

**In the matter of an application for a Premises Licence for 37-38 Fleet Street, Swindon**

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**Statement of SIAN KALYNKA**

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I, **SIAN KALYNKA**, Police Licensing Officer, Divisional Police Headquarters, Gablecross Police Station, Swindon, Wiltshire SN3 4RB will state as follows:

**Introduction**

1. I am 6454 Sian KALYNKA of Wiltshire Police. I am the Licensing officer for the Swindon Area. I have been in post since November 2008. My role is to ensure premises comply with the licensing objectives and part of my role includes the gathering and collation of evidence around licensing issues. I make this statement on behalf of Wiltshire Police.
2. I have some knowledge of the workings of different types of licensed premises and the responsibility that comes with the position of personal Licence holder and Premises Licence holder.
3. I have been involved in investigating venues that are failing to uphold the licensing objectives since I took up the post in November 2008. This involves directly observing the venues and using the records stored by Wiltshire Police to find evidence of possible licensing issues with venues.
4. I have firsthand experience of working with Personal Licence holders who are not suited to the role and this inevitably means that a premise is not managed in a responsible manner. This will of course lead to breaches of the licensing objectives.

## **Background Information**

5. The premises known as Angelo's 37-38 Fleet Street, Swindon is owned by Mr Angelo ROSSI and at this time is unlicensed. The licence was revoked by Swindon Borough Council Licensing committee in 2011 following an expedited review due to the licensee and DPS Mr Guglielmo ROSSI being involved in serious crime involving the supply of drugs and unlicensed firearms. The premise of 37-38 Fleet Street was involved in the criminal activity which was discovered following an execution of a warrant. Mr G ROSSI is currently serving a prison sentence for those offences.
6. Angelo's nightclub was first reviewed in 2006 for consistent failures to control drunkenness and violence. At this review they received a suspension of their licence and a reduction in hours from 24hours to 02.00hours.
7. They reopened in December 2009 and by October 2010 there had been incidents of breaches to their conditions. Amongst these incidents the offence of selling alcohol to a person under 18 had occurred and they had failed to monitor the CCTV system as directed by their conditions.

Following a routine licensing check they were also found to be serving out of their permitted hours and further investigation showed this to be a frequent occurrence. After this discovery the premise were told that Wiltshire Police were considering a review because of the breeches. In response to this the premises carried out a voluntary variation adding conditions to the licence and closing voluntarily for 2 weeks in order to change their working practices.

8. In relation to the application for a premises licence at 37-38 Fleet Street, Swindon the applicant Mr DI LISO seeks to obtain a licence for a Nightclub which will provide entertainment and alcohol over two floors in the Town Centre of Swindon. As well as this entertainment the premises would open from 21.00-02.00 Tues and Wednesday and 21.00 – 04.00 Thursday, Friday, Saturday and Sunday. At all times the premises is open the supply of alcohol and the playing of recorded music has been applied for which is the same as any nightclub in Swindon.
9. To my knowledge Mr DI LISO has a history of obtaining licenses in previously unlicensed buildings. One of these premises operated a similar type business model as being applied for on this occasion. It is my experience that after a period of running these establishments Mr DI LISO then leaves the premises with the premises licence intact. My concern on this occasion is that an unlicensed building will obtain a licence and after a period of time Mr DI LISO will leave and transfer the licence back over to the ROSSI family. They will then be able to run a licensed premise again with a licence that has later hours and fewer conditions than previously imposed by a licensing panel.
10. I have examined computer records stored by the Wiltshire Police in relation to the area of Fleet Street, the hours incidents occur at licensed premises and the applicant Mr DI LISO. In addition to this I have had statistical work carried out by the Wiltshire Police Intelligence Unit Analysts looking at Town Centre Violence against the Person and statistical work from GW Accident and Emergency Department. I have also taken the opportunity to look into the practices undertaken by responsibly run Nightclubs

## **Location**

11. The premises is situated in Fleet Street which is the main street in Swindon's New Town Night Time Economy Area. The area of Fleet Street currently has 11 late night vertical drinking premises that all close between the hours of 00.00 – 04.00hours. There are also 3 premises empty in this area that all have premises licences in existence. To add to this there are 4 late night refreshment premises in the area with the latest able to open 24 hours a day.
12. The licensed premise with the 04.00hours licence has been to licence review twice within the last 2 years due to high levels of alcohol related crime and disorder. This is despite the premises management's best efforts to solve these issues. This premises peak hour for incidents are between 02.00-04.00hours due to the lateness of their closing hours. This is an hour later than the average hours of incidents at other licensed premises in Fleet Street.
13. The Swindon NTE now expands from Old Town Swindon to Fleet Street which is a very large area to cover. Elsewhere in the NTE 3 nightclub premises exist with 06.00hours premises licences and we find it increasingly difficult to patrol these venues.
14. The further issue of the location at 37-38 Fleet Street is that if they are successful in gaining a 04.00hours licence the other venues along Fleet Street will have closed. The customers that then leave those premises will already have consumed enough alcohol but will look for a location to carry on drinking more alcohol. This of course creates conflict when they are refused access as they are already intoxicated. Well managed licensed premises are able to contain these issues by ensuring they have an adequate number of door staff to control issues on their

doors as well as managing their customers inside. This is even more necessary the later the premises are open.

