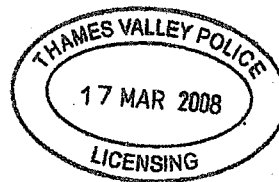
To be forwarded to the Chief Inspector Prosecutions for filing

THAMES VALLEY POLICE

LICENSED PREMISES INCIDENT REPORT

Division West Berkshire

Station: Newbury



Name of Premises: Bar Cuba/Funky Bhuda

Time and Date of Incident: 6th March 2008

Sources of Information (i.e. Discovered by Police on supervisory visit, Complaint by member of public/licensee - name of officer or name and address of complainant to be included)

Member of the Public

Nature of Incident:

A female reported to me that when she went into the above premises with friends, she was ID'd at the door which was okay as she was over 18. However, when she went inside she recognized some girls in the bar who were 16 years of age. This underage drinking seems to take place mainly on Thursday evenings.

Details of Person(s) arrested or reported and offences:

Action taken in all other cases:

Other Information:

GEN 40 endorsed:

Date: 15/03/08

Officer Reporting: PCSO Sue Gillespie

To be forwarded to the Chief Inspector Prosecutions for filing



Inspector Pete Oliphant

West Berkshire Local Police Area
Mill Lane
Newbury
Berkshire
RG14 6QU

Tel. 01635 264747
Switchboard: 08458 605505
Fax. 01635 264861

19th March 2008

Mr Ian Cook
The Funky Buddha
19 The Broadway
Newbury
RG14 1AS

Dear Mr Cook,

Following your failure to attend a meeting at the Police Station yesterday, it would be appreciated if you could attend the next meeting of the Alcohol Action Group.

Thames Valley Police and West Berkshire Council have set up an Alcohol Action Group under the Safer Communities Partnership. The Alcohol Action Group aims to support premises and where necessary take enforcement action in relation to premises which are not promoting the four licensing objectives under the Licensing Act 2003.

As the DPS of The Funky Buddha, 19 The Broadway, Newbury RG14 1AS you are invited to attend the meeting following an increase in incidents being reported at the premise which has caused concern to the group. The reports include the following issues:

- several incidents of underage drinking
- drugs being used on the premise
- the DPS being under the influence of alcohol

The meeting will be held on Tuesday 1st April 2008 at Newbury Police Station starting at 1000 hours.

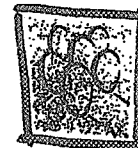
Please confirm receipt of this letter and who will be attending the meeting either via telephone to Laura York, Licensing Clerk on 01635 264822, email to harkswest.licensing@thamesvalley.pnn.police.uk or to Licensing Team at the address above.

Please do not hesitate to contact me or the Licensing Team at Newbury Police Station regarding the contents of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to be "PO" or similar initials.

Pete Oliphant
Inspector
Chair of the Alcohol Action Group



SAFER COMMUNITIES
PARTNERSHIP
West Berkshire



Inspector Pete Oliphant

West Berkshire Local Police Area
Mill Lane
Newbury
Berkshire
RG14 6QU

Tel. 01835 284747
Switchboard: 08458 606606
Fax. 01835 284861

15th May 2008

Mr Ian Cook
The Funky Buddha
19 The Broadway
Newbury
RG14 1AS

Dear Mr Cook,

Thank you for attending the Alcohol Action Group on Friday 25th April. Following-on from this, I thought it would be helpful to set out the main points discussed at the meeting.

Thames Valley Police's main cause for concern was the reputation The Funky Buddha has, for being the place for underage drinkers to go if they wish to obtain alcohol. There was also the issue of numerous reports stating that drugs were being used at the premise.

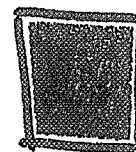
The follow-up actions agreed during the meeting were:

- Police officers would carry out regular visits to the premise, including speaking with the door staff.
- A Town Centre Radio would be held on the premise, which all staff would be able to use.
- A Drug Identifier would be used at the premise – date to be agreed between yourself and the Neighbourhood Police Team.
- The premise would be kept under close scrutiny for the next few months.

Please do not hesitate to contact me or the Licensing Team at Newbury Police Station if you have any queries, or require any assistance.

Yours sincerely

Pete Oliphant
Inspector
Chair of the Alcohol Action Group



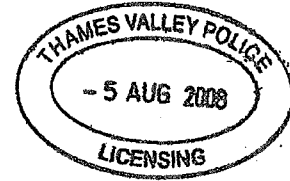
**SAFER COMMUNITIES
PARTNERSHIP**
West Berkshire

THAMES VALLEY POLICE

LICENSED PREMISES INCIDENT REPORT

Division West Berks

Station: Newbury



Name of Premises: Bar Cuba

Time and Date of Incident: 02:07 on 02/08/2008

Sources of Information (i.e. Discovered by Police on supervisory visit, Complaint by member of public/licensee - name of officer or name and address of complainant to be included)
Reported by Clive LOCKHEART, Incident attended by PC 6474 Renfrew and N8308 Munro Ashman

Nature of Incident:

Two members of door staff were assaulted by two or more IC1 youths with baseball bats. This is believed to be linked to the youths having been refused entry into the club about 30 minutes prior to the attack. CCTV footage at Bar Cuba does not cover the incident. Both members of door staff were vague in what information given to attending officers and did not wish to pursue the matter any further or make any complaint. The handle of a baseball bat and a black Nike baseball cap were found at the scene but were both soaking wet so no SOCO available. Both door staff did state that they had seen the males before but could not provide a name. Clive LOCKHEART advised that he would provide the name of the persons involved if he found these out as he believed the males to be known to the police.

Details of Person(s) arrested or reported and offences: No offences disclosed.

Action taken in all other cases:

No action has been taken with regard to URN 225 due to the fact that the security staff involved did not wish to pursue the matter any further and made no complaint.

