



Northern Area Committee

29th April 2004

Report of Licensing Officer – T Oke

01722 434234

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REPORT

RIGGSY'S NIGHTCLUB/KINGS ARMS APPLICATION FOR RENEWAL OF PUBLIC ENTERTAINMENT LICENCE

I. Introduction

- I.1 Riggsy's Nightclub/Kings Arms is situated at 7 Church Street Amesbury. It is a large public house (Kings Arms) with a purpose built nightclub at the rear.

A plan of the area is attached as Annex A.

- I.2 Mr Terence Graham Riggs holds the Public Entertainment Licence. Mr Riggs, his son and daughter-in-law are joint holders of the Liquor Licence.

- I.3 The maximum occupancy of the premises is 150 for the lounge bar of the Kings Arms and 250 for the nightclub.

- I.4 The current days and hours of the Public Entertainment Licence are as follows :-

Kings Arms

Monday – Tuesday	1100 - 2300
Wednesday – Thursday	1100 – 0100
Friday – Saturday	1100 – 2359
Sunday	1200 – 2230

Riggsy's Nightclub

Monday – Tuesday	1100 – 2359
Wednesday – Thursday	1100 – 0100
Friday – Saturday	1100 – 0200
Sunday	1200 – 2230

2. Application

- 2.1 On 14th January 1004 an application was received from Mr Riggs to renew the Public Entertainment Licence in respect of Riggsy's Nightclub/Kings Arms on the same terms and conditions.

3. Consultation

3.1	Police	-	Object – see 3.2 below
	Fire	-	No comment
	Ward Members	a) Councillor Brown	No Comment
		b) Councillor Noeken	No Comment
		c) Councillor Peach	No Comment
	Environmental Services		No objection

- 3.2 The reasons for the Police objection are set out in a report attached as Annex B.

4. Applicant's Response

- 4.1 The applicant has been served with details of the Police objection and his response is attached as Annex C.

5. Recommendation

5.1 That the application be refused, or

5.2 That the Licence be renewed with a different condition i.e.

5.2.1 A terminal hour of 2359 Wednesday and Thursday for the Kings Arms and 2359, Wednesday – Saturday for Riggsy's Nightclub.

5.2.2 That two extra registered door staff be employed after 2200 hours. The Licensee is currently required to provide four registered door staff.

5.2.3 The Committee reconsiders the situation in six months.

6. Implications

6.1	Financial	-	The applicant may appeal the Committee's decision to the Magistrates.
6.2	Legal	-	The applicant has the right of appeal to the Magistrates Court. Such an appeal would have costs which at present are unquantifiable.
6.3	Human Rights	-	The balance of consideration is such that the recommendation is proportional as regards the right of the applicant and any interference there may be with the rights of the Police/general public. Rights Engaged - Articles 6 and 14: Article 1 of the First protocol.
6.4	Personnel		None
6.5	Community Safety		The Report has taken into account community safety

issues.

6.6	Environmental	Contained in Report
6.7	Council's Core Values	Providing excellent service. Promoting a thriving local economy. Being environmentally conscious. Being fair and equitable.
6.8	Ward Affected	Amesbury

Mr A Oke
Licensing Officer
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SALISBURY

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Our Ref: KIS01/GJ01/105342
Your Ref: AJO/lp/PEF 055

15 April 2004

By DX and fax: 01722 434643

Dear Sirs

Kings Arms Public House and Riggys's Night Club, Amesbury
Application for renewal of Public Entertainment Licences

Thank you for your letter of 16 March the contents of which are noted.

We now enclose for your attention a copy of the response to the matters raised by the Police which we would be obliged if it could be placed before the Committee when it meets on 29 April.

It would be the intention of Mr Riggs and our Mr Singleton to appear before the Committee on 29 April and perhaps you could therefore let us know what time the matter is likely to be dealt with.

