

03 MAY 2016

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Police Constable 113 D.Bryan

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Aqua 64-70 Gold Street	
Post town Kettering	Post code (if known) NN16 8JB

Name of premises licence holder or club holding club premises certificate (if known) Mr Surrinder DUGGAL
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Number of premises licence or club premises certificate (if known) 14/02094/LAPNEW
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Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 113 D.Bryan C/O Wellingborough Police Station Midland Road Wellingborough Northamptonshire NN8 1HF
Telephone number (if any) 101 EXT 343409
E-mail address (optional) david.bryan@northants.pnn.police.uk

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

Please tick one or more boxes ✓

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

Please state the ground(s) for review (please read guidance note 2)

I act on behalf of the Chief Officer of Police Mr Edens, he has delegated responsibility and authorised me to act on his behalf with regard to representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.

I call for the Review of the Premises Licence for Aqua under the Licencing Objective of the Prevention of Crime and Disorder.

This Review will relate to the premises and contain details of incidents of disorder associated with the premises, person(s) under the age of 18 years being on the premises, and concerns in relation to the management of the premises.

The Premises Licence Holder for Aqua Mr Surrinder DUGGAL has been the Designated Premises Supervisor at this location since June 2014, however it was in March 2015 that Mr DUGGAL transferred the Premises Licence to be also in his name from the Free Holders details.

At this time the Premises Licence authorised regulated entertainment and the sale by retail of alcohol.

Sunday to Wednesday 11:00am to 02:00am close at 02:30am.

Thursday to Friday 11:00am to 04:00am close at 04:30am.

Saturday 11:00am until 05:00am close at 05:30am.

In November 2015 Mr DUGGAL applied to vary the Premises Licence from its current timings to the following hours for regulated entertainment and the sale by retail of alcohol.

Friday to Sunday 11:00am to 06:00am close at 06:30am.

Monday to Wednesday 11:00am to 02:00am close at 02:30am.

Thursday 11:00am to 04:00am close at 04:30am.

This application was not objected to by Northamptonshire Police, however discussions took place between the applicant's representative's in respect of a dispersal policy to be implemented when the premises closes at the weekend at 06:30am.

Since the implementation of the new hours granted Northamptonshire Police have noticed a number of incidents that have raised concern that the Licensing Objective of the Prevention of Crime and Disorder is not being promoted.

- 1) On the 6th of November 2015 at approximately 06:45am Police Officers attended the area of Silver Street to a report of a domestic related incident involving a male and female. Whilst dealing with this incident it was established that the female was 17 years old and admitted to Police Officers that she had been drinking alcohol within Aqua prior to this incident. Police Officers describe the female as being intoxicated, it was also noted that at this time there were still people in the street outside Aqua who were 'drunk' in their expert opinion.
- 2) On the 6th of March 2016 at approximately 04:15am two males were assaulted in the rear garden area of the premises, this incident was captured on the premises CCTV system and there were frustrating issues obtaining this CCTV from the owners of the club at the time. The alleged offender(s) for the assault it has been suggested are known to the owners and Officers dealing with the incident believe that to be a reason for the CCTV not forthcoming initially but it is accepted that it was provided. The CCTV has been viewed and is at this stage part of a live investigation, however what can be said is that the offenders are standing with the manager of the venue when the assaults take place. The CCTV shows the manager carrying one of the victims of the assault who was knocked unconscious out of the garden area and place this person in the alley next to the venue. The manager then

closes the gate back shut and proceeds to stand with the offenders talking to them.