Other Informations:

On the same night as the original attack a male was detained for possession of Class A Drugs

GEN 40 endorsed:

Date: 5/8/08

Officer Reporting: PC 6474 RENFREW

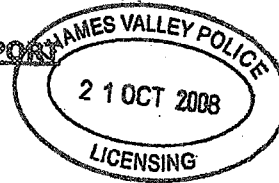
To be forwarded to the Chief Inspector Prosecutions for filing

GEN 40A - LAN (3/2003) © Thames Valley Police

Page 1 of 1

THAMES VALLEY POLICE

LICENSED PREMISES INCIDENT REPORT



Division Berkshire West

Station: Newbury

Name of Premises: Funky Buddha, Bar Cuba, Saddlers Court, 19 The Broadway, Newbury, RG141AS

Time and Date of Incident: 0052hrs 19/10/2008

Sources of Information (i.e. Discovered by Police on supervisory visit, Complaint by member of public/licensee - name of officer or name and address of complainant to be included)

Chequers Hotel, Oxford Street, Newbury.
Clive Lockheart from Funky Buddha, Bar Cuba, Saddlers Court, 19 The Broadway, Newbury
APS 212 HAWKETT - Attended the scene.

Nature of Incident:

from the Chequers Hotel on Oxford Street, Newbury telephoned the police and reported that a fight between six males and four females was happening in the car park of his premises. Police attended and found a male unconscious on the floor in a serious condition. This male was found behind the Chequers Hotel on Pelican Lane. Paramedics attended the scene and rushed the unconscious male to hospital. Two further victims were found at the Chequers hotel who were receiving first aid from staff. The two males at the Chequers had facial injuries and refused to co-operate with police. From witnesses it is believed that the two males were ejected from Bar Cuba as trouble was brewing inside. Before police arrived on scene it appeared that another male had been injured and had made his own way to the RBH. Police attended Bar Cuba and spoke to staff who confirmed that trouble had been brewing inside so they ejected the people responsible. A fight then broke out in the car park just off the entrance to Bar Cuba and in URN 72 it was mentioned that a plank of wood was used during the fight. There was blood and items of clothing scattered around the car park and items of clothing were hanging of bushes, where they appeared to have been pulled off from people during the fight. A scene watch was placed on the car park of Bar Cuba and well as Pelican Lane. It appears that major disorder had occurred as a result of the trouble brewing inside Bar Cuba. The decision was made to arrest the males from the Chequers as it could not be ruled out that they had been responsible for the assault on the unconscious male. As a result of this incident it involved 22 members of police and police staff being committed with dealing with scene watches, evidence recovery, arresting offenders, dealing with victims and witnesses and the overall investigation.

Details of Person(s) arrested or reported and offences:

Action taken in all other cases:

GEN40 Submitted

Other Information: N/A

GEN 40 endorsed: APS 212 HAWKETT

Date: 19/10/2008

Officer Reporting: APS 212 HAWKETT

To be forwarded to the Chief Inspector Prosecutions for filing

Lauren O'Shea

From: Ros Haynes
Sent: 12 November 2008 13:39
To: Lauren O'Shea
Subject: RE: Cuba Review/ Representation

I am writing to support the review of the premises licence for Cuba/Funky Buddha.

I would support the police request for a review on the grounds of the licensing objective 4 ; the protection of children from harm.

The information provided clearly shows that current arrangements are not working and therefore breach licensing objective no 4. This does not seem to be an isolated case as several reports have been received of under age drinking.

Reports of under age drinking and drug taking are unacceptable and clearly do not meet the need to protect children. As a responsible authority we have a duty to protect and safeguard the welfare of children in West Berkshire and therefore need to be secure that premises are making appropriate checks and ensuring that all their staff are trained to do this.

If you require further information, please contact me.

Ros Haynes
Service Improvement Manager, Safeguarding
West Berks LSCB
West Berks Council
Telephone 01635 503159
rhaynes@westberks.gov.uk
www.westberks.gov.uk/lscb

Safeguarding is Everyone's Responsibility

From: Lauren O'Shea
Sent: 12 November 2008 10:43
To: Ros Haynes
Subject: Cuba

Hi Ros,

Thank you for your email relating to the Cuba Review. I have noted that you are in support of the application but to have a valid representation I would need a email / letter from you letting us know what you are objecting on and it needs to be within the four licensing objectives.

Many Thanks

Lauren O'Shea
Technical Officer
Environmental Health & Licensing
Council offices
Faraday Road
Newbury
Berkshire
RG14 2AF
Tele: 01635 519184 EX: 2844
loshea@westberks.gov.uk

12/11/2008

West Berkshire District Council

Public Protection Services, Council Offices, Faraday Road, Newbury, Berkshire RG14 2AF
Tel: (01635) 519209 Fax (01635) 519172

Licensing Act 2003 Premise Licence

Premises licence number 013881

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Cuba Saddlers Court	
Post town 19 The Broadway, Newbury BERKS	Post code RG14 1AS
Telephone number 01635 36502	

Licensable activities authorised by the licence

Performance of Live Music
Recorded Music
Performance of Dance
Other-Similar Entertainment
Provision - Dancing Facilities
Provision - Facilities (Other)
Late Night Refreshment
Supply of Alcohol
Hours Open to the Public

The times the licence authorises the carrying out of licensable activities

Performance of Live Music
Monday - Wednesday: 11:00 - 01:00
Thursday - Saturday: 11:00 - 02:00
Sunday: 11:00 - 01:00
Performance: Indoors

Further Details: Very occasional acoustic sets
Non Standard Timings: Christmas Eve until 02:00hrs, New Years Eve until 11:00hrs the following day.

Recorded Music

Monday - Wednesday: 11:00 - 02:00

Thursday - Saturday: 11:00 - 03:00

Sunday: 11:00 - 02:00

Performance: Indoors

Further Details: DJ music and similar for the 1st hour chill out background music from CD's, tapes and similar.

Non Standard Timings: Christmas Eve until 03:00hrs, New Years Eve until 11:00hrs the following day.

Performance of Dance

Monday - Wednesday: 11:00 - 01:00

Thursday - Saturday: 11:00 - 02:00

Sunday: 11:00 - 01:00

Performance: Indoors

Further Details: Occasional Club dancers

Non Standard Timings: Christmas Eve until 02:00hrs, New Years Eve until 11:00hrs the following day.