Yours faithfully

enc

LICENSEES' RESPONSE TO POLICE OBJECTION TO RENEWAL OF PELs
FOR RIGGYS'S AND KINGS ARMS
TO BE CONSIDERED BY SALISBURY DISTRICT COUNCIL
29 APRIL 2004

The Licensees do not dispute the Police observation that over the last 12 to 18 months there have been a number of antisocial behaviour problems in Amesbury town centre, but do dispute the conclusion, that their premises are responsible for those problems.

Amesbury whilst still being very much a garrison town, providing leisure facilities and late night entertainment for a number of regiments stationed in the area, has also experienced a substantial increase in the amount of civilian housing. The majority of service personnel are well behaved, as are the majority of local inhabitants but there are exceptions as regards both regiments and individuals.

The fact that a large proportion of the people visiting Amesbury of an evening are not local residents but young men who have been trained for and may well have experienced combat, creates problems that other towns without such a large proportion of service personnel, may not have experienced.

The Licensees believe that part of the explanation for the increase in antisocial behaviour within Amesbury town centre is the stationing of one particular regiment in the area. The behaviour of individuals and general lack of discipline within that regiment is markedly different from others.

The Police have identified what they regard as four faults with the way in which the premises are run, based on the observations contained in the Incident Schedule.

The Licensees are not in a position to comment on the accuracy or otherwise of each and every incident given that the earliest took place in March 2003. The first that the Licensees were aware of the majority of the incidents was when they received a copy of the Police Report dated 8 March 2004 from the District Council.

Those matters that the Licensees were aware of are detailed in the attached schedule together with an explanation of matters so far as the Licensees are aware.

1 & 2 Drunkness within and entry of drunks into premises

The Licensees and their staff are vigilant in ensuring that those customers who may be intoxicated are not served any further alcohol.

Sometimes the alcohol does not produce any noticeable effect until after the customer has left the premises and encountered the night air. The Licensees do not of course know how much alcohol has been consumed before the customer enters their premises.

The tendency is for service personnel to seek entertainment in groups, rather than as one or two individuals. During the course of an evening it is possible that one of the members of a group may show signs of intoxication.

The Licensees' policy when they identify that a member of such a group is intoxicated, but the others are not, is to ensure that that person only has soft drinks while the rest are made responsible for looking after them. Provided that the intoxicated individual and the group as a whole behave themselves then they are allowed to remain. The alternative would be for the Licensees to eject the individual who would be vulnerable and perhaps become involved in trouble within the town centre.

Not all people leaving the area of the premises have consumed alcohol on those premises. The entrance to Riggys's is down the side of the Kings Arms. Unless the Police Officers had the entrance in direct line of sight they would not know if a person walking away from the premises had been a customer or had been refused admission.

3. Proof of age

The door staff employed by the Licensees do require identity documentation in cases of doubt. Within the premises documentation will also be asked for if there is any further doubt before alcohol is sold.

There has been a problem with the type of identity documentation provided by the Army to service personnel as a consequence of which within the last 12 months the Licensees have liaised with the Police. To try and counter those under 18 gaining admission using such documentation, the Licensees imposed a requirement for two forms of ID to be produced in cases of doubt. Prominent notices to that effect are on display at the entrance to Riggys's.

On occasion documentation has been produced which appeared to be in order but subsequently a second set of identity documentation was produced to the Police which revealed that the holder was under 18 years of age.

4. Co-operation with the Police

The Licensees are active members of the local Pubwatch scheme and contrary to the impression given by the Police Report have historically co-operated with the Police and enjoyed good relations.

As recently as 18 months ago when problems were being caused by the younger element in the area around the premises, the Licensees and their door staff patrolled the area, established who was responsible and spoke to them. In certain cases people were banned and the overall effect was a reduction in the number of problems.

There was, however, a time when the Licensees became exasperated with the attitude and actions of the Police which resulted in a deterioration in the relationship for a while. However, the Police have accepted some responsibility for that situation and the Licensees should not therefore be penalised as a result of that. As confirmed by the Police report good relations have since been re-established.

