



**METROPOLITAN
POLICE**

TOTAL POLICING

Territorial Policing

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Your ref: **KC'S BAR**
Our ref:

28th September 2013

Police have been served an application by KC's Bar, 155 BILLET LANE, HORNBURCH, ESSEX, RM11 1UR to vary their premises licence under the Licensing Act 2003. We wish to make objections to this application as we believe by granting the premise licence variations it would undermine the crime and disorder along with public nuisance licensing objectives set out in the legislation.

The premise in question is situated in a mixed use area, primarily enclosed by residential premises. The venue is surrounded on all sides with private premises of a residential nature. Upon exiting the premises there is a bus stop approx 20 yards to the right of the premise which service's a night bus route, this naturally sees numbers, under the influence of alcohol, congregating and making verbal noise whilst waiting for travel.

I am aware that the premises have caused local residents a number of issues relating to noise and public nuisance resulting in Environmental Health serving a noise abatement notice on the premises in the past.

The following reports have been found when researching police indices in relation to incidents at the location.

5407510/12 - Crime related incident

Friday 11th May 2012 @ 23:40 hours

A fight erupted outside the location of KC's BAR, BILLET LANE, RM11 at approximately 2340 hours. Victim 2 believes the fight stems from two females who had a disagreement inside of the premises. Both females were separated. One left the location whilst the other went outside. A large fight or melee has then occurred outside where an unknown suspect had smashed some glass. Victim 1 has fallen and had sustained a small cut to the palm of his hand. Police then attended the location where a large group was dispersed. LAS units were in attendance and Victim was treated for his injury.

5411791/13 - G.B.H (Grievous Bodily Harm)

Friday 9th AUGUST 2013 @ 23:30 hours

Both Victim 1 (Male) and his female partner (Victim 2) were socialising in KC'S Bar. Upon exiting the venue they have become engaged in an argument. According to the report there has been a fight break out between victim 1 and several other males, this has spilled over to the rear car park area of KC's. One witness states that victim 1 had his head stamped on however CCTV can not confirm this. Victim 1's injuries consisted of two damaged front teeth (Reportedly missing) and a cut to his head. Victim 1 was adamant that he did not want police involved in the proceedings and would not make a formal complaint or provide police with a statement in relation to the violence. Victim 2 received a cut to her thumb (Believed bitten) by one of the suspects as she tried to get the males away from Victim 1. Several blood splatters were found in the centre of the car park close to a yellow refuge bin. The footage from the CCTV at the premises shows the rear of the car park where a scuffle is seen between a group of males and a female, this is recorded at 23:42hrs. Door staff broke this scuffle up according to DPS, Tom ROWLATT.

Temporary Event Notice Objection.

Saturday 10th AUGUST 2013.

Noise team in the local authority Public Protection unit make representations against a late submitted T.E.N for the 10th August on the grounds of prevention of public nuisance. Reasons stated - The premise is subject to a noise enforcement notice relating to amplified music and there are current

on-going noise issues with the premises. The noise issues seem to occur when private parties are held at the premises and the application is for a private party. The last complaint was received in June 2013. As such a counter notice was served on the premises by LLA (Local Licensing Authority)

Drug Analysis Swabs Taken.

Friday 13th SEPTEMBER 2013.

I conducted Licensing visits in the Hornchurch area on Friday 13/09/2013 under operation CONDOR. I attended a number of locations including the premises of KC and took a drug swab from the male and female toilets. The results of which are -

Location - Mens Toilets

Drug - Cocaine

Level 4.20

Readings above 4.01 indicate 'primary contact' - this is usually caused by the surface tested having direct contact with a drug.

Location - Ladies Toilets

Drug - Cocaine

Level 3.04

Readings between 3.01 & 4.00 indicate 'secondary contact' - this is usually caused by something having direct contact with a drug and then touching the surface tested

I have pointed out these readings to the owners and DPS and they are currently implementing a strategy to combat this reading.

Upon inspection of the application it appears an extensive list has been applied for without off-setting concerns that may arise under the licensing objectives. No measures or steps are listed to inform police, local authority and other responsible agencies how they plan to uphold the objectives, merely stating "SEE DETAILS OF THE VARIATION AT PART 3 FOR FULL DETAILS" Part 3 does not address what steps the premise will be taking to promote all 4 objectives. It simply asks for 15 conditions to be removed and a further 4 conditions to be re worded.

