

Our Ref: PC60 Licensing/The Castle- Variation

Licensing Officer
Cambridge City Council
4, Regent Street
Cambridge
CB2 1BY



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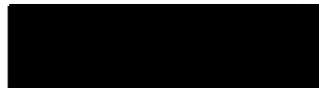
13/04/2015

Dear Madam,

SUBJECT: The Castle 37 St. Andrews Street, Cambridge CB2 3AR

Please find attached Police representation in regard to the application for variation to hours. These representations are in regard to the licensing objectives for Prevention of Crime and Disorder, Public nuisance and Public Safety under Licensing Act 2003

Yours Sincerely



Pc Pete Sinclair
City Licensing and Cambac Liaison Officer
Parkside Police Station

CC: MS. A. King TLT Solicitors, One Redcliff Street, Bristol BS1 6TP

**THE LICENSING ACT 2003
REPRESENTATION FORM FOR “RESPONSIBLE AUTHORITY”**

Please delete as applicable: **POLICE**

Your name	PC60 Peter Sinclair
Job Title	Licensing Officer, Southern Division
Postal Address (inc post code)	Police Station Parkside Cambridge CB1 1JG
Contact telephone number:	██████████
Mobile Number:	██████████
Email address:	██

Name of Premises you are making a representation about:	The Castle
Address of the premises you are making a representation about:	37 St. Andrews Street, Cambridge CB2 3AR

This section is about your representation/s. They must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation, (under the relevant headings) and the reason for your representation/s. *It is important that you detail all matters that you wish to be considered. (Use additional sheets if necessary). Regulations provide that in considering representations the authority may take into account documentary or other information produced by the party either before the hearing or, with the consent of all parties, at the hearing.*

Which licensing objective(s) does your representation relate to?	Please see below
The prevention of crime and disorder	Public safety
See Below	See Below
The prevention of public nuisance	Protection Of Children from Harm
See Below	See below

Prevention Of Crime & Disorder /Public Nuisance/ Public Safety

The City Centre's Market Ward area still remains a busy hot spot area in relation to alcohol related crime and disorder. Most concerning for the Police is that we have recently seen a marked increase in violent crime in the city particularly in the early hours. St. Andrews Street continues to be one of our main hot spot areas within the Market ward area.

I'm sure the committee are aware that St. Andrews Street forms part of the main thoroughfare in the city centre connecting with Regent Street and Sidney Street and is part of the main drinking circuit during night time economy hours as well as during the day. There is a dense population of licensed premises for on sales in this area which was one of the factors as to why this area was granted cumulative impact area status. As a result as mentioned the location remains an area which still suffers from significant amounts of alcohol related anti-social behaviour and crime.

Should the applicant require details of the evidence presented in relation to those areas this can be viewed on pages 16 onwards by clicking on the following link or by copying and pasting the link into web address bar and selecting "Statement of licensing policy" section.

<https://www.cambridge.gov.uk/licensing-overview>

To summarise the police are concerned over a number of issues in relation to this application

- 1) The measures suggested are helpful and are good practice and are provided with good intentions and can be found in many operating policies at other venues within the city, but our experience as police officers show us that more often than not are only relevant after the event, they unfortunately do not prevent incidents occurring.
- 2) The effect of allowing the premises to open until 3.30 am with the extended hours for sale of alcohol until 3 a.m. every night will mean there will be an additional draw of people into the area, adding to the footfall into what is already a very busy hot spot area. There is the likelihood of increasing the risk of further problems of disorder occurring at the venue and the area on other nights throughout the week therefore having negative impact on one or more of the licensing objectives
- 3) It is likely that the doorstaff will need to react and deal with this increased number of intoxicated customers arriving from other venues in an intoxicated state attempting to gain entry and problems of crime and disorder, nuisance and public safety arising as a result
- 4) The applicant has run late night events at the venue on weekends over a number of years but we are aware incidents have taken place.

