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14th July 2017

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

Pre Application

Following a decision made recently by the licensing committee to extend the midweek hours at another night club within the CIZ the applicant approached the Police in order to discuss an application to extend their own hours Sunday – Thursday. The applicant stated that they wished to extend these hours from 02:00 hours to 03:00 hours and that they needed to do this to be able to maintain a level playing field from a business perspective.

The Police raised concerns at this meeting with the applicant around the crime figures linked to the Cumulative Impact Zone, of which the premises is situated within. The Police raised the concerns with regards to the disproportionate amount of violent crime within the CIZ during the times the premises wished to extend there hours compared with the day time and other similar areas of the city.

The Police also explained the CIZ and the rebuttal presumption which any committee would have to apply in the first instance to any application. It was also explained to the applicant that they would have to demonstrate how there application would not impact on the CIZ negatively in order to shift the burden of proof which currently lies directly with themselves rather than in an application outside of the CIZ.

The applicant stated that they had considered this aspect and were considering the following:

- From 01:00 hours outside the premises Sunday – Thursday to utilise SIA door staff to patrol between the halls of residence directly outside the premises and the Guildhall Walk Taxi rank. Another would be used to patrol the car park area behind Yates and the rear of their premises.

During this meeting the applicant also stated that they were considering changes to conditions imposed by the committee at a previous hearing to extend there hours at the weekend. Police were advised that consideration was being given to performing the following:



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- Changing the condition relating to the closing of rooms to disperse customers gradually rather than all at once at the weekend.
- Changing the condition which prevents movement at the rear of both Lyberry and Astoria when they are joined.

Following the meeting the Police advised the applicant that it was highly likely that representations would be made to the application as they had very real and evidenced concerns about crime and disorder in the Cumulative impact area.

Following the meeting the Chief Officer of Police is satisfied that the applicant has followed the Section 182 Guidance and has appropriately engaged with the Police prior to the submission of the application.

Application submitted July 2017

In July 2017 the applicant submitted the application to the Police Licensing Team. The application is predominantly as discussed at the pre application meeting. This was sent with a covering letter detailing measures the premises have put in place to support the licensing objectives.

Cumulative Impact Zone showing high levels of crime and disorder

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 and more recently in 2017.

The Chief Officer of Police would like the committee to note that in July 2017 elected members ratified the continuation of the Cumulative Impact Zone to form part of their own statement of licensing policy which 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 would like to make it clear to the committee that as a result of the statement of licensing policy the position the committee must take is to refuse the grant of the application. The only time this position should not be taken is if the committee feel that the measures the premises are taking will not lead to a negative cumulative impact.

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 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



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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.
- 45% of the NTE violence relates to Sunday - Thursday.
- It has been identified that the peak times for violence incidents are between 20:00 – 05:00 hours.

These figures are drawn from analysis performed by the Police Research and Analysis team and these figures are drawn from Hampshire Constabularies own Record Management System. This forms the report shown in **Annex A** of the Police evidence bundle.

These figures show a very real and prevalent issue with violence in the CIZ, particularly during the times the applicant wishes to operate and show that should the premises be granted an extension of hours there is a high risk of a negative cumulative effect.

The Chief Officer of Police would also like to draw the committees attention to another item of research performed by the Police Research and Analysis team drawn from Hampshire Constabularies own Record Management System. This research is based around Most Serious Violence incidents within Portsmouth. For the benefit of the committee Most Serious Violence relates to offences such as Robbery and GBH assault incidents as well as Murder. These offences are some of the most serious incidents to occur and have a life changing impact on any victim. Whilst I am unable to provide the full report as it contains sensitive information I am able to state the following:

- 168 MSV offences were recorded between 01/01/2016 and 31/12/2016 in Portsmouth. 25% of MSV incidents are linked to the Night Time Economy (offences between 20:00 – 04:00 hours in NTE areas).
- 36% of all MSV offences across the city have the victim or offender affected by alcohol. In the night time economy this figure rises to 70%
- In the CIZ MSV offences peak between 02:00 – 03:00 hours and predominantly take place outside of licensed premises when alcohol consumption, venue capacity and movement outside are at their highest particularly in the Winston Churchill Avenue area and Guildhall Walk.
- MSV has steadily been on the increase in Portsmouth over the last 5 years.
- 85% of all MSV in the NTE was perpetrated by persons under the age of 25.

Following this information the Chief Officer of Police has identified a very real and very serious issue with violence and the most serious violence incidents. These incidents are hugely prevalent within the CIZ and are as a result of persons congregating whilst in drink in the area.

It is the belief of the Chief Officer of Police that to allow this application to be granted will negatively impact on the CIZ and lead to further crime and disorder within the CIZ.

Astoria incidents Sunday – Thursday 01/07/2016 – 01/07/2017

Annex B shows incidents linked to the premises over a 12 month period. These show a range of incidents from drugs incidents to ABH level assaults which do occur during the week days the premises wishes to open.

Summary

The information provided by the Chief Officer of Police shows a very real issue with violent crime within the cumulative impact zone and this very real issue with violent crime peaking during the hours that the premises wishes to remain open until.



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The Cumulative Impact Zone, very recently ratified by the councils elected members, puts the onus on the committee to have the initial position of refusing the application. The committee should be minded that the onus is on the applicant to demonstrate that there will not be a negative cumulative effect rather than any other person to demonstrate otherwise.

The information provided by the Chief Officer of Police shows a very real issue with violent crime within the cumulative impact zone and a very real issue with violent crime peaking during the hours that the premises wishes to remain open until.

The Chief Officer of Police believes that if this application is granted then there will be a further increase in crime and disorder and a negative cumulative impact in side an area with a higher proportion of violent incidents than any other area within the city.

The committee when making their decision should be minded that these issues are as a direct result of persons drinking alcohol, attending licensed premises and continuing to drink, leaving the licensed premises and becoming involved in disorder, disorder which is leaving people with limited injuries to life changing ones. The evidence shows that no matter how well operated a premises is there is still a disproportionate amount of crime and disorder including incidents of most serious violence occurring in the CIZ. This is having a negative impact on the CIZ, put in place to reduce levels of violence and put in place as a direct result of two tragic deaths within the area.

The Chief Officer of Police urges the committee to listen to the evidence, listen to the Police who are telling them there is an issue with violence in the CIZ and apply their own cumulative impact policy to that evidence.

The Chief Officer of Police also invites the committee to consider, having heard the evidence given by the Police the following:

- Will the use of 2 members of door staff patrolling the area of the Taxi Rank, James Watson Hall and the car park in Alec Rose Lane prevent the rise in violence and MSV incidents occurring within the CIZ?
- Will changing the conditions on the premises licence reduce the level of violence and MSV incidents occurring within the CIZ?
- Despite the positive measures that the premises have in place to support the licensing objectives at the premises, it is still clear that there is an issue with crime and disorder and MSV incidents occurring within the CIZ. The Chief Officer of Police invites you to consider the question, how will adding an extra hour of trade each night Sunday – Thursday not negatively impact on the CIZ?

If the committee take the same position as the Chief Officer of Police that these measures will not prevent a negative cumulative impact on the CIZ then the Chief Officer of Police believes that this application should not be granted.

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

Yours Sincerely

PC 21945 Rackham
Hampshire Force Licensing Team
Portsmouth



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