

## Representation Thames Valley Police

### THAMES VALLEY POLICE

Subject :

Division/Station : Licensing Milton Keynes

From : Gemma McCormack  
Licensing Officer

To : Licensing  
Milton Keynes Council

Ref : Your Ref Fireaway MK Ltd Ref 157782      Date : 23<sup>rd</sup> February 2021      Tel.No. 01865 541320

#### Representation

As licensing officer for Thames Valley Police, I am authorised to make representation in relation to applications made under the Licensing Act 2003 on behalf of the Chief Constable as a responsible authority.

In respect of the application for a new premises licence for Fireaway MK Ltd at 16b Garrick Walk, Milton Keynes, your reference 157782, I have reviewed the application and am submitting a representation in relation to the application under the grounds of prevention of crime and disorder.

I have attempted unsuccessfully to make contact with the applicant, and parts of my representation are due to trying to assess whether or not the premises intends to operate after midnight as a take-away service, a delivery service or both. I have therefore made the representation as if the premises intends to trade as both a delivery service and a take-away service after midnight.

The premises intends to open as a restaurant, which allows sale of alcohol, which would be dine in until 00:30 but cease trading for food and drinks to be consumed away from the premises until 03:00. The premises is located within Central Milton Keynes nighttime economy area, locally known as Upper 12<sup>th</sup> Street and previously known as the Theatre District. Within this area there is a nightclub, two late night bars, a pub, as well as the theatre and several restaurants. Across the road at the Xscape building, within a five minute walking distance there is a further pub, late night bar, 24 hour casino and three fast food premises (one of which is 24 hour, and the other two are late night premises). There is also a residential aspect to the area, with residential flats above some of the restaurants towards the north of the Upper 12<sup>th</sup> Street area. Due to the Covid pandemic none of the premises have been entitled to trade to their usual hours for the last year, when allowed to trade the hours of trading have been capped to either 22:00 or 23:00 at different points in the last year, and at the point of writing this are currently closed unless they operate a take-away or deliver service. However it is expected that these premises shall return to their pre 2020 trading hours within the next few months, and therefore I have assessed the area's crime and disorder issues prior to the pandemic.

Central Milton Keynes, particularly the Xscape Building and Upper 12<sup>th</sup> Street area attracted a large footfall of people, for late night drinking and socialising, particularly at weekends. In 2019, Thames Valley Police were dealt with 419 incidents linked to the night time economy (Friday and Saturday nights between 19:00 and 06:00) occurring at or outside of licensed premises. Of this, 245 occurred within Central Milton Keynes, 174 of which occurred within Upper 12<sup>th</sup> Street and the Xscape area. The incidents range from assaults, public order incidents, criminal damage and intoxication. Over 80% of these incidents occur after 23:00. They are not just linked to the drinking establishments, but also the food outlets, as whilst they do not necessarily sell alcohol, the people involved have usually been drinking elsewhere beforehand. They are mostly well managed due to the safety measures the

licensed premises have in place, and the Police work closely with the licensed trade to ensure this remains the case, and identify incidents of concern which require further measures to be put into place.

The concern that we have is that the applicant proposes to hold a licence to trade until 03:00am, but does not mention a proposal to have SIA licensed door staff present at the premises during these late hours. It is our experience that the late night food establishments are not immune to the incidents requiring Police response during these times. The application does state that the premises would not allow consumption of food or alcohol on the premises after 00:30, and would cease sale of late night refreshment or alcohol for consumption on the premises at midnight. The application does not specify whether or not late night refreshment and alcohol sales after midnight, for consumption off the premises, would be by way of take-away sales or delivery sales or a mixture of both. If the intention is for take-away sales after midnight until 03:00, the premises poses a substantial risk of an increase in crime and disorder. The area is also subject to a public space protection order prohibiting consumption of alcohol on the streets, and whilst many premises in the area are permitted to sell off sales, they do not allow persons to leave their establishments with drinks late at night, partially due to the public space protection order, but also due to their responsibilities of safe dispersal from their premises and reduce, as far as possible, people remaining in the area causing a nuisance to local residents. If this licence is granted, then off sales of alcohol after midnight should not be permitted, unless they are part of an order for delivery by the premises (not by customers purchasing in store at this time of night).

I would therefore propose that if the intention is to operate a take-away service after 23:00 that the following conditions are added to the licence:

***The premises licence holder shall employ door supervisors on Friday and Saturday nights to carry out security activities from 23:00 until the premises is closed to the public. The premises licence holder shall maintain a door supervisor register, which will note the name, licence number of each door staff as well as the dates and times that they were working. The number of door supervisors shall be decided by way of a written risk assessment.***

***Alcohol for consumption off the premises may only be sold after midnight, unless it is part of an order for delivery***

The application also does not refer to a specific age verification policy, other than staff being trained to restrict sale of age related products. Due to the premises location to late night economy, where by it could easily attract a younger clientele that has been unsuccessful if gaining access to the nearby licensed premises with more stringent checks on entry, many of which operate as over 18s only late at night. I would therefore recommend a more stringent policy for age verification for sale of alcohol to ensure staff actively promote the licensing objective of protection of children from harm, as follows:

***An effective 'challenge 25 policy' shall be implemented and maintained in place at the premises which will require and persons appearing to be under the age of 25 who attempts to purchase alcohol being challenged in respect of their age and required to provide adequate proof of age that they are over the age of 18 before they are sold or supplied with alcohol.***

***Only photographic based forms of identification shall be accepted as proof of age. These must be accredited to the PASS scheme or subsequent equivalent but could also include passport, HM forces ID card, driving licence, national ID card.***

If the premises intends to operate a delivery service then the premises licence holder has a duty to ensure they do not deliver alcohol to children. If a delivery option is intended then I would recommend the following conditions are added to the licence:

***Alcohol will only be delivered to a residential or business address and given to a person who is 18 years old or older. Alcohol shall not be delivered to a person who is in a public place i.e. in a street or park etc***

***A Challenge 25 policy will be implemented and maintained with respect to the delivery. Where third party carriers are used for deliveries the contract for delivery shall specify that the carrier must follow the licence holders Challenge 25 policy. Where a customer who is asked to produce ID to prove their age fails to do so the delivery will not be made. Customers will be advised of this process in the terms and conditions of purchase.***

***Orders containing alcohol will be clearly labelled to highlight it contains age restricted products.***

***All persons involved in alcohol sales must receive full and adequate training on the law relating to underage sales and selling alcohol. Staff must be fully trained and understand the company's policy of non-delivery where approved identification is not available***

The final point is in regards to the applicant's referral of CCTV in their operating schedule. CCTV is vital to Police investigations in the night time economy, with many incidents being reported after the fact. It is therefore vital that CCTV is kept for a suitable time period and is of an adequate standard. I would therefore recommend that the wording on the operating schedule is expanded to ensure the proposed condition is suitable to assist with the investigation of incidents and crimes and hopefully to minimise crime and disorder. I would recommend the following wording be added to the operating schedule of the premises licence and therefore become a condition of the licence:

***A CCTV system with recording equipment will be installed, operated and maintained at the premises. Recordings will be to an evidential standard and will record at all times whilst the premises are open to the public. All recordings shall be stored for a minimum of 28 days with date and time stamping. Recordings shall be made available upon the proper request of the Police, Local Authority or Licensing Authority.***

If you wish to discuss the above with me, please do not hesitate to contact me.

Kind regards

Gemma McCormack