Other Similar Entertainment

Monday - Wednesday: 11:00 - 01:00

Thursday - Saturday: 11:00 - 02:00

Sunday: 11:00 - 01:00

Performance: Indoors

Non Standard Timings: Christmas Eve until 02:00hrs, New Years Eve until 11:00hrs the following day.

Provision of Dancing Facilities

Monday - Wednesday: 11:00 - 01:00

Thursday - Saturday: 11:00 - 02:00

Sunday: 11:00 - 01:00

Performance: Indoors

Non Standard Timings:

Christmas Eve until 02:00hrs, New Years Eve until 11:00hrs the following day.

Provision of Other Facilities

Monday - Wednesday: 11:00 - 01:00

Thursday - Saturday: 11:00 - 02:00

Sunday: 11:00 - 01:00

Performance: Indoors

Further Details: Occasional indoor tournaments that may attract some spectators.

Non Standard Timings:

Christmas Eve until 02:00hrs, New Years Eve until 11:00hrs the following day.

Late Night Refreshment
 Monday - Wednesday: 23:00 - 01:00
 Thursday - Saturday: 23:00 - 02:00
 Sunday: 23:00 - 01:00
 Performance: Indoors

Non Standard Timings:
 Christmas Eve until 02:00hrs, New Years Eve until 11:00hrs the following day.

Supply of Alcohol
 Monday - Wednesday: 11:00 - 01:00
 Thursday - Saturday: 11:00 - 02:00
 Sunday: 11:00 - 01:00
 Performance: Both On /Off the Premises

Non Standard Timings:
 Christmas Eve until 02:00hrs, New Years Eve until 11:00hrs the following day.

The opening hours of the premises

Monday - Wednesday: 11:00 - 02:00
 Thursday - Saturday: 11:00 - 03:00
 Sunday: 11:00 - 02:00

Non Standard Timings:
 Christmas Eve until 02:00hrs, New Years Eve until 11:00hrs the following day.

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

On-Sales

Part 2

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

ID Newbury Limited, 3 Belmont Cottages, Woodspeen NEWBURY, Berkshire, RG20 8BW

07799 050 403

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

5491099

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

Mr Ian Cook
8 Myllers Lond, Hook, Hampshire, RG27 9UD

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

HARTDC07/00645/LAPER – Hart District Council

Date:

Signed:

Authorised Officer

Licence first issued 25/01/2006

DPS Variation 19/04/2006

DPS Variation 21/08/2007

DPS Variation 07/09/2007

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.

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.

Conditions

- 1) To ensure that the means of escape can be used safely at all times when licensed activities are carried out, the maximum numbers within the licensed areas must not exceed

Bar Capacity (with tables & chairs) to be no more than 100 persons.

Bar (no tables & chairs) 150 persons.

Beer Garden 50 persons.

- 2) Door supervisors would be on the premises from 20:00hr on Friday

Saturday until the premises closes. There would be three door supervisors on duty on a Friday and Saturday night.

- 3) If the premises retails alcohol past 00:01 hrs on a Sunday through to a Thursday then door supervisors would be used from 21:00hrs and generally this would be one door supervisor per 100 persons.
- 4) Door Supervisors would be on the premises from 2000 hours on a Friday and Saturday until the premises closes. There would be three door supervisors on duty on a Friday and Saturday night.
- 4) If the premises retails alcohol past 0001 hours on a Sunday through to a Thursday then door supervisors would be used from 2100 hours and generally this would be one door supervisor per 100 persons.

APPENDIX C



18 December 2008

ID Newbury Ltd
3 Belmont Cottages
Woodspeen
Newbury
RG20 8BW

Countryside & Environment
West Berkshire District Council
Council Offices
Faraday Road Newbury
Berkshire RG14 2AF

Our Ref: BAL/CUBA
Please ask for: Brian Leahy
Direct Line: 01635 519209
Fax: 01635 519172
e-mail: bleahy@westberks.gov.uk

Dear Sirs

Cuba Saddlers Court Newbury

Please find enclosed information which has been served on the Council by Thames Valley Police, which is supplementary to the notice of review already served.

This information is provided to yourselves in order that you are fully aware of all of the facts being presented by the police and to give you the opportunity to respond accordingly at the hearing.

Should you require any information regarding the procedure for the hearing please do not hesitate to contact me.

Yours faithfully

Brian Leahy

Brian Leahy
Senior Licensing Officer



2005-2007
Improving Rural Services:
Empowering Communities

Switchboard: (01635) 42400
Document Exchange: DX 30825 Newbury
Minicom: (01635) 519001
Website: www.westberks.gov.uk



INVESTOR IN PEOPLE



SELECTED NEWBURY PREMISES – CAPACITIES / RECORDED INCIDENTS

NAME OF PREMISE	CAPACITY	TOTAL GEN 40A / CID 72s
Cuba (Funky Buddha), Newbury	200	26
Loc Ref: 21/7/239/21	200	2
Loc Ref: 21/7/6/77	250	2
Loc Ref: 21/7/6/67	150	6
Loc Ref: 21/7/241/24	270	3
Loc Ref: 21/7/485/201	950	13
Loc Ref: 21/7/127/164	70	7
Loc Ref: 21/7/6/10	60	13
Loc Ref: 21/7/6/474	640	18



RESTRICTED (when complete)

MG11W

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

URN:

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Statement of: **Peter Damien Oliphant**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **Police Officer**

This statement (consisting of2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: _____

Date: **17/12/2008**

Tick if witness evidence is visually recorded:

(Supply witness details on last page)

I am Police Inspector Oliphant of the Thames Valley Police stationed at Newbury with responsibility for licensing and as such I am the chair of the West Berkshire Safer Communities Partnership Alcohol Action Group.

In relation to the premises 'Cuba', locally known as 'Funky Buddha' I can say that between the 1st December 2007 and 1st December 2008 this licensed venue has been responsible for a disproportionate amount of crime. The impact of crime and disorder associated with this premises has resulted in a significant drain on police time and resources. (Both in terms of attendance and investigation).

