

# ESSEX POLICE REPRESENTATION TO APPLICATION FOR VARIATION OF PREMISES LICENCE (LICENSING ACT 2003)

## PINK ZEBRA

6-7 FOXES PARADE SEWARDSTONE ROAD, WALTHAM ABBEY, ESSEX, EN9 1PH

### 1.0 Outline of circumstances leading to the representation regarding the Application for Variation of Premises Licence

1.1 The application seeks to increase the hours in which it can carry out the following licensable activities:

- Sale of Alcohol (until 01:00 Mondays - Thursday, until 03:00 Fridays – Saturdays and until 02:00 Sundays),
- Regulated Entertainment (until 01:00 Mondays - Thursdays, until 03:15 Fridays – Saturdays and until 02:30 Sundays),
- Late Night Refreshment (until 00:30 Mondays - Thursdays, until 02:45 Fridays – Saturdays and until 02:00 Sundays).

1.2 Essex Police have objected to this application under the licensing objectives:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance

1.3 Th By allowing this application in full Essex Police believe that on the balance of probabilities there will be an increase in crime & disorder and public nuisance.

1.4 Local transport is seriously reduced /non-existent at 03:00hrs. Leading to customers under the influence of alcohol remaining within the town centre with no viable means to leave the area.

1.5 It is Essex Police experience that this will lead to increased anti-social behaviour and calls relating to crime & disorder.

1.6 The additional times requested places the venue out of kilter with licensed premises within the vicinity which in turn will make it a target venue when other premises close.

1.7 Customers being able to drink later will likely increase the chances of crime and disorder occurring due to people having more time to become intoxicated.

1.8 \*Annex 1 at the end of bundle shows arial views of the area as well as roadside views.

1.9 The applicant is also seeking Christmas Eve, Boxing Day, New Years Eve and New Years Day closing at 05:15hrs. Essex Police have concerns regarding dispersal to the requested during these specified days in relation to crime & disorder and public nuisance.

1.10 Of note the premises has never operated at these hours previously.

1.11 It has only operated to 03:45am via a TEN for private hire events such as Birthday Parties.

1.12 The premises has had incidents of crime and disorder when they have operated to their premises licence (when not using a TEN for private hire).

## 2.0 Outcome Sought

2.1 Essex Police view is that should the Premises Licence Variation be granted then one or more of the licensing objectives will be undermined.

2.2 Essex Police feel that the Premises Licence Variation should not be granted.

2.3 Case law provides additional guidance on balancing financial considerations and the need to promote the licensing objectives, viz:

a) In the case of R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312, Lord Justice Toulson said:

*"Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact."*

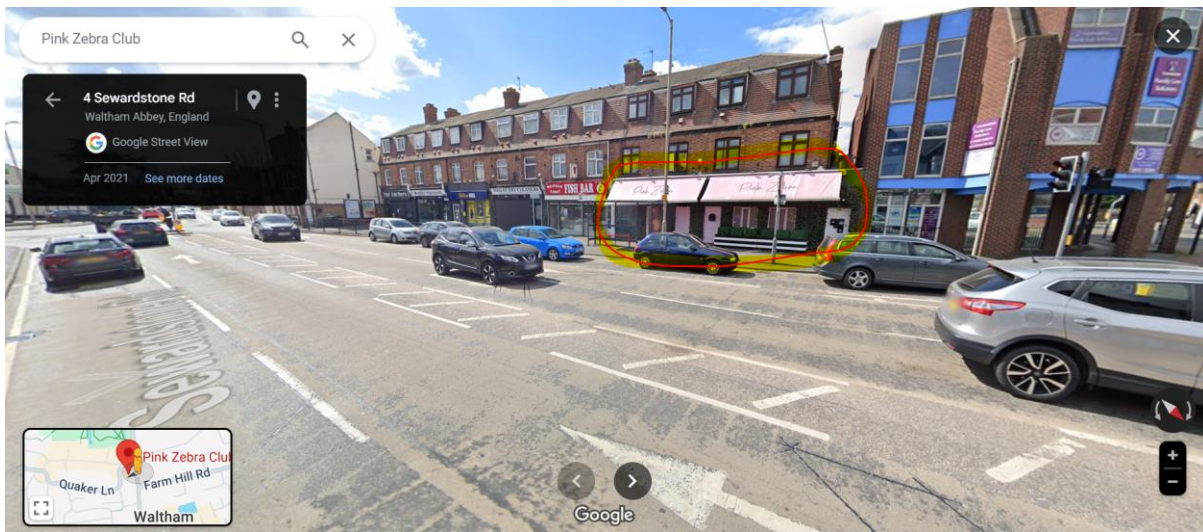
The decision is important because it illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation. The effect on a range of factors such as crime and the quality of life for residents and visitors must be considered and not just the narrow consideration of the premises itself.