The Licensees already employ more door operatives than they are required to do under the conditions of their PELs. The Licensees are, however, prepared to agree that as from the end of May 2004 (when appropriate training has been completed) that they will have a total of 5 door operatives on duty when both premises are open. At the moment the hours when late night trading takes place are as follows:

Kings Arms:	Wednesday and Thursday until 1am
	Friday and Saturday until 12 midnight
Riggys's:	Friday and Saturday 9:30pm to 2am.

On the basis that prevention is better than cure, the Licensees believe that there should be greater co-operation between the Army, Police and Licensees. This would allow troublemakers to be identified at an early stage, as soon as a regiment moves into the area and if necessary for them to be excluded from all licensed premises in the area.

The Licensees are somewhat surprised that the Police have raised these incidents now, in some cases 11 months or more since they occurred. The Police did not object to the renewal of the Liquor Licences in February 2004 which they clearly could have done had they felt strongly enough that the premises were causing such a problem.

According to a report in the Amesbury Journal (attached) only a minority of complaints received for the whole of Amesbury in January 2004 related to anti-social behaviour and that "problems with alcohol were almost non-existent".

The Licensees believe that if the Council were to agree to the Police request for a restriction on their hours of trading that their property and economic interest would be adversely affected contrary to the European Convention on Human Rights.

Further, that the acceptance without question of the matters alleged by the Police, without further enquiry or evidence being called to test the weight of such allegations would leave them "shut out from the seat of Justice" a further interference with their right of legal process under the European Convention on Human Rights.

For all of the reasons stated the Licensees do not accept that it would be appropriate or proportionate for the hours of their PEL's to be varied in the manner proposed by the Police.

WILTSHIRE CONSTABULARY

C.R.

Station Amesbury

Division A

Date 8th March 2004

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Superintendent,

P.E.L. APPLICATION FOR RIGGSY'S AND KINGS ARMS OBJECTION

Amesbury Town is suffering from an Anti Social Behaviour problem which is as a result of late night drinking in the centre generally around the late evening and early hours of WEDNESDAY, FRIDAY and SATURDAY.

It has become common for the police to be involved with many incidents at the above premises or in the vicinity of the premises. In isolation these incidents are of a minor nature however when collated they show an alarming cost to the police response for the area of Amesbury and surrounding areas.

I have assembled the attached document which has been researched from officers Police Note Books, Control Room Logs, witness statements and police internal reports. These number 38 in total. The research highlighted that in the majority of occasions the evidence has pointed to the fact that the problems have evolved from the KINGS ARMS and RIGGYS'S Night Club.

The findings show a number of problem areas, disorder at or near the premises, drunkenness, under age drinking and a small number of crimes within the establishment.

My view is that a lot of these problems are caused by the below listed faults.

1. Drunkenness within the premises. It has been obvious to officers that persons are leaving the premises highly intoxicated. To the extent that the management **should** have been aware of this prior to then leaving the premises.
2. Allowing drunken customers to enter the premises.
3. No proof of age, door staff and staff within the club not checking.
4. Until recently there have been many occasions when the management and staff at the club have shown a marked lack of co-operation with the police when we have tried to resolve issues.

In furtherance to point 4 above I have had a number of discussions with Graham RIGGS and due to this there has been a marked improvement in the relationship and we are getting a greater level of co-operation.

Whilst we have no desire to deprive a person of his business we need to strike a balance between the business and the right to respect the private lives of the residence of Amesbury Article 8 ECHR.

We therefore feel that there needs to be a permanent improvement in the way the Club/Pub is managed and ask that the following sanctions be imposed.

- Hours reduced to Midnight rather where it is allowed to 0100hrs and 0200hrs for both KINGS and RIGGYS'S.(for a six month probationary period).
- 2 additional staff to be employed so that there is a better presence on the door from 2200hrs. This should then assist with age checks and stop persons entering the premises if drunk.

Acting Sergeant
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Doug GUNN