

In the matter of an application for a Premises Licence for The Brunel Rooms 1

Havelock Square, Swindon

Statement of SIAN KALYNKA

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 that 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 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 breaches within the venues.
4. I have past experience of Personal Licence holders who have proved to be unsuitable for the role which has resulted in a premises not being managed in a responsible manner and has lead to subsequent breaches of the licensing

objectives.

Background Information

5. The premise known as Brunel Rooms at 1 Havelock Square is currently unlicensed. It was previously known as Liquid and Envy nightclub and was operated by the Luminar group. It was operating from April 2008 until November 2011 when the licence holders appointed administrators. Several Luminar sites were closed and one of them was Liquid and Envy in Swindon.
6. During the period of time that Liquid and Envy was open the area of Havelock Square suffered from high levels of crime and disorder and public nuisance. This resulted in Wiltshire Police submitting an application for a review of the premises licence on the 30/06/2010. This came after many months of working with the premises to try and reduce the levels of crime occurring at the premises. They were continually identified as creating the most alcohol related arrests and incidents in Swindon and we were left with no other option than to review the licence.
7. It became apparent that the premises despite having excellent procedures and policies could not control the behaviour of their customers after 0200hours which is when the majority of their incidents occurred.
8. Since the closure of Liquid and Envy in 2011 there has been no crime in the Havelock Square area.
9. Wiltshire Police are concerned that any new licensed premises capable of holding 1700 persons will have a negative impact on the licensing objectives in the Swindon Town Centre area which already suffers from high levels of disorder

along Fleet Street and Bridge Street due to the number and types of premises selling alcohol and late night refreshment. The evidence from the previous premise that operated in this location is that no matter how experienced the Designated Premises Supervisor and Licence holders are the potential impact on the licensing objectives is significant and in particular on the objective of the prevention of crime and disorder.

10. Statutory Guidance under s182 of the licensing Act 2003 at 9.12 highlights the fact that the police are an essential source of information and advice on the impact and potential impact of licensable activities particularly on crime and disorder objective. It also advises that the *"police should be the licensing authority's main source of advice on matters relating to the promotion of crime and disorder(-)and should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives"*. In the following pages I provide representations on behalf of Wiltshire Police for the authority to consider that will affect the promotion of crime and disorder.

Location

11. The premise is situated in Havelock Square which is within the middle of Swindon's New Town Night Time Economy (NTE) Area. At one end 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 vacant premises in this area that all have valid premises licences in existence. There are 4 late night refreshment premises in the area one of which is able to open 24 hours a day.
12. Within the last 2 years the licensed premises with the 04.00hours licence has twice

had its licence reviewed due to high levels of alcohol related crime and disorder. This is despite the best efforts of the management of the premises to solve these issues. The peak hour for incidents at this particular premises falls between 02.00-04.00hours. This is almost certainly due to the late nature of the closing hours. .

13. At the other end of the Town Centre is Regent Circus and Victoria Road which have 3 licensed premises, 3 restaurants and 4 late night refreshment premises. The latest license is until 0600hours. The license of one of these premises has in the past been reviewed due to poor management which resulted in incidents of crime and disorder. The outcome of that review was a reduction in permitted hours and additional conditions. Since this review a vastly reduced number of incidents involving crime and disorder have occurred at that premises.

14. Problems connected with the night time economy in Swindon does not just exist in the New Town area but has spread to Old Town. This has resulted in an increasingly large area to be covered by Wiltshire Police. The hotspotanalysis produced in the additional information shows the NTE related occurrences for each year since 2009. It will be noted that the pattern of theses hotspots change from 2009-2013. The Fleet Street hotspot remains constant over each year. In 2009-2011 it will be seen that a hotspot exists around Havelock Square. It can further be seen that the hotspot disappears following the closure of Liquid and Envy towards the end of 2011. It is also interesting to note that following this closure a hotspot emerges in Victoria Road and in Old Town which still exists today indicating a migration of trouble into other areas.

15. I submit that should the Brunel Rooms be granted hours as requested to 0400hours and on occasions until 0600hours the high levels of crime and disorder will return

to the Havelock Square area causing a further unacceptable impact on the policing burden. This is also likely to have a detrimental effect on other commercial trade and distress to residents. It is a well established fact that the later premises are open the more incidents occur. This can be evidenced by the numbers of incidents that were previously occurring at the premises when it was open. I draw your attention again to paragraph 10 of this report which gives the statutory guidance of s.182 of the Licensing Act 2003.

16. Over the last 3 years alcohol related crime has reduced. The numbers of incidents have reduced in number and the first 4 months of 2013 has seen a significant drop. Although there has been a reduction in crime the majority of the incidents (55%) are still violent offences fuelled by alcohol. This new premise will not help reduce this figure.

