

HAMPSHIRE CONSTABULARY

Page 1 of 9

RESTRICTED

**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

Before completing this form please read the guidance notes on page 3.

Once completed please send your representation form to your local Licensing Authority.

You must keep a copy of the completed form for police records.

Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.

These representations must be made within 28 days

Postal address of premises or club premises:

The Noodle Pot, 91A St. James Street,

Post town:

Newport

Postcode:

PO30 1LB

Name of premises licence holder or club holding club premises certificate (*if known*)

Police Details

Hampshire Constabulary is a responsible authority.

Name and address:

P.C. 3007 Bradley
Police Licensing Department
Newport Police Station
High Street
Newport
Isle of Wight
PO30 1SZ

This application to object relates to the following licensing objective(s)

- 1) **The prevention of crime and disorder**
- 2) **Public safety**
- 3) **The prevention of public nuisance**
- 4) **The protection of children from harm**

*Please select
one or more
boxes*

RESTRICTED

HAMPSHIRE CONSTABULARY**RESTRICTED**

**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

State the ground(s) for representation *(please read guidance notes 1 & 2)*

The Chief Officer of Police makes representations against this application on the basis that it is very likely to lead to an increase in crime and disorder and public nuisance.

The applicant has applied for a premises licence to serve takeaway food from a hatch at the front of his premises between 23:00 hours and 05:00 hours each day.

The applicant also submitted Temporary Event Notices requesting late night refreshment until the same terminal hour when he applied for this premises licence. Following police representations these Temporary Event notices were refused by the Isle of Wight Council's Licensing Sub Committee on 7th August 2018.

There was no consultation with the police prior to the the submission of any of these applications other than a general conversation over a year ago where the applicant mooted the idea of opening until 05:00 hours and was told that the police would be unlikely to support such any such application.

The applicant has been made fully aware of the concerns raised by the police, prior to and during the hearing relating to the Temporary Event Notices and in a subsequent visit by P.C. 3007 Bradley to The Noodle Pot on the 9th of August 2018.

The visit was necessary to asses what risks would be posed to the objectives by the operation of the premises in the way Mr. Miah wants to operate it and how those risks could me mitigated by appropriate conditions. Some conditions have been agreed with the applicant.

A list of these agreed conditions can be found in appendix 1.

These conditions were agreed verbally at the time, however on reflection Mr. Miah decided he did not want to agree to a condition relating to the use of SIA door supervisors as other premises either didn't have the requirement for them on their licence or they were required to start at a later hour than that proposed for the Noodle Pot. It has repeatedly been explained to Mr. Miah that each application and premises are different and will be subject to different risk factors. He should therefore not keep focussing on simply wanting the best of what other venues have on their premises licences. However it is clear from his e-mail response to the suggested conditions that he continues to do so. This can be seen in appendix 2.

Despite agreement of certain conditions, concerns remain about the risks posed to the objectives.

RESTRICTED

HAMPSHIRE CONSTABULARY**RESTRICTED****NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

These concerns are based on the extremely late hours the applicant wishes to operate during the entire week and the location/layout of the premises.

Operating until 01:30 hours on Fridays and Saturdays was suggested to the applicant but he refused to accept this. A further suggestion of operating until 02:00 was also refused. The applicant was made fully aware that without consensus on the terminal hour for late night refreshment this application would have to be brought to a hearing. This is the route he opted to take, insisting that he wanted a licence permitting late night refreshment until 05:00 hours even though he accepted that it was not an hour to which he would usually operate until. Mr. Miah is adamant that because another Newport venue has a licence to sell late night refreshment until 05:00 hours, he too wishes to have that capability on his licence.

However in his response to the suggested conditions, (appendix 2) he has stated he is prepared to reduce his trading times until 03:30 hours each day. For the reasons detailed below the Chief Officer of Police does not believe this slight reduction in hours will reduce the risks posed to the objectives.

The noodle pot is situated within sight of the bus station and the taxi rank in South Street. It is next door to a pub which has a licence to remain open to the public until 01:30 hours. In his application Mr. Miah states that he wants to close the doors of the premises at 23:00 hours and operate from a serving hatch at the front of the premises.

Customers will be required to wait for food on a pavement where there is limited space for both a queue and to allow foot traffic to pass by. There are bays for vehicle parking along the street and directly in front of the premises is a large unloading bay which reverts to parking after 18:00 hours. Council CCTV coverage of the premises is limited to one camera which is located approximately 75 metres away and would be obscured by any vehicles parked in the parking bays on St. James Street. Any queue would have to begin at the serving hatch and then run along the inner part of the pavement past the corner of the premises where it would not be visible to staff other than via a CCTV monitor. Staff would not be able to intercede quickly to try and calm situations before they escalated as they would have to come from behind a counter to get to the front door which would at this point be locked.

The other venue which has a licence for late night refreshment until 05:00 hours is situated in a pedestrian area with ample space to allow people to form a queue and for pedestrians to get past. Those in the queue are all visible to staff in the premises and any disorder can be quickly addressed by staff if required as they have instant access to the outside of the premises. It is in a well lit area directly underneath a CCTV camera, with other cameras within easy view. There are no parked vehicles close by which are likely to suffer deliberate or accidental damage.