From our data logs that record the numbers of incidents / reports that are phoned in about particular locations I can see that 'Cuba' has attracted some 18 reports (there are additional reports that the venue has generated but which have not been flagged to this venue) through our control room between the above dates. In effect then the venue is generating crime and disorder incidents that are disproportionate for the size and type of venue. The only venues with higher numbers of reports logged through our 'Command and Control' system are the very large capacity, late night venues located in the middle of Newbury Town Centre. (I can produce a copy of these reported incidents as an exhibit and they are attached.)

In addition to our 'Command and Control' logs that record live time reports we have in place a system of reporting on licensed premises known to the police as the 'Gen40a' reporting procedure. This procedure logs all those incidents / reports / information / intelligence about a particular venue. It is expected that all licensed venues will have information reports placed against them, a number of which will not necessarily indicate a negative issue. However, generally these reports are submitted due to concerns of police, partner agencies and concerns reported by the public. The venue 'Cuba' has generated some 26 reports between May 2007 and November 2008 with a capacity of some 200 persons. This reveals a massively disproportionate amount of issues for Cuba as there are many pubs and indeed clubs with far higher capacities within Newbury Town Centre with far fewer reports. This impact assessment is only

Signature: _____

Signature Witnessed by: _____

N/A



Witness Statement

Continuation of Statement of Peter Damien Oliphant

one indication but an important one. (I have attached a copy of this report to this statement which I can produce in evidence). On the positive side I can say that since the 'Cuba' re-launch in mid November we have not registered any reports against the venue and I can say that 'Cuba' as far as I am aware have passed 2 Trading standards test purchase checks for underage sales. In addition I have found the owners / management to be keen to engage with the police and I have conducted open and frank discussions with them over these concerns.

Nevertheless, clearly I have a duty under the Licensing Act to address issues under the 4 'licensing objectives' to address issues that impact on a) crime and disorder, b) public nuisance, c) public safety and d) protection of children. Certainly during the past year this venue has raised concerns on all these 'objectives' which has necessitated our application for 'Review'.

Signature:

Signature Witnessed by: N/A

URN: Date: Time: Location Reference:
 186 06/01/2008 02:33 21/7/130/83
 FUNKY BUDDHA
 SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS
 Beat Code: FA44
 Caller:
 Classification: MISCELLANEOUS : DISORDER/DISTURBANCE/DISPUTE
 Response: URGENT ATTENDANCE
 Result: ALL IN ORDER
 Closing Type L1: ANTI-SOCIAL BEHAVIOUR
 Closing Type L2: ROWDY/NUISANCE - ROWDY/INCONSID
 Brief Details:
 FEMALE REFUSING TO LEAVE SIG AND IS BEING AGGRESSIVE TOWARDS DOORMEN.

URN: Date: Time: Location Reference:
 1308 13/02/2008 20:01 21/7/130/83
 FUNKY BUDDHA
 SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS
 Beat Code: FA44
 Caller:
 Classification: MISCELLANEOUS : INTELLIGENCE
 Response: TELEPHONE RESOLUTION
 Result: ENQUIRY COMPLETED
 Closing Type L1: ADMINISTRATION
 Closing Type L2: INFORMATION
 Brief Details:
 CALLER STATES SIG IS SERVING UNDERAGE DRINKERS ON A REGULAR BASIS. CALLE R STATES HER 15 YR OLD COUSING WAS VERY DRUNK AND STATED SHE AND HER 15 YR OLD MATES GO THERE ALL THE TIME AS THEY GET SERVED.

URN: Date: Time: Location Reference:
 20 16/02/2008 00:11 21/7/130/83
 FUNKY BUDDHA
 SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS
 Beat Code: FA44
 Caller:
 Classification: MISCELLANEOUS : DISORDER/DISTURBANCE/DISPUTE
 Response: BY ARRANGEMENT
 Result: NO FURTHER POLICE ACTION
 Closing Type L1: ANTI-SOCIAL BEHAVIOUR
 Closing Type L2: ROWDY/NUISANCE - ROWDY/INCONSID
 Brief Details:
 .C/R*****.CALLER IS SAYING HE HAS BEEN ASSAULTED BY A BOUNCER.

URN: Date: Time: Location Reference:
 243 16/02/2008 03:52 21/7/130/83
 FUNKY BUDDHA
 SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS
 Beat Code: FA44
 Caller:
 Classification: MISCELLANEOUS : INCIDENT
 Response: TELEPHONE RESOLUTION
 Result: NO FURTHER POLICE ACTION
 Closing Type L1: PUBLIC SAFETY AND WELFARE

Closing Type L2: SUSPICIOUS CIRCUMSTANCES

Brief Details:

8 MALES AND FEMALES INVOLVED IN DRUG DEAL

URN: Date: Time: Location Reference:
128 06/04/2008 01:25 21/7/130/83

FUNKY BUDDHA

SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS

Beat Code: FA44

Caller:

Classification: MISCELLANEOUS : REQUEST FOR ASSISTANCE

Response: IMMEDIATE

Result: ENQUIRY COMPLETED

Closing Type L1: ANTI-SOCIAL BEHAVIOUR

Closing Type L2: SUBSTANCE MISUSE

Brief Details:

CALLER HAS DETAINED FEMALE WHO HAS SPIKED ANOTHER CUSTOMERS DRINK
DREADLOCKS PINK DYED HAIR.

URN: Date: Time: Location Reference:
16 24/04/2008 00:22 21/7/130/83

FUNKY BUDDHA

SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS

Beat Code: FA44

Caller:

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

Response: TELEPHONE RESOLUTION

Result: NO FURTHER POLICE ACTION

Closing Type L1: PUBLIC SAFETY AND WELFARE

Closing Type L2: SUSPICIOUS CIRCUMSTANCES

Brief Details:

CALLER HAS JUST BEEN IN BAR CUBA ANS SAID HE SAW DRUG DEALING GOING ON A ND
WANTED TO REPORT/COMPLAIN ABOUT IT. HE IS TOTALLY AGAINST DRUGS AND T HOUGHT
SOMEONE SHOULD LOOK INTO IT

URN: Date: Time: Location Reference:
336 23/05/2008 09:55 21/7/130/83

FUNKY BUDDHA

SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS

Beat Code: FA44

Caller:

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

Response: TELEPHONE RESOLUTION

Result: NO FURTHER POLICE ACTION

Closing Type L1: PUBLIC SAFETY AND WELFARE

Closing Type L2: SUSPICIOUS CIRCUMSTANCES

Brief Details:

CALLER REPORTING HEAVY DRUG USE AT SIG. HE HAS SEEN AND HEARD THAT COCA INE IS
REGULARLY BEING CONSUMED BY CUSTOMERS IN THE TOILETS WHICH IS BEI NG
TOLERATED BY THE LANDLORD.