### **Statistics**

15. The statistical works all show the same result. At the moment on a Friday and Saturday night from Midnight onwards the level of demand created by the NTE grows until 0300 hrs when it starts to drop off again. The Police records show that this demand is well above the weekly average until after 0400 hours.
16. This extra demand is of course linked to the numerous NTE venues that start to close and kick out patrons at 0100 hrs through to 0530 hours. The majority close and eject between 0200 hrs and 0330 hours. These venues are now spread from Hooper's Place in Old town to Fleet Square in New town which is a very large area to cover.
17. At 0300hours in the morning on a Thursday, Friday and Saturday all the emergency services experience demand that exceeds their capability to provide a safe and effective service. So much so that it is not at all unusual for the Police to pick up an injured person from the NTE and convey them to the hospital because there are no ambulance vehicles available.
18. Ambulance and A&E data obtained in 2012 illustrates the impact the NTE has on Great Western Hospital. The figures also show that almost 40% of incidents occurring in the NTE are not reported to Police. The reality is the figures of NTE alcohol related offences are much higher than we are able to show.
19. The creation of yet another Late Night venue closing in this peak period will of course make this situation even worse than it already is.

20. Hot Spot data shows that this demand is consistent and not just due to recent events.

### **Swindon NTE**

21. The Swindon Night time economy is currently in decline like many other types of business and with the current financial climate this is not likely to improve any time soon. This means that already there are not enough customers to make the existing licensed venues profitable and they are all fighting for the same few customers. This results in the premises using cheap drink prices in an attempt to draw customers in.

22. Swindon Police Licensing have been working with premises to gain control over the aggressive and irresponsible drinks promotions that were being used just 12 months ago. Promotions such as buy one drink and receive two more free! This work has seen a considerable drop in drink related crime and ASB in this area. The creation of a new Nightclub in Swindon would only re start this price war. Some of the venues have openly admitted that they would have little choice but to resort to price promotions and to apply for longer hours on their own licenses to remain trading. This would lead to an increase in drink fuelled crime and disorder in the early hours of the morning.

### **The Premises Licence Application**

23. Following receipt of the application on the 20<sup>th</sup> February 2013 a letter was sent to Mr DI LISO after discussions with the local NPT Inspector. In the letter it explained our concerns with the application and the fact that the location has the highest recorded violent crime in Swindon and that adding another premise to this

would exacerbate the problems in existence.

24. The letter asked Mr DI LISO to consider closing the premises at 02.00hours Tuesday-Sunday as well as a number of conditions that would help a premise achieve the licensing objective of preventing crime and disorder that had not been mentioned in his application.

25. Mr DI LISO made contact with the licensing department and spoke with PC ALEXANDER. Mr DI LISO advised that he did not agree to any of the conditions that were requested in the letter. Mr DI LISO was particularly adamant that he would not accept the last admission time or the minimum number of door staff of 5 on Thursdays- Saturdays and at any other time a minimum of 4. The reason for these numbers is to ensure a safe and orderly premise. 2 door staff would need to be positioned on the front door, 1 member of door staff positioned downstairs, 1 upstairs and 1 in the smoking area at the back of the premises and this is advised as a minimum. Other premises operate in a similar way to ensure the safety of their customers and employees.

26. As Mr DI LISO would not consider these conditions Wiltshire Police have had no option other than to object to the application for a premises licence due to concerns that the licensing objectives of preventing crime and disorder and public nuisance would not be achieved.

### **Additional information**

27. I have attached unused documents for the information of the panel. This pack consists of-

- a) A copy of the Summary Licence Review Application for Angelo's
- b) A document to show the A&E vs crime recording stats and demand of the NTE on

the Ambulance service.

- c) A document illustrating Town Centre violence against the person including hot spot analysis and analysis of the peak days and hours of offences.
- d) A graph indicating the hours of incidents at licensed premises.
- e) A copy of an email sent by Mr David Broom describing his premises operation.
- f) A copy of the letter sent to Mr DI LISO following the licence application.

Statement of truth

The facts stated in this witness statement are true to the best of my knowledge and belief.

Signed:.....

SIAN KALYNKA

Dated..7th March 2013.....