Each application has to be taken on its own merits and it is clear that the location and layout of the Noodle Pot when compared to the other venue makes it a higher risk of crime and disorder. It is for this reason that simply replicating the trading hours and conditions of that licence and applying it to the Noodle Pot would not be appropriate.

RESTRICTED

HAMPSHIRE CONSTABULARY**RESTRICTED****NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

It should be noted that Mr. Miah has agreed to some conditions which will reduce the risks. The width of the pavement outside the premises is such that if an orderly queuing system is maintained, pedestrians will be able to pass without an increased risk of confrontation. He has agreed to implement such a queuing system when conducting licensable activities. He has agreed to install extra CCTV cameras which will cover the queue outside to allow identification of offenders in the event of disorder and he has agreed to ensure there is sufficient lighting to enable usable footage to be captured.

However certain issues remain.

During the later hours, the customers the Noodle Pot is likely to attract are those who have come from the pubs and clubs of Newport. A high percentage are likely to be intoxicated to some degree. That intoxication will affect their judgement and make them a higher risk of causing incidents of crime and disorder. As a location where different groups will congregate and interact when they queue for food it is very likely that such incidents will occur. Without benefitting from adequate council CCTV coverage, early identification of trouble from the operator who has direct contact with the police will not be possible. This will also inhibit the identification of suspects at the time and their description if an altercation takes place and they make off.

Should any altercation take place it is unlikely to remain within the limited coverage of the premises CCTV cameras, presenting problems for subsequent investigation in the absence of council CCTV coverage.

There is a necessity to maintain an orderly queuing system outside the premises to prevent altercations between customers; to prevent the queue blocking the pavement which could lead to conflict with passers-by and to prevent accidental or deliberate damage to parked cars. Maintaining the queue would be the role of an SIA approved door steward.

After initially accepting a condition requiring the use of a door steward from 23:00 hours until time of close Mr. Miah changed his mind and has requested it be modified to only having a door steward on any days he opens after 01:00 hours. His reason for this is to replicate a condition of the other premises which can operate until 05:00 hours.

It should also be noted that the hours proposed by Mr. Miah are the type of hours operated in larger cities that have an infrastructure in place to off-set the risks posed by operating so late into the night time economy.

The night time economy in Newport is not supported by such an infrastructure. Public transport is limited and the only other resource operating in support of the objectives (apart from the police) are street pastors who advertise as operating in Newport on Friday nights up until 03:00 hours.

Following some serious and high profile incidents of crime and disorder in Newport, there was a

RESTRICTED

HAMPSHIRE CONSTABULARY**RESTRICTED****NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

multi-agency response to violence within the night time economy.

One of the key elements to reducing crime was to encourage swift dispersal of revellers from the town centre after late night drinking venues closed.

Extra bus stops and taxi ranks were positioned closer to the later opening venues to negate the need for revellers to go back into the town centre and to the bus station which was, and still is a late night crime hotspot. The Noodle Pot is likely to provide them with an extra reason to do so, especially as it's situated just a short distance away and within sight of the bus station. Revellers should be focussed on getting a bus home, not risking missing it in order to buy food. They also need time to eat the food before getting on the busses.

Similarly, those revellers making their way home on foot are more likely to be drawn back into town to get food before making their way home or hanging around interacting with others, thus increasing the risk crime and disorder and public nuisance.

As stated, the Noodle Pot sits within sight of the bus station entrance. In July there were 4 assaults and a hate crime reported at the bus station, (two were after 02:30 hours). In August (up to the 19th) there have been 5 assaults, a domestic incident and 2 reports of anti-social behaviour, (three assaults after 02:20 hours).

With regard to public transport on Fridays and Saturdays the late busses times are as follows.

The number 1 route goes from Newport to Cowes at 00:30, 01:00, 01:35, 02:10 and 03:15.

The number 3 route goes from Newport to Ryde via Ventnor, Shanklin and Sandown at 00:35, 01:45 and 02:50.

The number 5 route goes from Newport to East Cowes at 00:40 and 02:45.

The number 7 route goes from Newport to Alum Bay via Yarmouth and Freshwater at 22:50 and 23:20.

The number 9 route goes from Newport straight through to Ryde at 00:05, 00:35, 01:05 and 02:20.

With regard to public transport from Monday to Thursday the late bus times are as follows.

The number 1 route goes from Newport to Cowes at 23:20, 24:00 and 00:30

The number 3 route goes from Newport to Ryde via Ventnor, Shanklin and Sandown at 21:40, 22:10 and 23:10.

The number 5 route goes from Newport to East Cowes at 22:50, 23:35 and 00:40.

RESTRICTED

HAMPSHIRE CONSTABULARY**RESTRICTED****NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

The number 7 route goes from Newport to Freshwater via Yarmouth and Totland at 22:20, 22:50 and 23:20

The number 9 route goes from Newport straight through to Ryde at 23:10, 23:40 and 00:35.