17. If the applicants of The Brunel Rooms are successful in obtaining an 0400/0600hours licence it will almost certainly result in a migration of already partly or wholly intoxicated customers from earlier closing venues in Bridge Street and Fleet Street to Havelock Square. This is likely to create conflict when they are refused access as being already intoxicated. Well managed licensed premises are able to contain these issues by ensuring they have an adequate number of door staff to control behaviour at their doors as well as managing their customers inside. This is even more necessary the later the premises are open and although dedicated police teams patrol the NTE are available to deal with disorderly incidents, Havelock Square is further away from the main NTE area and, given current resourcing levels, is less likely to get as quick a response as those in Fleet Street and Bridge Street. Police are called several times a night over the town centre radio system to deal with customers who refuse to leave the area.

These individuals often are served with a dispersal notice to leave the area under s.27 of the Violent Crime Reduction Act 2006. The notice prevents the person from entering the NTE within a specified period of hours. If they breach this order they can be arrested. This is a procedure officers use on the street to disperse potentially disorderly people in the NTE.

Hours

18. The statistical works all show the same result. At the moment on a Saturday night from midnight onwards, the level of demand for police attendance created by unlawful and disorderly activity within the NTE increases. Level of demand from policing the NTE is not only reflected by hours of the day but also at particular times of the month which is linked to paydays.
19. This extra demand is clearly linked to the numerous NTE venues that start to close and eject patrons at 0100 hrs through to 0530 hours. The majority close and eject between 0200 hrs and 0330 hours. These venues now exist between Hooper's Place in Old Town to Fleet Square in New Town. The sheer size of this collective area makes it challenging to police, causing enormous resourcing difficulties and removing many officers from other essential policing duties.
20. The hot spot data referred to previously shows that this demand is consistent and not just due to recent events. It is common for there to be only 2 officers covering the NTE after the peak period. They are often unable to cope without further support from other patrolling units from other policing areas when incidents of disorder occur.

Swindon NTE

21. Over the past 2 years the Swindon NTE has been in decline in common with other types of commercial business activity. This can be shown by the significant number of licensed premises that have closed and remain vacant in the area. There are indications that there are insufficient customers to provide an effective profit to the remaining premises who are vying for trade. A tactic increasingly used for this purpose is the provision of irresponsible drink promotions. For example the 'buy one drink and receive two more free!' offers.
22. Work carried out between the Police Licensing Department and the Town's licensees has seen a considerable drop in drink related crime and ASB in this area. It is feared that the creation of a new nightclub in Swindon would only reignite this price war. Indeed, some of the venues have openly admitted that they would have little choice but to resort to lower price promotions and to apply for longer hours on their own licenses if they are to remain trading. This would again lead to a return to the unacceptably high levels of alcohol related crime and disorder in the early hours of the morning similar to that experienced at the peak in 2010.
23. There is also concern that the applicants are going to commence trading by attempting to entice customers from other premises with cheap drinks promotions. In meetings with the applicants they have referred to other premises drinks promotions without knowing how those premises operate when certain drinks deals are being offered. Wiltshire Police view this as highly irresponsible and a high risk strategy to take. An examination of the effect of cheap drink promotions at Liquid and Envy clearly indicated that they caused more widespread intoxication amongst customers which led to an increase in incidents of crime and disorder.

The Premises Licence Application

24. Wiltshire Police first became aware that the applicants were planning to reopen the premises when an article appeared in the Swindon Advertiser on the 20/04/13. There was concern that they were planning to open a large nightclub without any liaison with Wiltshire Police to ensure that any concerns we had would be addressed before an application was submitted.
25. I made contact with a licensee that I knew to be a friend of the applicants on the 25/04/13 and asked for him to pass on my details which he did. I first met with Helene Simpkins and Paula Harris on the 26/04/13 who were keen to meet me as they wanted to submit their application as quickly as possible.
26. At that meeting it was clear the applicants had no experience of operating in licensed premises. They exhibited minimal knowledge and understanding of existing licensing legislation and of the potential impact that a large nightclub would have on the area. It was further clear that they had not considered the safety measures, policies and procedures that would have to be established. On 03/05/13 the applicants were sent a list of conditions that Wiltshire Police would require on the licence.
27. On the 17/05/13 a second meeting took place between me, PC Diffin (the NTE Beat Manager), Helene Simpkins, Paula Harris and Nathan Hatter. The latter being the proposed Designated Premises Supervisor. PC Diffin and I were concerned that there was still little evidence of a clear and acceptable business plan. The applicants still displayed minimal knowledge of what procedures would be required if they were to stage the large scale events that they were proposing at

a large capacity nightclub such as the Brunel Rooms. Following the meeting I emailed them a request for a copy of the dispersal policy to be implemented at the premises at the end of each night to ensure the safety of their customers. I also requested a copy of their drugs policy and raised questions regarding numbers of door staff that they propose to employ.

