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8 August 2016

Dear Sir/Madam

**Re: Application for a Variation of Premises Licence, Astoria, Guildhall Walk, Portsmouth**

On Behalf of the Chief Officer of Police, I make representations in relation to the application for a variation of premises licence at Astoria, Guildhall Walk, Portsmouth.

I make these representations under the grounds of:

- 1) The prevention of crime and disorder

**Astoria – Summary**

Astoria is currently a 1000 person capacity licensed premises in Guildhall Walk operating as a Nightclub. It is licensed under the Licensing Act 2003 to sell alcohol and regulated entertainment until 02:00 hours Monday – Saturday and 00:30 hours Sunday. However recorded music is available to be played 24 hours a day.

The premises has been open in its current guise since September 2013 following a substantial refit internally. The premises is independently owned by a consortium of business persons within the licensed trade in the Hampshire area and the major shareholder is Alistair Ritchie who is also the Designated Premises Supervisor. Mr Ritchie is supported by his operations manager Gemma Sands who is also chair person of the local Pub watch.

Astoria is one of the more popular premises in Guildhall Walk. Its demographic September – May is predominantly student based with numerous student events held through out the week, particularly during Freshers each year. Between June and August the premises appeals to persons within the Portsmouth area and also to persons interested in the club scene.

The premises itself is split into 4 areas.

**The VIP section (Top of premises)** – Caters for persons on guest list. Customers are seated and have a host trained as per bar staff in licensing act 2003 requirements. Bottles of spirits are sold with mixers and hosts are trained to monitor and report back to management should they feel persons have had too much to drink or are becoming an issue. Management then make a decision as to how to progress the matter. SIA are also positioned in this area.

**Middle section** – On three floors and open to the general public, includes a bar and main dance floor. SIA are static in points and roam this area. Toilet attendants are used to continuously monitor the toilets and are linked in with the security team.



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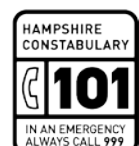


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**Bottom Section/Entrance** – On two floors. Bar contained with this area with a basement dance floor which leads directly to the outer smoking area. SIA are static and patrol this area.

**Rear Smoking area** – Smoking area which has been designed to also act as a chill out/dance floor area with a DJ booth. SIA are static in this area.

Entry and Exit to the premises is always via the front of the building unless persons are ejected. When the premises is busy pedestrian barriers and the wall at the front of the building is used to ensure that the walkways are kept clear. These areas in busy periods are monitored by SIA whose role it is to ensure that persons queue in an orderly/safe fashion but also to remove safely from the queue persons who have had too much to drink or appear aggressive. Welfare officers are also used to identify those who are intoxicated and ensure that these persons are looked after/taken to Safe Space/taken home to halls of residence.

### **Friday (Eskimo Project)**

Every Friday at present during the university term time the premises is linked at the rear to the Lyberty Bar which is also owned and operated by Mr Ritchie. During this event, customers enter via the front of each premises and are scanned into the premises. They are then free to walk around both premises which are joined at the rear. No person can gain entry from any other point other than the front. Capacity numbers are monitored using a clicker system by door staff which is updated every 15 minutes. Door staff report figures back to a duty manager who inputs them on a spreadsheet and this way the management can see how many people are where within the site.

### **Licence Conditions**

The Astoria has a substantial set of conditions which include:

- Scanning systems
- Training for staff members selling alcohol
- Welfare officers to monitor and care for persons who are vulnerable or injured
- Toughened glass (although plastics are used by management with the exception of the VIP area)
- SIA numbers
- Ejection/Drugs and Challenge policies

### **General Working Relationship with the premises**

Is in general an extremely positive one. The premises management always engage with the Police Licensing team. The management team consistently listen to advice and implement any changes that are required. They are also willing to adapt business models/working practices should any issues with them be identified from both an operational and compliance viewpoint. The premises management are also proactive in identifying issues and addressing them.

Mr Ritchie and Miss Sands have also stepped in locally to address concerns from the Police Licensing Team and Council officers around Taxi Marshalling in the area. Funding for Taxi Marshalls from the local council came to an end in 2014. What followed was an arrangement whereby venues paid the council to supply door persons for the rank. This came to an end recently as venues did not pay on time and Portsmouth City Council were having to spend time and money on resolving these late or non payment issues. Mr Ritchie and Miss Sands have been reorganising venues via the pub watch mechanism to ensure that a rota is set up in order for local businesses to supply SIA at peak times.

### **Pre Application Contact**

Has been extensive with the premises and in keeping with the Home Office Guidance that premises should speak with the relevant authorities prior to submitting any variation in relation to the premises.

In April/May 2016 the premises requested a meeting with the Police and Council Licensing teams to discuss what they intended to do and sound us out with regards to our thoughts, giving cognisance to the Cumulative Impact Zone.