- 3) On the 19th of March 2016 at approximately 00:15am a male was observed by the Council CCTV to enter Aqua, this male had previously been issued with a Section 35 order to leave the town centre by Police Officers. On attending the club as the male would have committed an offence by breaching this order he was found in the company of a female. This female did not have ID to confirm her age as the Officers suspected she was underage from her appearance. However the male stated that she was 17 years old, when the management were spoken to about this female Officers report that the response was 'oh well' and did not appear to be concerned.
- 4) On the 28th of March 2016 Police Officers were dealing with a female who had been reported missing, it transpired that the female was last seen in Aqua, her friends were concerned about her whereabouts and reported the matter to the Police. Once located during the day the female was invited into the Police Station to be interviewed about where she had been. During this interview it was discovered that she had been in Aqua, she had no ID on her and was not asked for any when entering the club, the female is 16 years old.
- 5) On the 16th of April 2016 at approximately 05:30am a male was ejected from the premises by the Door Supervisors. In response to this the male has on him an incapacitant spray (Pepper Spray) and uses it against the Door Supervisors, this male is arrested after a foot chase with Police Officers.
- 6) On the 17th of April 2016 at approximately 03:40am a male was observed by the Council CCTV operators to enter Aqua, this male had been issued with a section 35 order to leave the town centre by Police Officers. The male had also attempted to enter another licensed premises earlier in the evening as although the male had produced ID at this premises the ID illustrated that the male was 17 years old. Police Officers attended Aqua and removed and arrested. It was noted by the Police Officers that the Door Staff did not seem bothered that they had let this male in and had to be asked twice by the Police for assistance in removing the male from within.
- 7) On the 22nd of April 2016 at approximately 03:30am a male was observed by Police Officers 'staggering' along the street towards Aqua. In the Police Officers expert opinion this male was drunk, the male was observed to enter Aqua with no attempt to challenge the male at entry by the Door Supervisors.
- 8) On the 24th of April 2016 at approximately 06:00am customers were exiting the premises and this created a large crowd in the street. Fighting broke out between some members of the crowd and it was reported that the Door Staff were nowhere to be seen in attempt to

either break up the fight or implement the premises dispersal policy.

- 9) On the 24th of April 2016 at approximately 07:00am another fight broke out outside Aqua this report came from the Council's CCTV operators, on arrival by Police Officers one male was located with what the Police Officers describe as serious injuries, this male has been identified as being involved in an altercation with the owners brother. CCTV will show Door Supervisors and the DPS standing by watching and making no attempt to intervene in stopping and preventing the assault from taking place.