With regard to public transport on Sundays and Bank holidays there is only a slight variation in times from most of the weekday routes.

As can be seen, transport infrastructure to support such late opening hours is simply not available during the week. The night time economy infrastructure mirrors this.

The risks of crime and disorder on these days is generally significantly lower than on Friday and Saturday nights, mainly because demand for night time economy trade such as late night food and alcohol is less and there are simply fewer intoxicated people around. However this is not always the case and demand is subject to variations for example festivals, events over the tourist season, Christmas and New Year etc.

Mr. Miah is adamant that he wishes to have a blanket late-night closing time on all nights of the week even though he states he would not use them if it was uneconomical to do so. This approach does not support the licensing objectives as it makes it very difficult to apply appropriate conditions to off-set the risks posed by the ability to operate to such late hours.

If Mr. Miah has the ability to operate until 05:00 hours each day, conditions to off-set the risks need to be in place, regardless of whether he decides operate those hours or not. This could lead to excessively onerous conditions.

The effective use of non-standard timings for high demand dates which might fall during weekdays such as Christmas and New Years Eve is an alternative solution which is usually adopted by many licensed premises. Infrastructure to support the higher demands of the night time economy during these established periods is generally in place. And conditions on the licence which cover Friday and Saturday nights are generally robust enough to off-set the increased risks.

Throughout the application and consultation period Mr. Miah has expressed a desire for parity with the most lenient aspects of the licences of other venues. It has constantly been pointed out to him that each application must be looked at on its own merits and with due consideration to the risks that application and premises pose to the licensing objectives.

During the previous hearing for the temporary event notices and in subsequent correspondence (appendix 2), Mr. Miah has appealed for a chance to operate to the latest possible times with measures that will accrue the least possible operating costs. That is not a criticism, as he is first and foremost a businessman.

RESTRICTED



HAMPSHIRE CONSTABULARY

RESTRICTED

**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

However the licensing objectives, in particular the prevention of crime and disorder need to be upheld and meaningful measures need to be put in place to pro-actively enforce them regardless of any extra cost.

State any conditions that the Police seek to negate the need for a hearing

The conditions listed on appendix 1 have been agreed.

Operating times and the days/times that SIA door supervisors are to be used have not been agreed.

The Chief officers of police requests consideration be given to adding the following condition to the licence.

At least one SIA registered door supervisor shall be present from 23:00hrs on any day that licensable activity is taking place. They will remain until all customers have dispersed from the area after closure.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS REPRESENTATION

Part 3 – Signatures *(please read guidance note 3)*

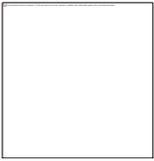
Recommendation of Police Officer

With regard to operating times for late night refreshment the Chief Officer of Police requests consideration be given to the following.

Sunday - Thursday 23:00 - midnight.
Friday and Saturday 23:00 - 01:30.

A finish time of 01:30 would allow Mr. Miah to trade later whilst still ensuring that those going to all towns other than East Cowes can buy food and still have two realistic chances of getting a bus home. Anything later would encourage or cause people to remain until the last bus. This could add, as part of a cumulate effect, to increased groups of intoxicated people waiting around, or larger groups getting the last bus. Both of these scenario's is likely to lead to increased crime and disorder.

RESTRICTED



HAMPSHIRE CONSTABULARY

RESTRICTED

**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

A later finish time of 02:00 on Fridays and Saturdays would still allow revellers time to get food before the last busses to each town but the risks of crime and disorder and anti-social behaviour would be higher.

If these are accepted and Mr. Miah wishes to nominate any non-standard timings, these should be subject to the same terminal time and conditions as Fridays and Saturdays.

Signature of Police Officer Completing

Signature: P.C. 3007 BRADLEY

Date: 22/08/2018

Recommendation of Police Sergeant

Please note, Force Licensing Sergeant is on leave so matter refereed direct to Inspector of Force Licensing

Signature of Police Sergeant

Signature: Please note, Force Licensing Sergeant is on leave so matter refereed direct to Inspector of Force Licensing

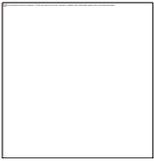
Date: 22/08/2018

Decision of Police Licensing Inspector

I fully support this representation. The applicant has sought later hours regreably showing limited or no willingness to work with responsible authorities to mitigate the adverse impact on the licensing objectives, in particular crime and disorder. The applicant seeks to have blanket timings without offering tangible control measures such as SIA personnel to prevent crime and disorder, particularly where the location is near the primary transport egress point for the Night Time Economy area for Newport which increases such likelihood of crime and disorder

Signature of Police Licensing Inspector

RESTRICTED



HAMPSHIRE CONSTABULARY

RESTRICTED

**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

Signature: Inspector 2841 Justin Roberts, Force Licensing & Harm Reduction Team
Date: 22/08/2018

NOTES FOR GUIDANCE

- 1. The ground(s) for representation must be based on one of the licensing objectives.
- 2. Please list any additional information or details, for example dates of problems which are included in the grounds for representation if available.
- 3. The representation form must be signed.