URN: Date: Time: Location Reference:
167 24/05/2008 01:38 21/7/130/83

FUNKY BUDDHA

SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS

Beat Code: FA44
 Caller:
 Classification: MISCELLANEOUS : DISORDER/DISTURBANCE/DISPUTE
 Response: IMMEDIATE
 Result: ENQUIRY COMPLETED
 Closing Type L1: ANTI-SOCIAL BEHAVIOUR
 Closing Type L2: ROWDY/NUISANCE - ROWDY/INCONSID
 Brief Details:
 FIGHT AT SIG - BOUNCERS ARE RESTRAINING A MALE ATT

URN: Date: Time: Location Reference:
266 22/06/2008 02:10 21/7/130/83

FUNKY BUDDHA
 SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS

Beat Code: FA44
 Caller:
 Classification: MISCELLANEOUS : DISORDER/DISTURBANCE/DISPUTE
 Response: IMMEDIATE
 Result: ENQUIRY COMPLETED
 Closing Type L1: ANTI-SOCIAL BEHAVIOUR
 Closing Type L2: ROWDY/NUISANCE - ROWDY/INCONSID
 Brief Details:

FIGHT AT SIG. 20 PLUS PERSONS INVOLVED. GLASSES AND BOTTLES BEING THROWN . DOOR STAFF HAVING PROBLEMS CONTROLLING THE SITUATION. CALLER IS FROM T HE BAR STAFF

URN: Date: Time: Location Reference:
1812 07/08/2008 23:39 21/7/130/83

FUNKY BUDDHA
 SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS

Beat Code: FA44
 Caller:
 Classification: CRIME : ASSAULT/OTHER
 Response: URGENT ATTENDANCE
 Result: FORCE REPORT
 Closing Type L1: CRIME
 Closing Type L2: VIOLENCE AGAINST THE PERSON
 Brief Details:

.C/R: FA3151331/08 .CALLER STATES THAT HE HAS JUST BEEN ASSAULTED BY 3 FEMALES IN CLUB AND HAS BEEN ASSAULTED BY THE BOUNCERS - THEN CLEARED - VODAPHONE - E447188 N167301 -

URN: Date: Time: Location Reference:
243 24/08/2008 02:23 21/7/130/83

FUNKY BUDDHA
 SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS

Beat Code: FA44
 Caller:
 Classification: CRIME : DRUGS
 Response: URGENT ATTENDANCE
 Result: FORCE REPORT
 Closing Type L1: CRIME
 Closing Type L2: DRUGS
 Brief Details:

.C/R*FA3162465/08**. WORKING AT Q BAR IN NEWBURY. MALE HAS A BAG OF COKE COMPLIANT ATT.

URN: Date: Time: Location Reference:
56 05/09/2008 01:11 21/7/130/83
FUNKY BUDDHA
SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS
 Beat Code: FA44
 Caller:
 Classification: **CRIME : DRUGS**
 Response: **IMMEDIATE**
 Result: **FORCE REPORT**
 Closing Type L1: **CRIME**
 Closing Type L2: **OTH NOTIFIABLE OFF INC WEAPONS**
 Brief Details:
.C/R FA 3171115/08 .MALE DETAINED BY SECURTY AT SIG - BELIEVED TO BE SNORTING CLASS A DRUG IN MALE TOILETS

URN: Date: Time: Location Reference:
213 27/09/2008 02:30 21/7/130/83
FUNKY BUDDHA
SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS
 Beat Code: FA44
 Caller:
 Classification: **CRIME : THEFT/OTHER**
 Response: **CRIME ATTENDANCE**
 Result: **FORCE REPORT**
 Closing Type L1: **CRIME**
 Closing Type L2: **THEFT OTHER**
 Brief Details:
.C/RFA3186438/08*.CALLERS FRIEND'S PURSE HAS BEEN STOLEN. PEOPLE ARE GETTING AGGRAVATED. AGG'D IS AT BAR CUBA AND THEY WON'T LET HER BACK IN. OFFENDER BELIEVED TO BE IN THE BAR.**

URN: Date: Time: Location Reference:
182 28/09/2008 01:33 21/7/130/83
FUNKY BUDDHA
SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS
 Beat Code: FA44
 Caller:
 Classification: **CRIME : ASSAULT/OTHER**
 Response: **IMMEDIATE**
 Result: **FORCE REPORT**
 Closing Type L1: **CRIME**
 Closing Type L2: **VIOLENCE AGAINST THE PERSON**
 Brief Details:
.C/R FA 3186356/08 .CALLER JUST BEEN ASSAULTED - PUNCHED IN THE FACE - FACE BLEEDING

URN: Date: Time: Location Reference:
10 05/10/2008 00:10 21/7/130/83
FUNKY BUDDHA
SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS
 Beat Code: FA44
 Caller:
 Classification: **MISCELLANEOUS : DISORDER/DISTURBANCE/DISPUTE**

Response: IMMEDIATE
 Result: ADVICE GIVEN
 Closing Type L1: ANTI-SOCIAL BEHAVIOUR
 Closing Type L2: ROWDY/NUISANCE - ROWDY/INCONSID

Brief Details:

DOOR STAFF REQUESTING ASSISTANCE WITH PERSONS GETTING OUT OF HAND OUTSIDE SIG.
 CLEARED LINE TO GO AND DEAL

URN: Date: Time: Location Reference:
179 12/10/2008 01:45 21/7/130/83

FUNKY BUDDHA
 SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS

Beat Code: FA44

Caller:

Classification: MISCELLANEOUS : INTELLIGENCE

Response: TELEPHONE RESOLUTION

Result: ENQUIRY COMPLETED

Closing Type L1: ANTI-SOCIAL BEHAVIOUR

Closing Type L2: MALICIOUS/NUISANCE COMMUNICATNS

Brief Details:

CALLER REPORTING DRUGS AT SIG.

