



Portsmouth City Council Licensing Service
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21st April 2017

Dear Sir/Madam

Re: Application for the Grant of a Premises Licence, The Study and Nudles, Trafalgar House, 16 Edinburgh Road, Portsmouth, PO1 1RL

On Behalf of the Chief Officer of Police, I make representations in relation to the application for a variation of premises licence at The Study and Nudles, Trafalgar House, 16 Edinburgh Road, Portsmouth, PO1 1RL.

I make these representations under the grounds of:

- 1) The prevention of crime and disorder
- 2) Prevention of Public Nuisance
- 3) Public Safety
- 4) Protection of Children from Harm

The Study and Nudles

The Study and Nudles occupy the site of the former Trafalgar Public House aka Lloyds Bar in Edinburgh Road, Portsmouth. As the Police understand it the applicant's intention is for the site to be placed into 4 distinct differing parts.

Student accommodation which takes up around 80% of the building including a vast portion of the former licensed premises.

A restaurant/noodle bar which during the day will act as a sit down eatery providing food and alcohol consumption and late at night will offer late night take away refreshment and alcohol to persons until 03:00 hours.

A bar which during the day will cater for students or members of the public wanting to eat, drink alcohol or coffee, study etc and in the evening will be a normal bar for persons to consume alcohol.



A basement area which will be open to the public and like its upstairs counterpart will have capacity for dancing, live music and private events etc. This basement area is rather enclosed and at present is like a rabbit warren with a mix of differing ceiling levels.

The applicant has invested heavily in this premises which once finished will likely have a capacity of around 400 persons.

The premises also sit within the Cumulative Impact Zone in Portsmouth, which has disproportionately higher amounts of violence in the Night Time Economy than the day time.

The premises is also next to a premises which has recently been taken to Review by the Chief Officer of Police following a very serious assault where a person received a fractured skull and cheek bone.

Pre meeting prior to submission of the application.

In late March/early April 2017 the applicant met with Officers from Portsmouth City Council Licensing Service and Hampshire Constabularies Police Licensing Team. Officers attended the site and were shown around the premises and advised what their plan and vision was for the premises.

During the meeting it became apparent that at that time there was no clear indication as to the premises identity. The applicant described the basement area as an area to hold private parties, for customers to dance and party and referred on a number of occasions to the premises as a club. When further questions were asked the applicant stated that the premises were not a club. Later the applicant again referred to the premises as a club.

During the meeting a number of concerns were raised with the applicant around the following:

- The identity of the premises and the need for the applicant to be extremely clear in what they were attempting to achieve.
- The basement areas layout and secluded nature would potentially make it difficult to manage on a day to day basis and that this could lead to issues of crime and disorder going un-noticed by staff.
- The CIZ and the levels of crime and disorder in the area. It was impressed upon the applicant that any application will need to take due regard of this and ensure that conditions were offered up in order to uphold the licensing objectives.

During the course of the meeting a number of suggestions were made to the applicant around potential considerations to put in place at the premises to uphold the licensing objectives at the premises. These were:

- The use of Door staff during peak periods or periods identified as carrying risk
- A fit for purpose CCTV system covering the area
- Staff training which is documented
- An effective management team
- Utilising a scanning system
- Being a member of the local crime reduction partnership
- Being an active member of the local pub watch
- Ensuring that an effective age verification policy is adopted at the premises



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- That there is a management plan around the late night refreshment side of the business to prevent crime and disorder (Nudles)

As a result of the engagement shown by the applicant, the Chief Officer of Police is satisfied that the applicant has followed the guidance from the Home Office with regards to engaging with the Police prior to the submission of any application.

Application

Following the meeting the applicant has submitted an application for the grant of a premises licence at the site. The application covers both the bar and downstairs area as well as the Noodle Bar.

The applicant wishes to sell alcohol for consumption on and off the premises until 02:00 each night. The applicant also wishes to provide Live and Recorded music until 03:00 hours. Late night refreshment until 03:00 hours is also being applied for.

The Chief Officer of Police has noted that the application makes no mention of the Cumulative Impact Zone.

The Chief Officer of Police does however note that a number of conditions have been offered up by the applicant which fit in with the advice provided to the applicant to support.

However the Chief Officer of Police notes that the applicant does not wish the majority of the conditions in relation to SIA to be applied to the Noodle Bar. The Chief Officer of Police can only deduce from this that the Applicant does not wish to utilise SIA to manage what effectively will be a late night takeaway also providing alcohol to members of the public in a CIZ area noted for having far greater incidents of crime and disorder in the Night Time Economy than the day time.

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 continue with the CIZ. This was performed in 2014 and again more recently this year, 2017.

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.



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Violence Report Portsmouth NTE areas and CIZ

This details the violent crime statistics within the CIZ and within Portsmouth and can be found attached as **Annex A** of the Police bundle.