28. On the 03/06/13 a reply was received from the applicants which consisted of the premises licence application and a dispersal policy. The Dispersal Policy was simply a direct copy used by solicitors for Luminar Leisure following a review of Liquid and Envy. However all references to Havelock Square had been omitted and it just formed a general policy document. The application also omitted several of the conditions that had been suggested to the applicants some weeks before. By reply I sent a letter to the applicants with a copy to the licensing authority on the 06/06/13 detailing the concerns of the Wiltshire Police over this application and a further list of the conditions the Wiltshire Police would require on the licence in order for the licensing objectives to be achieved.

29. The letter also asked the applicants to agree to a closing time of 0300hours. This would help the premises achieve the licensing objective of preventing crime and disorder and public nuisance.

30. A third meeting was arranged between the applicants, Andy Anderson (their security advisor), Inspector Burt (the Central Police Sector Inspector), Dave Bennett (Police Licensing Manager) and me. The applicants confirmed they were happy to accept most of the conditions but resisted changing the following 2 points.

- 1) The hours of licensable activity and

- 2) Condition 8 – all bottled drinks shall be decanted into plastic vessels unless the bottles are also plastic.
31. The police rationale concerning the hours of licensable activity has been explained earlier in this statement as having a serious detrimental effect on the licensing objectives within the NTE in Swindon.
32. Condition 8 has been requested due to the fact the Brunel Rooms is a large capacity nightclub that will be holding DJ/Dance events that can potentially attract large crowds. The presence of glass bottles and drinking vessels increases the risk of injury to their customers. This view is based on my experience of another licensed premise in the town centre having experienced frequent incidents of injured customers caused by the use of glass bottles as weapons. That particular premises has subsequently adopted a policy of only providing refreshments in plastic containers. Since that time no further glass related injuries have been reported and the safety record of the premises has improved significantly. Despite the safety aspect being explained to the applicants they continued to ask for a trial period to be considered where they would sell and supply alcohol in traditional glass receptacles. This is unacceptable to the Wiltshire Police due to the potentially high risk of injury to members of the public.

The Applicants

33. Wiltshire Police has concerns about the lack of experience exhibited by the applicants and over their ability to manage a large licensed premise. None of the three directors Helene Simpkins, Paula Harris and Jason Ranford have previously managed licensed premises. By their own admissions they have until recently had no knowledge of licensing legislation and the operational considerations of

running a nightclub of this capacity. It is acknowledged that Helene Simpkins has since undergone a personal licence holder's course but still has no operational experience in premises. There was confusion as to the roles and responsibilities of each of the directors so a management structure was requested as part of the conditions of the licence.

34. The managing directors Helene Simpkins and Paula Harris are shown to have overall control at the premises. However Wiltshire Police are concerned that the day to day management appears to be under the control of two relatively inexperienced people. Nathan Hatter although experienced in a subordinate position has never held the role as general manager and DPS and is unlikely to be supported adequately by his nominated deputy Jason Ranford who has shown no previous experience or qualification in such a vitally important role in the management of any type of licensed premises or the responsibility for the safety of the customers.

35. There are a number of further concerns about the suitability of Jason Ranford in the role as assistant manager and director of the club. It is a matter of public record that Jason Ranford has a number of convictions that make him unsuitable to work in such a position. There have also been a number of incidents involving Mr Ranford that indicate his hostility towards Police Officers. This can be evidenced in the form of a statement from PC Mann, who on 05/07/13 had cause to speak to Mr Ranford following a report of disorder outside a licensed premises. As recently as December Mr Ranford was served a s.27 'Direction to Leave Notice' (see paragraph 17) after being involved in a disorder in the NTE. Furthermore, it is essential that the management and staff of licensed premises maintain a close and cooperative working relationship with the police authority.

From his clear antipathy towards police authority, it is difficult to envisage how Mr Ranford will be able to successfully engage with the Police. Indeed, this was further demonstrated during our meeting with him and the other directors by the consistently aggressive and unhelpful attitude directed towards me, Inspector Burt and Mr Bennett.

36. As the applicants and Wiltshire Police have not been able to reach agreement.

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.

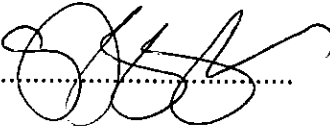
Additional information

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

1. Decision of Liquid and Envy Review
2. Hotspot analysis and breakdown of volume and types of offences in Havelock Square
3. NTE area hotspot map
4. Alcohol related crime graph
5. Graph showing type of incidents
6. Graph showing s.27 notices issued
7. NTE incidents in relation to hour/day/month
8. Conditions
9. Email Correspondance
10. Dispersal Policy
11. Management Structure
12. PC Manns Statement

Statement of truth

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

Signed:.....

SIAN KALYNKA

Dated..18th July 2013.....