URN: Date: Time: Location Reference:
1175 19/10/2008 18:56 21/7/130/83

FUNKY BUDDHA
 SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS

Beat Code: FA44

Caller:

Classification: CRIME : ASSAULT/OTHER

Response: BY ARRANGEMENT

Result: FORCE REPORT

Closing Type L1: CRIME

Closing Type L2: VIOLENCE AGAINST THE PERSON

Brief Details:

.C/R*FA3201464/08**.CALLER WAS ASSAULTED LAST NIGHT AT APPROX 0030HRS....

URN: Date: Time: Location Reference:
1599 30/10/2008 23:43 21/7/130/83

FUNKY BUDDHA
 SADDLERS COURT, 19, THE BROADWAY, NEWBURY, RG14 1AS

Beat Code: FA44

Caller:

Classification: MISCELLANEOUS : DISORDER/DISTURBANCE/DISPUTE

Response: IMMEDIATE

Result: ENQUIRY COMPLETED

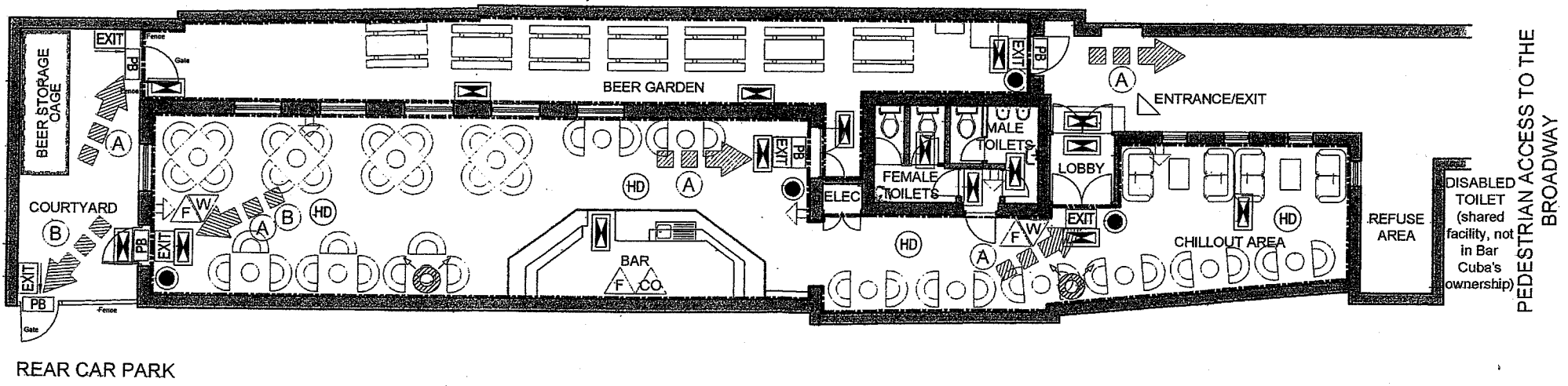
Closing Type L1: CRIME

Closing Type L2: VIOLENCE AGAINST THE PERSON

Brief Details:

~~BAR CUBA NEWBURY. FIGHT INVOLVING 30 PPL INSIDE CLUB. CALLER HAS BEEN SP RAYING
 IN FACE WITH WHAT HE BELIEVES TO BE PEPPER SPRAY BY THE DOORMEN.~~

<p>LEGEND:</p> <ul style="list-style-type: none"> WATER / GAS EXTINGUISHER CARBON DIOXIDE EXTINGUISHER FIRE BLANKET FOAM EXTINGUISHER EMERGENCY BULKHEAD LUMINAIRE SURFACE MOUNTED BREAK GLASS UNIT ELECTRONIC SOUNDER HEAT DETECTOR SMOKE DETECTOR EMERGENCY EXIT SIGN (ARROW DENOTES DIRECTIONAL) PUSH BAR EMERGENCY LIGHT DIRECTIONAL 	<p>LICENSABLE ACTIVITIES:</p> <ul style="list-style-type: none"> SALE OR SUPPLY OF ALCOHOL STORAGE OF ALCOHOL CONSUMPTION OF ALCOHOL (1) PERFORMANCE OF DANCE (2) PERFORMANCE OF LIVE MUSIC (3) PLAYING OF RECORDED MUSIC (4) ENTERTAINMENT OF A SIMILAR DESCRIPTION TO PERFORMANCE OF DANCE, LIVE MUSIC OR PLAYING RECORDED MUSIC (5) FACILITIES FOR MAKING MUSIC (6) FACILITIES FOR DANCING (7) FACILITIES OF A SIMILAR DESCRIPTION FOR MAKING MUSIC OR DANCING 	<p>GENERAL NOTES:</p> <p>Safricad is not liable for the accuracy, content or non-compliance with recommendations made in, any assessment (fire, risk, hazard, etc.) made by others of the premises or for information conveyed on this drawing pertaining to those assessments.</p> <p>In no event will Safricad Ltd be liable for direct, indirect, special, incidental or consequential damages (including but not limited to economic loss, such as loss of profits, loss of use of profits, loss of business or business interruption, loss of revenue, loss of good will or loss of anticipated savings) arising out of the use, or inability to use, or the failure of compliance of this plan.</p> <p>Safricad Ltd is limited in its liability in respect of the plans provided for submission to rectification / amendment of this plan to the requirements of the council only.</p> <p>This property was surveyed on 26/07/05.</p>
<p>(A) ASSEMBLY POINT: PEDESTRIAN ACCESS TO THE BROADWAY (B) ASSEMBLY POINT: REAR CAR PARK</p> <p> ESCAPE ROUTE</p>		



safricad ltd
 engineering and administrative support services

15 Brading Way, Purley-on-Thames, Reading, Berkshire, RG8 8BS
 Telephone/Fax: (0118) 941-3264
 Mobile: 077-6117-4008
 Email: kevan.richmond@safricad.co.uk