2.4 However, if the Application for Premises Licence Variation was to be granted by the Licensing Sub-Committee then Essex Police feel that the following conditions should be added to the licence in order to aid the premises in upholding the 4 licensing objectives:

- An incident log shall be kept at the premises and made immediately available to police or licensing authority staff upon reasonable request.  
The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licenceThe incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.
- On any occasion where the premises conducts licensable activities past 0200 hours, at least 3 SIA licensed door supervisors must be on duty from 2100 hours until at least 30 minutes after the premises closes.

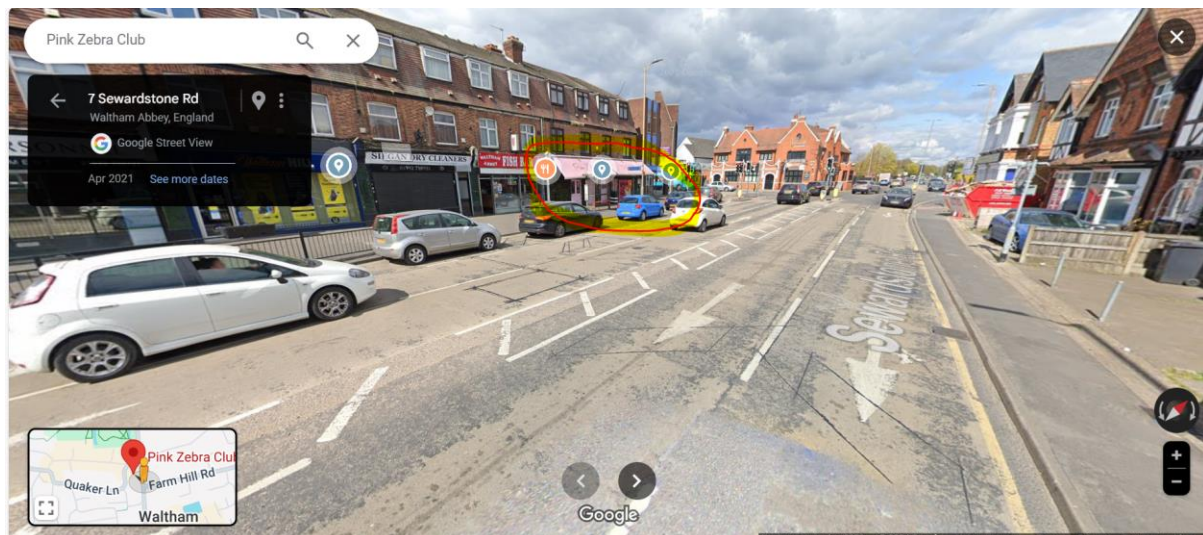
- The premises shall have in place and operate a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means.  
This policy shall specifically include but not be limited to:
  - i. Searching practices upon entry;
  - ii. Dealing with patrons suspected of using drugs on the premises;
  - iii. Scrutiny of spaces including toilets or outside areas;
  - iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
  - v. Staff training regarding identification of suspicious activity and what action to take;
  - vi. The handling of items suspected to be illegal drugs or psychoactive substances
  - vii. Steps taken to discourage and disrupt drug use on the premises
  - viii. Steps to be taken to inform patrons of the premises drug policy/practices
 A copy of this policy document shall be lodged with the police and licensing authority.
- Clear and legible notices must be prominently displayed at the exits requesting customers to respect local residents and leave the area quietly.  
These signs shall be a minimum size of 200mm x 148 mm.
- A written dispersal policy will be formulated and provided to the police and licensing authority which amongst other things details:
  - 1) How patrons leaving the premises shall be directed away from the premises;
  - 2) How patrons will be informed of the services of taxi and private hire operators;
  - 3) What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
  - 4) Any 'wind' down periods;
  - 5) Methods to prevent re-entry to the premises;
  - 6) How bottles and glasses will be prevented from being removed from the premises at closing time.
- A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.  
All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request.  
The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
- All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.  
Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

## Annex 1



Premises circled in red (road view). Residential properties above and nearby to the premises.

Image obtained from Google Maps.



Premises circled in red (road view). Shows residential properties above the premises and over the road.

Image obtained from Google Maps.