This application causes police a number of concerns; it basically requests a high number of conditions to be removed, effectively removing responsibility. Then in return offers no substance in promoting the objectives we all strive to uphold. In the main it is requesting more trading hours for licensable activity. May I address each request, one at a time -

4) * Permitting OFF sales during trading hours - The potential of increased danger i.e. "Instant arming" has already been highlighted by the two violent incidents I refer to above. None more so than the fight in the car park area. If off sales are approved the potential for customers to loiter and drink from a dangerous vessels dramatically increase. It will encourage customers to congregate in the rear car park area, at best holding, at worse drinking OFF SALES. This is an area immediately looked over by residential premises. If off sales are authorised and further disturbances take place, offenders are potentially armed instantly, this may cause mass disorder and serious injury.

5) * Extending the Sale of alcohol & recorded music by 3 hours per day, 21 hours extra per week - With increased alcohol sales the noise issues and level of crime and disorder have the potential to rise. It is a proven fact that victims become more venerable and offenders become more violent when drinking in excess, increased hours encourages customers to drink for longer. To increase the supply of alcohol time we are in danger of increasing the very issues we are trying to address. Licensing Policy 012 states -

The LLA (Local Licensing Authority) is committed to protecting the amenity of residents and business in the vicinity of licensed premises. Regulated activity will normally be permitted until 00:30am in mixed use areas.

KC's are already in excess of this policy on a Friday and Saturday night (Currently Closing at 01:00am). Police fully support and echo the LLA policy, requesting this to be enforced in this instance. Both allegations I have referred to have taken place at 23:40 hrs and 23:30, towards the end of the current drinking times. It is feared by increasing the consumption time further, more serious violent crimes may occur, not to mention noise related issues for residents later into the morning.

*** Extending Late night Refreshment 10 hours per week & * increasing Live music by 7 hours per week** - Police file no objections to LNR, or live music. However do not agree with the additional hours as argued above.

*** Extending their trading hours by 3 and half hours per day, 24 and a half hours extra per week**

As stated above police feel the Licensing Policy 012, is fully justified in this area and do not support such an increase request by the venue for the fears already referred to.

6) * Increasing Non Standard timing benefits - Police fear that if hours are extended as requested to permit the allowance of non standard timings stated on the application the facility to monitor and object to any future events, i.e. bank holidays, Christmas and new years will diminish. The extended

hours again raise the question of security and responsibility during trading hours to promote the licensable objectives namely crime and disorder and preventing public nuisance. Bank holidays, Christmas and New Years Eve are traditionally a time where families are at home from work and school and increased trading during these time may have an effect on public nuisance to those very residents. Therefore police ask that considerations be made for the following condition to replace the dates and times requested.

In addition to the use of temporary event notices allowed under the Licensing Act 2003 the premises may open on 12 non-standard occasions in line with the Association of Chief Police Officers' guidelines subject to a minimum of 10 working days' notice being given to the Licensing Authority and the Police for each occasion. The prior written consent of the Police shall be obtained and the Police shall have an absolute right to refuse any occasion. A register shall be kept at the premises in the manner required by the Police and the Licensing Authority and made available for inspection by the Police or an authorised officer of the Licensing Authority and details of each occasion shall be recorded in it including the written consent of the Police.

If this suggested condition is accepted police will be in better position to deal effectively with any subsequent events under the non standard timings policy, allowing them to make objections if necessary.

7) To allow a 30 Minute consumption period at the end of each trading session - This again is a further request to extend past LLA Policy 012. Police are mindful that extending 2 hours beyond the policy guidance will have a negative impact on the local residents for reasons already listed under the prevention of crime and prevention of public nuisance.

The application also requests for 15 conditions to be removed from annex 2 of the current licence, conditions either voluntarily provided or accepted by the premises. Police feel the following cause concern -

C1. A policy shall exist of only allowing persons over the age of 25 to have entry into the premises with the exception of those attending pre-booked private functions. Full contact details of each individual booking the function shall be recorded in the premises daily register which shall be made available at all times for appropriate authorities to examine. This policy shall be reviewed periodically and discussed with the Police where appropriate. - Police are aware that all venues in Hornchurch operate an over 21 policy whether a condition on their licence or voluntary. To ask for this condition to be removed the venue will attract a younger age clientele, risking undoing the hard work Hornchurch ward have put into the regeneration of the area and reducing crime and disorder. At a recent safe and sound meeting held for Hornchurch premises on 25th September 2013, this very point was raised by fellow licensees. They felt the reduction in crime and the "general safer feel" of Hornchurch as a whole is down to the right aged clientele during the night time economy. KC's request is not even asking for a 21 age limit, this will open the doors to 18 year olds, bringing additional fears under the protection of children from harm objective. The 21 policy in Hornchurch has clearly had an effect on the crime statistics over the recent years and police encourage this to remain.