CLIENT:
 BAR CUBA, SADDLERS CT,
 19 THE BROADWAY
 NEWBURY, RG14 1AS

PROJECT TITLE:
 LICENCE
 SUBMISSION
 PLAN

DRAWING TITLE:
 LICENSABLE
 ACTIVITIES
 GRND FLOOR PLAN

SCALE: ARCHITECT/ENGINEER: K.J.R.
 1:100
 For Reprographic Purposes This Line Is To Equal 50 mm On The Original Drawing

DRAWN: W.J.A.B.	DATE:04/08/05
CHECKED: D.K.R.	DATE:04/08/05
AUTHORISED:K.J.R.	DATE:04/08/05

PROJECT I.D.: 50747	REV.: 0
DRAWING NO.: LS/02	

LICENSING COMMITTEE**MINUTES OF THE MEETING HELD ON
9 JUNE 2008**

Councillors: Tony Linden (*Chairman*) (P), Peter Argyle (P), Jeff Beck (P), Paul Bryant (A), Billy Drummond (A), Adrian Edwards (P), Geoff Findlay (A), Manohar Gopal (P), Owen Jeffery (AP), Mollie Lock (P), Gwen Mason (P), Andrew Rowles (AP), Quentin Webb (P), Keith Woodhams (AP)

PART I**4. APOLOGIES.**

Apologies for inability to attend the meeting were received on behalf of Councillors Owen Jeffery, Keith Woodhams and Andrew Rowles.

5. MINUTES.

The Minutes of the meetings held on 21 April and 8 May 2008 were approved as a true and correct record and signed by the Chairman subject to the following amendments:

Minute 8 of the Minutes of the 21st April: WPC Baryman should read WPC Berryman.

Apologies were received from Councillors Mollie Lock and Peter Argyle at this meeting.

Minute 3 of the Minutes of the 8th May to be amended to state that Gwen Mason had been appointed as the Vice-Chairman.

6. DECLARATIONS OF INTEREST.

There were no declarations of interest received.

7. HACKNEY CARRIAGE TARIFF 2008/09

Paul Anstey (Principal Environmental Health Officer) summarised the report which had been circulated. Clarification was sought on:

- Whether a formulation could be put in place so that more minor proposed adjustments to fares could be automatically – and more simply - implemented rather than having to go back through full committee each time.

John Priest (Environmental Health & Licensing Manager) replied that a formula could be developed to take account of fuel price and other associated costs so that fares could be adjusted. He would have to discuss the matter with Brian Leahy whether any further changes would need to be brought to full committee – but irrespective, any changes would need to be published in the local press and be open to the challenge process.

- Officers' views on the proposed increase was sought.

Officers felt that this was not an unreasonable request – although Paul was not aware of any other local authorities which had provided for an interim increase.

Standing Orders were suspended in order to allow Mr Nemeth (West Berkshire Hackney Carriage & Private Hire Operators Association) to speak.

Mr Nemeth made a number of points in support of the proposed fare rise:

- The price of diesel had risen substantially in the last few months - and was still rising. The trade had been accepting below inflation rises in fares in recent years and had no option but to increase the standard fare. He was aware that increasing the start rate would more adversely affect the shorter trips, but they did not necessarily want to increase the fares for more customers living in more rural areas unreasonably. Therefore they felt that increasing the start rate by 50p would be the most fair.

The Association was more than happy to work with the Council to look at a formulation mechanism.

There was an error in the letter dated 13th May. The call for a flat rate 50p increase in fare was being sought for Monday to Saturday daytime only – not Monday to Sunday as stated as enhanced fares on Sunday were already in place.

- A question was raised as to why the enhanced rates (i.e. evening and Sunday) had not been increased as was likely that customers at these times were more likely to afford the increase.

Mr Nemeth said that a careful balance needed to be struck between the affordability of shorter (typically urban) journeys and those longer distances into the rural areas. They felt that 50p was not an excessive rise.

- A question was raised as to whether customers had been consulted on the increase?

Mr Nemeth said that he had not received any hugely negative views.

Standing Orders were reintroduced.

A concern was raised by one Member that they were unsure about the increase as was a service that people depend on.

Resolved that the recommendation as set out in the report be approved.

It was agreed that an Extraordinary Meeting be held to agree the formula for any further increases in fares. Officers would advise the committee on the likely timescale.

8 AOB

The Chairman raised the issue of training - or provision of training for new Members – on the decision-making process in Licensing. He requested that all Members attend. Officers would investigate potentially setting up some courses in tandem with Members from neighbouring authorities in order to spread the cost.

(The meeting commenced at 6.30 p.m. and closed at 7:00 p.m.)

CHAIRMAN

Date of Signature:

Title of Report:	Hackney Carriage/Private Hire Vehicle Licensing	Item 4
Report to be considered by:	Licensing Committee	
Forward Plan Ref:	N/A	

Purpose of Report:

To make members aware that officers have received enquiries from members of the public for the Council to consider the licensing of motor cycles and Tuk Tuks as hackney carriages or private hire vehicles.

Recommended Action:

To note the requests and to commission officers to present a fuller paper at the next licensing committee meeting

Reason for decision to be taken:

None at this time

Key background documentation:

Private Hire and Taxi Monthly newspaper cuttings
Tuk Tuk advertising literature

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Executive Summary

1. Introduction

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 allows for a council to issue private hire and hackney carriage vehicle licences for the purposes of commercial hire or reward.
- 1.2 The Act does not allow for a council to place a limit on the number of licences it issues for private hire however it may attach to the grant of a licence such conditions as it may consider reasonably necessary. Vehicles must be suitable in type, size and design, be in suitable mechanical condition and be safe and comfortable.
- 1.3 West Berkshire Council and its predecessor Newbury District Council has only ever issued licences to four wheeled vehicles.
- 1.4 Officers have received enquiries from members of the public as to whether or not the Council would be willing to licence motorcycles and Tuk Tuks.
- 1.5 A motorcycle requires no explanation however Tuk Tuk probably does. These vehicles are three wheeled and originated in Thailand and are used extensively in that country to convey passengers in the same way as a taxi or private hire vehicle. They have been introduced into this country and are operating as private hire vehicles in a number of seaside towns. (Appendix A shows a photograph of a Tuk Tuk)
- 1.6 The vehicles must be operated in the same way as a motor cycle and comply with appropriate traffic/vehicle legislation. They must be insured, have an MOT and road fund licence.