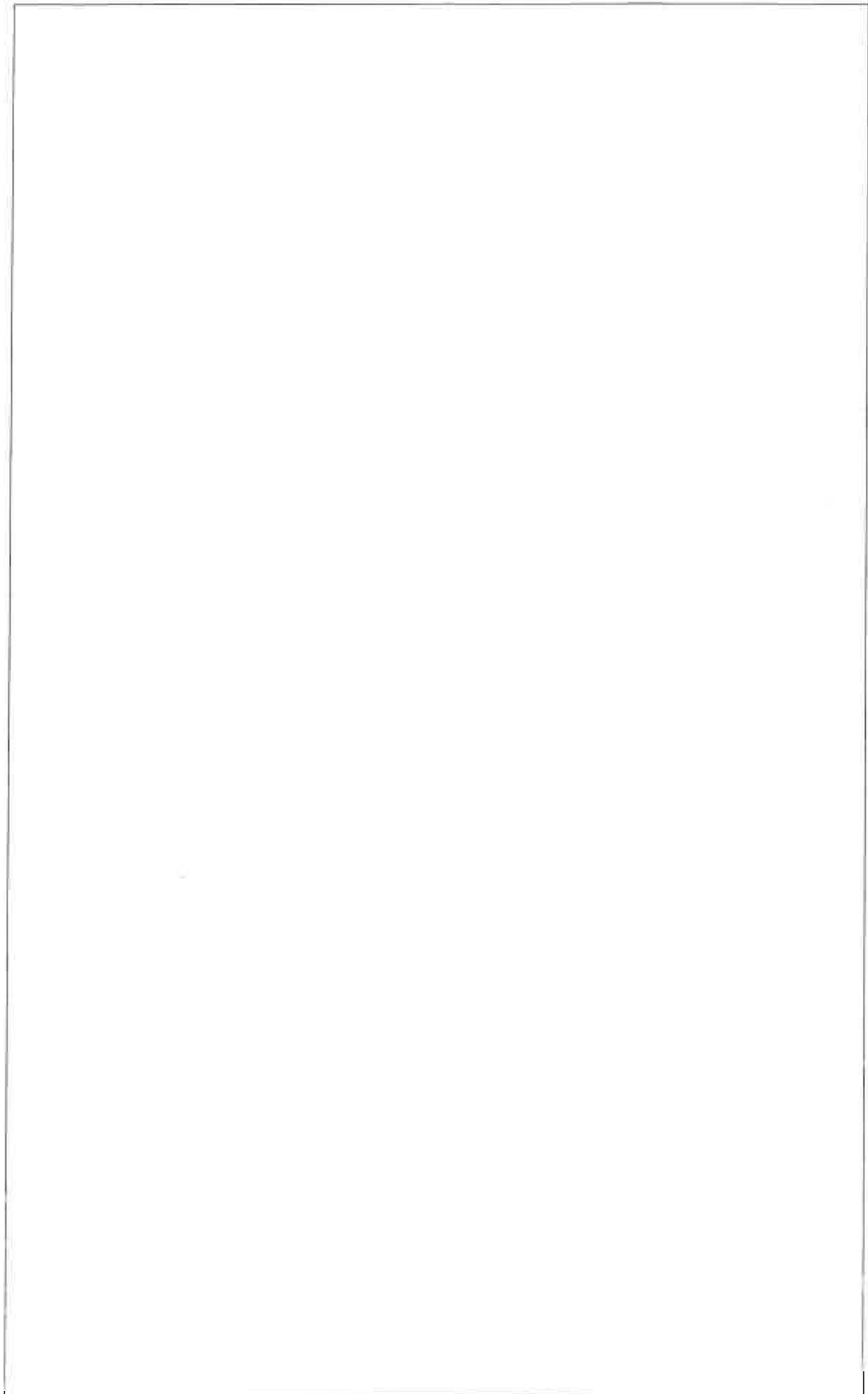
Northamptonshire Police have concerns that conditions contained within the Premises Licence are not being adhered to or upheld. There are concerns that disorder is occurring due to the late times of licensable activity coupled with the closing time. It is well documented that the later a premises trades into the early hours the greater the risk that the licensing objectives will be undermined in particular in relation to town centre venues which are predominately HVVD (High Volume Vertical Drinking) venues. In addition that person's under the age of 18 years are being allowed access to the venue with no verification checks being made.

It should be noted that a further evidential package will be submitted to the Licensing Authority and the Premises Licence Holders prior to the hearing and in line with the Licensing Act Hearing Regulations. In addition Northamptonshire Police will be in a position to explain points 1 to 9 contained within these papers further and how they impact on the Licensing Objectives and contravene conditions contained within the Premises Licence for Aqua.

Northamptonshire Police will be asking the Committee to consider a number of options should they be of the opinion that the Licensing Objectives are not being promoted,

- 1) That the Premises Licence be revoked.
- 2) That the Premises Licence has all licensable activities reduced to 03:00am.
- 3) That the Designated Premises Supervisor be removed.

Northamptonshire Police have looked at any further conditions that could be considered to promote the Licensing Objectives, however the existing Premises Licence already contains numerous conditions to which Northamptonshire Police cannot suggest any further. In addition existing conditions are being breached so there is no value in additional conditions be added.



1q

Have you made an application for review relating to the premises before

X

If yes please state the date of that application

Day	Month	Year
09	07	2012

If you have made representations before relating to the premises please state what they were and when you made them

The premises was called to Review in relation to C&D issues, concerns relating to person(s) under the age of 18 be admitted to the premises and concerns relating to the management of the premises.

The premises was operated by different Premises Licence Holders in 2012 to the current Premises Licence Holders.

Please tick ✓

yes

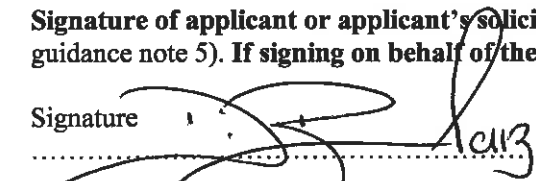
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature


.....
Date 29th April 2016
.....

Capacity **Northamptonshire Police Licencing Constable**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.