The police have had the opportunity to speak to the applicant Mr. Holmes in relation to this application. He has been able to explain his vision and style of operation at the premises to us. That may be very laudable but the nub of the issue is that it is difficult to get the customers you would prefer to walk into the venue actually walking in. At that time in the morning there will be many potential customers well and truly "in drink" or on the cusp of being drunk that the door staff will then have to deal with. This will lead to confrontation and disorder and increase issues in this already problematic area.

I made it clear to Mr. Holmes that we would not be able to support him in the proposal. We were also aware that the applicant decided to apply for temporary event notices (TENS) after some

advice from the one of the council's officers. We are aware that such advice is often promulgated by the institute of licensing but in the police's eyes TENS have no credence or serve no real purpose as an indicator of the true impact in terms of incidents over the longer term. A few days mean little, if nothing, in terms of the likely impact in the future over a period of months and years, particularly when held during the winter period as these were.

We do however understand that TENS may however be a useful indicator for the venue as to the financial viability of their proposal and gives them an opportunity to test that for a very brief period.

In regard to measures in place, CCTV is a very useful tool for a deterrent effect but we know from experience that it does not stop people misbehaving and fighting and therefore more often than not is an option for police to use after the event to identify and secure evidence. Like many of the measures suggested they are examples of good practice but as stated are often only useful post event.

Doorman do an extremely difficult and challenging job and are extremely capable but even with experience we regularly see doorman being badly assaulted or having to restrain patrons on the ground because they have denied entry but still want to go in. After midnight they will often be dealing with very intoxicated people pre-loaded on alcohol who do not want to take no for an answer.

The guidance advises that there is no requirement when making a representation to provide lists of incidents in relation to the venue itself, but we are aware there have been incidents reported over a number of years during which time the applicant (Mr. Holmes) was promoting and running events on Friday and Saturday nights at the venue.

Relevant representations

9.4 of the guidance states:

.....in other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

In relation to cumulative impact the guidance is very clear and it is merely the "likelihood" of adding to the existing cumulative impact that needs to be considered. It is also silent on what amounts to an "addition" in relation to that cumulative impact. In practice that can mean that just one incident occurring is sufficient.

In regard to Cumulative impact areas the guidance further states

Effect of special policies

13.30 of the guidance states:

The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

Furthermore the police believe that we would be failing in our obligation under Section 17 of The Crime and Disorder Act 1998 as amended when exercising functions to give due regard to the likely effect of the exercise of those functions on, and the need to do all that they reasonably can to prevent, crime, disorder anti-social and other behaviour adversely affecting the local environment, including the misuse of drugs, alcohol and other substances in its area.

Representations from the police

9.12 of the guidance states:

In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁴. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

To conclude, despite the measures that may be put in place the police believe this extension, (particularly in relation to the sale of alcohol is likely to add to impact in relation to crime and disorder, public nuisance and public safety at the venue and in the area. The likelihood is more problems occurring in the area on other days of the week. Furthermore the granting of this extension will set an unhelpful precedent within the CIA in the city, and we ask the committee to refuse the variation.

Evidence adduced in support of our representations may comprise of, although not exclusively, first -hand knowledge of officers involved in policing the area, statistical analysis of crime, disorder & incidents of anti social behaviour, as well as police records from the Command and control logs, police crime files, statements and/or CCTV footage.

2.1

Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).



Dated: 13/4/2015



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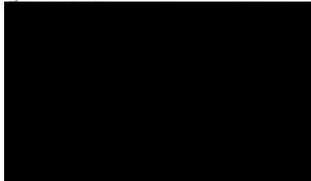
Licensing Act 2003

Delegation of responsibilities by the Chief Officer of Police

In accordance with the provisions of the Licensing Act 2003 I hereby delegate authority to Divisional Commanders and to Divisional Superintendents to develop policies and procedures and to exercise all powers vested in the Chief Constable of Cambridgeshire Constabulary. Such delegation to include the power to delegate specific tasks to licensing constables and support staff.

This delegation shall remain in force unless otherwise notified.

Signed



Simon Parr
Chief Constable
Cambridgeshire Constabulary

Dated 7/9/10