CIZ Figures

The main points for the most recent CIZ figures found in the report in **Annex A** are as follows:

- Distinct increase in violent crimes between the day time and night time economies within the CIZ, with the NTE showing higher levels of violence. Currently the NTE contributes a figure of 471 violence incidents over a recent 10 month period. This represents 71.36% of all violence in the CIZ. This indicates that there is very real issue with violence in the NTE within the CIZ which is completely disproportionate compared to that of the day time. It must also be noted that this trend appears to be on the rise a small amount for the second time in as many years.
- The amount of violence within the CIZ is disproportionate to the rest of similar NTE areas within Portsmouth. Violence incidents over a recent 10 month period within the CIZ represent 6.56% of all violence incidents within the Portsmouth district. Other NTE areas with a much larger area, a higher proportion and density of licensed premises, do not go above contributing 2.39% of violence incidents.
- Between 19:00 – 07:00 hours, the CIZ, on a Thursday, Friday and Saturday, accounts for 67-70% of all NTE area violence within Portsmouth.
- 55.69% of the NTE violence relates to Friday and Saturdays. The other 45% being spread over the other 5 days of the week.
- It has been identified that the peak times for violence incidents are between 20:00 – 05:00 hours.

It is the belief of the Chief Officer of Police that these facts show that there is a very real and prevalent issue with violence in the CIZ, particularly during the times the applicant wishes to operate and would strongly urge the committee to be minded of this information when forming their decision.

Summary

This application is one which the Chief Officer of Police has a number of concerns with. These concerns are around the ability of the applicant to show that they will fully uphold the licensing objectives and not cause incidents of crime and disorder. They also refer to the Cumulative Impact of the granting of this licence. They are as follows:

Confusion from the applicant around what this premises is going to be?

The applicant appears to be confused as to what this premises is going to be. Is it a night club? Is it a bar? What is it? The applicant has referred to the premises in the pre meeting as a “club” but when pressed stated it was not a club. This has left the Police a little confused. Particularly as the applicant appears to be requesting the sale of alcohol until 02:00 hours and the provision of dance, live music and recorded music which would of course indicate that the intention is to operate as a night club during the night time economy hours. The applicant also has provision



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for a dance floor area in the basement which again leads the Chief Officer of Police to believe that this premises will operate as a night club late into the night.

The Chief Officer of Police feels that it is vital that the committee satisfy themselves as to what the premises will be late at night. If this question is left unanswered then the committee potentially may make a decision without being in possession of the full facts and this in its self could lead to issues which will undoubtedly undermine the licensing objectives at the premises and lead to crime and disorder in the area.

Lack of any clear conditions around the noodle bar to support the licensing objectives

The application indicates that the noodle bar will operate until 03:00 hours. When discussing this matter at the pre meeting the applicant stated that the noodle bar would operate as a take away during the later hours.

The Chief Officer of Police notes that the applicant has specifically stated in the application that door staff (with Body Worn Video), an ejection policy and dispersal policy will not be required at the noodle bar.

The Chief Officer of Police provide in **Annex A** evidence which shows that violence offences within the CIZ are higher in the night time economy than the day. These figures include incidents at premises which are licensed for late night refreshment only as well as alcohol. This shows a very real risk within the CIZ of crime and disorder occurring within similar types of premises.

The Police believe that given that this application is for late night refreshment and both on and off sales of alcohol then this will only increase the risk of crime and disorder should the licence be granted as it stands with the hours requested and with the lack of appropriate measures to prevent further incidents.

The CIZ

I have evidenced in **Annex A** evidence which shows that despite a long term reduction in violent crime in the CIZ there is still a higher, disproportionate to the day time, level of violent crime at night, in the area the applicant wishes to operate.

The current Portsmouth City Council, statement of licensing policy, relating to applications within a CIZ states:

“The Licensing Authority, therefore, will normally refuse the grant of new premises licences or club premises certificates or variations whenever it receives relevant representations about the cumulative impact on the licensing objectives which it concludes after hearing those representations should lead to refusal”

The Chief Officer of Police believes that the applicant has not demonstrated enough to show that they would not have a negative cumulative impact for the grant of the premises licence as it stands.

This application is **not** an extension of hours for a premises which has been operating well. It is a new application for what appears to be a night club with a 400 person capacity and a late night take away facility with the sale of alcohol thrown into the mix with no measures to minimise the



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risk of this. The granting of this application as it stands will lead to a negative cumulative impact and further crime and disorder at the premises and in the area.

Police Request to Refuse the Licence as it stands

Due to the above it is the belief of the Chief Officer of Police that the granting of the application as it stands will not only lead to a negative cumulative effect on the area but will also lead to incidents of crime and disorder at the premises itself.

As such the Chief Officer of Police requests that the **licence be refused and not be granted**.

Further Considerations

Should however, after considering the evidence the Police have provided and all other relevant representations, the committee are not minded to refuse the licence then the Chief Officer of Police requests that the committee consider imposing the following points as a way of ensuring that the premises upholds the licensing objectives:

- Reduce the hours for the sale of alcohol at the premises and the provision of music and regulated entertainment to ensure that a 400 person capacity night club does not lead to an increase of crime and disorder.
- Add door staff conditions to the Noodle Bar area of the licence 7 days a week from 23:00 hours to include the use of BWV and 2 registered SIA licensed door supervisors Thursday, Friday and Saturday. 1 Registered SIA licensed door supervisor for all other days of the week.
- Ensure that from 23:00 hours the noodle bar is takeaway only and that alcohol cannot be sold from this part of the premises.
- Implement a condition which prevents glass being served at the premises when there is a DJ led event or live music being performed at the premises.
- Remove the off sale aspect all together with regards to alcohol.

Yours Sincerely

PC 21945 Rackham
Licensing and Alcohol Harm Reduction Team
Hampshire Constabulary



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