2. Motorcycle and Tuk Tuk Licensing

- 2.1 Members are being asked to consider whether or not they wish to approve the issue of private hire and hackney carriage licences to these types of vehicles.
- 2.2 Whilst officers initially have no problem with either type of vehicle being licensed as private hire there are reservations regarding hackney carriage licensing.
- 2.3 Private hire vehicles can only be used via a prior booking arrangement whereas hackney carriages have the right to ply for hire and to use approved taxi ranks throughout the district. Officers believe that there could be problems with the motorcycle and the Tuk Tuk operating alongside the accepted form of taxis using taxi ranks. All taxis operate on a meter system of charging fares and it could be argued that the tariff set by the Council would result in excessive fares being charged due to the speed at which the Tuk Tuk could safely travel. It should be noted that the Tuk Tuk is open sided and as a consequence its speed would have to be considerably less than that of a four wheeled vehicle.

- 2.4 The tariff set by the Council is the maximum that can be charged and it would therefore be possible for the operator to agree a fare which is less than the council's maximum for each journey. This could be seen by the trade as unfair competition however there is nothing to stop any operator charging less than the maximum regardless of type of vehicle.
- 2.5 Although a Tuk Tuk could carry luggage, shopping etc, a motorcycle would be severely restricted in its carrying capacity and could only carry one passenger at a time albeit probably swifter than a four wheeled vehicle.

3. Recommendations

- 3.1 Officers have not had time to discuss this licensing issue with the trade associations in the normally accepted approach to full consultation. Nor have officers had sufficient time to consult with other authorities who have licensed both types of vehicle. Members are therefore asked to approve further consultation on this matter and to report back for decision at a later meeting of the Licensing Committee.

Appendices

Appendix A – E Bay photograph of Tuk Tuk

Appendix B – Newspaper cutting of report on Stoke council's licensing of motorcycles.

Policy:	There is no established policy on this subject.
Financial:	None directly to the Council other than possible increased licensing income should licensing of these vehicles be approved and taken up by the trade
Personnel:	None
Legal:	None at this time
Environmental:	Licensed taxis are a valuable contribution to the provision of public transport.
Equalities:	None
Property:	None
Risk Management:	None
Community Safety:	None
Local Stakeholders:	West Berkshire Hackney Carriage & Private hire Operators Association
Officers Consulted:	None
Trade Union:	None



Appendix A

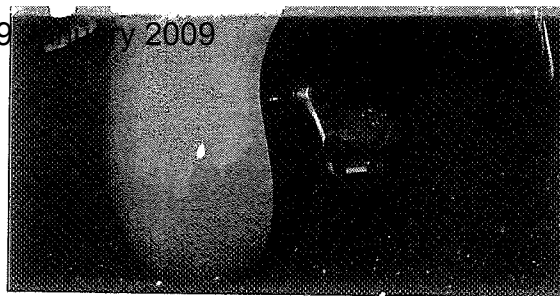
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The winner for the cutest photo has to be our driverless taxi ULtra Pod. If you recall, we first featured this little creature when Bristol based Advanced Transport Systems developed the prototype some three years back. The only problem is, it's driverless. Which doesn't do our trade a power of good as regards staffing levels! Watch this space; they predicted that there would be a robot vacuum cleaner back in the fifties, and we now have such a thing. Hmmm...

into environmentally friendly biodiesel, used by businesses, delivery and passenger vehicles to reduce their carbon footprint. It launched Ring and Ride Rickshaws, with the help of Oliver Letwin MP and around-the-world

Magna has funded the passenger rickshaw so its tenants can benefit from a low-cost, carbon-free taxi service around town. It is hoped it will also be used by the wider public in the summer for trips to West Bay, for example.



Photograph courtesy of The Dorset Echo.

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Appendix B

BIKE TAXI ROLLS ON TO STOKE ROADS FOR FIRST TIME

Passengers will soon have access to a motorbike taxi after authorities gave the green light to a new way of getting from A to B. Stoke based City Cabs 2000 hopes that two wheels will be better than four after becoming the only firm outside of London to provide the service. Owners believe that the £12,000 private hire bike will go full throttle in beating congestion and cutting emissions. They see it doubling up as a quick courier service, a novelty for sightseeing passengers, or a speedy route through match day traffic. But bosses said that punters will not be able to hop on the back after an evening in the pub. Driver Julian Kempson told the Stoke-on-Trent Sentinel: "it cuts out congestion for one



thing, and it is better for the environment than a car running one person. "I think it is going to attract either business people who need to be in a meeting at a certain time, or people who have never been on a motorcycle before who

want to try it. "Also, there are people who want to do a bit of sightseeing in North Wales, who will pay for an hour or two. I will take them wherever they want to go." Motorcycle fanatic Julian, who has been

riding bikes for 29 years and driving taxis for 16 years has worked at City Cabs since last September. He approached City Cabs bosses with the idea for the new service and they said it would be fine by them and had

their operator's licence amended to suit. He bought a Honda ST1300 Pan European just for the job due to its comfort. Julian, a qualified advanced rider, said that similar services had been operated in London by companies such as Richard Branson's Virgin for 25 years. City Cabs base manager Tony Birks said that the service, which includes a helmet intercom between rider and passenger, would make the company more versatile. He added: "Julian came to us with the idea and it was something that he had buzzing about in his crash hat for some time. It is another string to our bow, and there must be people out there who enjoy a motorcycle ride, even if it is just for a novelty. "But there is also a

practical side, in that we can offer a high speed courier service for urgent documents." Managing director Parv Khan, aged 43, added: "It brings us from one passenger to cars, minibuses, 16-seaters, whatever, we can now cater for the whole lot." The licence means that the established firm, which has a 100-strong fleet, can operate the bike anywhere in the country. City Cabs is awaiting delivery of safety equipment and high-visibility vests, and expects the service to be running shortly. Councillor Joy Garner, chairman of the city council's Licensing and Registration Panel, said: "Mr Kempson is a licensed hackney carriage and private hire driver and I wish him and his business well."

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