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Initially the applicants wanted to extend their opening hours from 02:00 hours until 04:00 hours each night. Both Police and Council voiced their concerns regarding this and advised them to re consider. Advice was given with regards to the perception of this and how an extension of this size may adversely impact on the licensing objectives. Advice was also given with regards that due to the Cumulative Impact Zone, it would be for the applicant to show how they would not impact negatively on the licensing objectives and not for ourselves to show that they would.

As a result of the meeting both Police and Council were advised by the applicants that they would reconsider keeping the extension of hours till 04:00 hours to the Friday and Saturday and also would consider what measures they would put in place to allay any concerns regarding the application. They stated that they were considering:

- Management of the Taxi rank during peak times to ensure that this did not impact cumulatively in a negative way on the area.
- Only having part of the premises open past 02:00 to assist with dispersal as this would mean the whole premises would filter out from 02:00 hours when a staggered close of the differing areas of the site would continue meaning a fluid egress would continue.
- Adapting some of the conditions of the premises licence to reflect the positive changes in operating the premises.

### **Application submitted in July 2016**

In July 2016 the applicant submitted the major variation to the Police Licensing Team.

### **Main Changes**

- Change of hours to remove the 24 hours recorded music and line it up with the hours for the premises.
- Terminal hour for regulated entertainment and the sale of alcohol to end at 04:00 hours on both Friday and Saturday nights ie Saturday morning and Sunday morning.
- To reduce the permitted opening hours on a Sunday so that the premises can open at 19:00 and end at 02:00.
- Changes to some of the existing conditions to bring it up to date and reflect new and existing operating plans

### **Proposed changes to the premises licence**

The following main changes (which are numerous) to the premises licence have been proposed by the applicant:

- SIA to be on duty when the premises is open, as opposed to being on from a particular time. SIA to also have a BWV each, which is an improvement on only having the person on the door wear it.
- After 22:00 hours on Thursday, Friday, Saturday no glass to be dispensed to public with the exception of the VIP area. On other days when the premises is open past 00:00 then the Thursday – Saturday condition will apply. Again an improvement on the current licence which allows toughened glass.
- Scanning change – This will ensure that scanning is in operation at all times premises is in operation, not just from a particular time.
- Scanning change - There is a caveat for customers who appear older than 25 without valid ID so long as they can provide something with a name on and this must be scanned.
- Removal of the joining of the Lyberry and Astoria premises at rear only being 36 weeks of the year. Will change to an operating schedule being provided at least two weeks prior to an event so can be utilised when they want it.
- BIIAB licensing certificate being on site when open changed to Personal Licence Holder.
- Inclusion of signage re leaving respectfully
- Inclusion of Challenge 25 Policy and to show posters at bars and entrance to the premises
- Inclusion of training with refresher training
- Inclusion of door staff being present outside to manage persons leaving, including active management of the taxi rank or supporting those marshalls already there.
- Inclusion of 2 door staff and 2 welfare staff managing queues when lyberry and Astoria are joined at the rear.



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- No entry or re entry after 03:00 hours unless a decision made by the management in exceptional circumstances and this rationale is logged
- No drinks promotions on offer from 02:00 hours
- Inclusion of lighting conditions outside premises
- Inclusion of random monthly drugs dogs with results passed to the Police
- Inclusion of the display of messages from Public Health England
- Inclusion that following 02:00 hours only one room to be open for regulated entertainment, no DJ in smoking area at rear.

### **Cumulative Impact Zone**

Set up in 2010 to combat the increase in violence in the NTE in the Guildhall Walk area which culminated in two tragic deaths as a direct result of violent incidents within licensed premises.

The Cumulative Impact Zone restricts the application for new licensed premises within the area and also restricts the application for an extension of hours for existing premises. It does this by putting the onus on the applicant to show that any application will not impact negatively on the licensing objectives rather than the usual process of the onus being on the person who makes the representation.

Following a successful application by another premises in the immediate area to extend their opening hours a decision was made to revisit the figures and extend the CIZ further. This was performed in 2014.

It is also important to note that over the next two years a number of student living accommodations are to be opened within walking distance of the premises. This will undoubtedly increase the foot fall to the CIZ and potentially as a result increase the likelihood of crime and disorder.

### **Annex A**

This details the crime statistics within the CIZ and those directly attributable to Astoria.

### **CIZ Figures**

The main points for the CIZ figures are as follows:

- Distinct increase in violent crimes between the day time and night time economies within the same area with the NTE showing higher levels of violence by almost 50% in some cases. This indicates that there is a clear issue with violence between 20:00 and 06:00 hours being more than the day time, every single day of the week in the area.
- Violence is at its peak between 20:00 – 06:00 hours Friday and Saturday (when the applicant wishes to extend their own hours for an extra 2 hours until 04:00 hours in the morning)
- Police figures also show that violent crime has been reduced since the implementation of the CIZ. However these figures also show that violent crime is still an issue within the CIZ, particularly within the late night/early morning hours.
- In the last year violent crime has risen a small amount. Currently it is not known whether this is due to an increase in footfall as the economy begins to pick up, a change in reporting crime by the Police or both.