C3. No persons are to leave the venue with alcohol. - The request to remove this condition re enforces police views made at point 4, (off sales).

As a point of note, police seek clarity in condition 1 (Annex 3) "No drinks shall be taken outside the premises after 23:00**". The "premises" defined by the plan shows the front outside seating area as "The premises". The condition imposed however states, No drinks shall be taken outside the premises after 23:00.

C7. Crime Prevention notices shall be displayed. - This is an effective way to remind patrons of the issues faced in such a venue, spiked drinks, theft of mobile phones, handbags and other property to name but a few. Once under the influence of alcohol patrons are more vulnerable to be a victim of crime. By actively displaying crime prevention notices surely the venue is promoting its work around the prevention of crime and disorder objective.

C9. A number of staff shall be trained to carry out first aid - Police feel that this condition should not be removed but do accept the wording is misleading. Police suggest this be changed to **"At least 1 member of staff on duty during operating hours shall be first aid trained"**, effectively what is shown as at condition 24. **"At least one trained first-aider shall be on duty when the public is present"**

C32. The designated premises supervisor shall hold a National Certificate of Drugs Awareness qualification run by the BII or similar accredited body. - Police believe this is a necessity of operation. Licensed premises in general face daily issues with drug use; in KC's case this is highlighted by the recent swabs taken at the location. Drug awareness by the DPS is the very foundation to combat drug related issues at the venue. By removing this condition awareness is weakened and drug related crime may grow.

C34. Premises which have a policy that includes the searching of persons shall have door supervisors of both sexes on duty at all times - This is best practice and police agree to this condition remaining enforce. Experience has taught us that items such as drugs and weapons can be passed to females in an attempt to by pass security staff, all having an effect on crime and disorder. Police support the searching of patrons as a condition of entry and although this does not appear on the current license, Police suggest this condition of entry be added.

C39. Staff shall be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly. - This condition supports the protection of public nuisance and police feel staff MUST set an example, it has been proven that training and notice prompts assist in reminding staff to be respectful about noise and the impact this has on local residents.

C40. The specification and orientation of all speakers shall be agreed with the Licensing Authority / responsible authority. - The removal of this condition is effectively removing the advice of a trained officer from the Environmental health team having in input on suitable sound systems and positioning of speakers. This leaves the premises to install any speakers they wish, which in turn may have a significant impact on noise and the public nuisance objective.

The application also requests for five further conditions to be amended.

5. Two door supervisors shall be on duty at the front entrance of the venue from 19:00 to closing time Thursdays, Fridays and Saturdays. - The venue wish to remove Thursday night cover of door staff whilst opening for longer. This request is NOT supported by police. The front of house door staff is an effective tool in promoting the licensing objectives, removal of such a tool will have a clear effect on the level of potential disorder. Thursday night traditionally is a busy evening in the licensing trade and Police request this condition remain the same.

The suggested amendments and wording to conditions 17, 19 & 33 is acceptable to police

Police could not support an application for any of the suggested extensions of licensing hours. We believe the majority of their customer base within these hours would be those who have maximised their drinking time within Hornchurch Town Centre and would be under the influence of alcohol and therefore increase the risk of crime and disorder. Police would not support a request of later hours with no SIA badge holder present or the reduction in age from 25 years as we believe this would increase the risk to public safety and increase the burden on staff in enforcing their current licensing conditions.

In summary this application is asking for MORE HOURS, LESS RESPONSIBILLITY, LESS SECURITY along with OPENING TO YOUNGER CLIENTELE, NAMELY 18 YEAR OLDS, police believe this does run parallel in promoting the licensing objectives

If I can be of any further assistance in this matter please do not hesitate to contact me in the licensing office.

Yours sincerely,

Pc Jason ROSE
Licensing Officer
Havering Borough