### **Astoria**

The main points for the Astoria figures are as follows:

- Comparatively the Astoria figures compared to the rest of the CIZ are low. The Astoria is responsible for just 2.1% of the calls for service in the whole of the CIZ over a 24 hour period. However when looking at a smaller time frame (20:00 – 06:00) this rises to 4%.
- Again with regards to violence incidents in the whole of the CIZ the Astoria is responsible for just 1.1% of the total of these incidents over a 24 hours period..
- All of the incidents at the Astoria fall within the Night Time Economy.
- All of the violence incidents at Astoria fall between 23:00 and 04:00 hours with the majority falling on a Saturday.



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- The majority of violence incidents are not ABH or GBH level injuries but are door staff complaints where following initial investigation it has been deemed that door staff have used reasonable and proportionate force in the circumstances.
- Only one or two incidents are of a concerning nature where someone has deliberately used violence to injure someone. These incidents show positive engagement with the Police following the assault. However it should still be noted that the incidents are as a result of disorder at the premises which door staff need to intervene with.

## Summary

Following this information the Chief Officer of Police has concerns with regards to the application and from the information to hand does not feel that the granting of the variation as it stands, will promote the licensing objectives. The Chief Officer of Police also believes that the application as it stands fails to adequately demonstrate that there will be no negative cumulative impact on the area. This is for the following reasons:

- The figures provided in Annex A show a higher proportion of violent crime at the time the applicant wishes to increase their hours. The figures show that there is a clear issue with violence between 20:00 – 06:00 hours every day of the week and that this is higher than the day time hours. This will incur a negative cumulative impact on the area.
- Astoria has its highest proportion of crime and disorder on a Friday and Saturday night. The same time that the applicant is seeking to extend its hours.
- The applicant wishes to trade during a time when a number of other premises are closing. This has the potential for around 4,700 persons to be looking for a premises to continue drinking. This will undoubtedly increase the chances of persons being refused entry and issues with crime and disorder resulting due to this. This will incur a negative cumulative impact on the area and also a negative impact on the licensing objectives at the premises.

The Chief Officer of Police also has concerns around some of the conditions proposed by the applicant with this application and is not convinced that they shall prevent a negative cumulative impact on the area.

The Chief Officer of Police does not believe that the condition relating to Taxi Marshalls adequately details how the applicant will effectively manage this matter. Whilst it is positive that the applicant has raised this as a consideration, it is unclear as to how the premises will manage the taxi rank, what times they will be in place and for how long. Not knowing this detail means that as it stands the Chief Officer of Police is not convinced that the measures the applicant proposes will not cause a cumulative impact on the area.

The Chief Officer of Police also has concerns with regards to the no entry or re entry to the premises after 03:00 hours condition. As previously stated the premises will be able to take advantage of around 4,700 persons leaving premises in the immediate vicinity in order to continue their night. This will undoubtedly result in refusals at the premises where persons are too drunk to continue. The Chief Officer of Police draws attention to the majority of crime and disorder incidents reported to Police and directly attributable to the premises which are occurring already at the premises where door staff refuse entry or remove persons due to issues.

This late entry policy leads the Chief Officer of Police to also conclude that despite assurances at the pre application stage by the applicant that the later hours would aid dispersal, that this is clearly not the case. Having persons continuing to enter the premises until 03:00 will not aid dispersal and would undoubtedly lead to further issues of crime and disorder and negatively cumulatively affect the area.

Another concern of the Chief Officer of Police is the condition offered by the applicant referring to one room being open for regulated entertainment. At the pre application stage the applicant stated that they were considering only opening the bottom floor of the premises after 02:00 hours. The applicant stated that this was in order to ensure that the dispersal in the premises was staggered which would ensure that come the terminal hour many of the customers would have left. This would have the effect of not putting 1000 persons into the street at once and in their eyes mitigate any concerns with this amount of persons leaving at once at 04:00 hours. The concern with regards to this condition offered, is that the premises will be enabled to remain open fully. It is not what was being considered at the pre application stage and this condition will only limit where music is played not the sale of alcohol etc.



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As a result it is the Chief Officer of Polices belief that the premises would still be able to trade at capacity. This will lead to persons drinking until 04:00 hours and potentially 1000 persons leaving the site at once. This undoubtedly will impact cumulatively on the area in a negative way.

As a result of the above information, the Chief Officer of Police is not satisfied that in its current format, the granting of this application will not have a negative cumulative impact on the area.

As such the Chief Officer of Police respectfully recommends that the application is refused.

Yours Sincerely

PC 21945 Rackham  
Licensing and Alcohol Harm Reduction Team  
Hampshire Constabulary



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