



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F2010-03584

**Keyword:** Operational Policing

**Subject:** Glenavon House Hotel

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland (PSNI) has now completed its search for the information.

I have today decided to:

- disclose records in relation to questions 1 to 4 and question 7 where relevant records are held;
- disclose records in answer to question 6 subject to the deletion of information pursuant to the provisions of Section 40(2) of the Freedom of Information 2000 (the Act); and
- Neither Confirm nor Deny that records are held in answer to question 5 pursuant to the provisions of section 40(5) of the Act.

### Question 1

Number of complaints and incidents, including breakdown, made or investigated in relation to the premises, including breaches of consuming alcohol in public along the Drum Road and Sweep Road, Cookstown in 2009 and 2010?

### Answer

2009

- 16 Assault
- 2 Concern For safety
- 3 Criminal Damage
- 1 Indecent Assault
- 1 Licensing
- 2 Other
- 2 Road Related Incident
- 7 Rowdy Nuisance
- 2 Suspicious Circumstances
- 5 Theft
- 1 Vehicle Nuisance

2010

- 31 Assault
- 8 Concern for Safety
- 7 Criminal damage
- 1 Offensive Weapon
- 1 Other
- 5 Public Order
- 12 Rowdy Nuisance
- 2 Suspicious Circumstances
- 25 Theft

As the reporting of on street drinking is referred to local District Councils due to it being a breach of Bye-Laws, the number of incidents is not recorded by the PSNI.

I can provide information regarding complaints of on street drinking from residents of that area as recorded between 01/12/2009 and 10/10/2010. On street drinking and public intoxication is mentioned 12 times within complaints registered on the PSNI Command and Control system.

### **Question 2**

Cost of additional policing required when entertainment is provided at the venue?

### **Answer**

This information is not routinely compiled by the PSNI and has not been compiled in relation to the subject of this question. Accordingly, I have determined that the PSNI does not hold the information to which you seek access.

### **Question 3**

Details and minutes of any local DPP meeting where this premises has been discussed within the past 12 months

### **Answer**

The Minutes of Cookstown District Policing Partnership meetings are not held by the PSNI. Accordingly, I have determined that the PSNI does not hold the information to which you seek access.

You may wish to consider submitting a Freedom of Information request for this information to District Policing Partnerships. Further information about submitting a Freedom of Information request to this public authority can be found by clicking on the following link;

<http://www.districtpolicing.com/index/int-foi.htm>

### **Question 4**

PSNI policy in relation to persons under the age of 18 being in the nightclub area contrary to the Licensing Order, with particular reference to the regular planned Teenage Discos

### **Answer**

The PSNI are the agency with the enforcement responsibility for the legislation in this area, i.e. the Licensing (NI) Order 1996 (the 1996 Order), with the special provisions with respect to young persons within Articles 58 to 60 being of particular relevance. The full 1996 Order is freely available for viewing in the public domain, including various sources across the Internet.

However, the Social Policy Unit within the Department for Social Development (DSD) are the agency with responsibility for the provisions within the 1996 Order and for the policy and maintenance of this legislation. Contact details for the DSD Social Policy Unit are as follows: Social Policy Unit, 4th Floor, Lighthouse Building, 1 Cromac Place, Gasworks Business Park, Ormeau

## Question 5

Details of any convictions in relation to the licensing order by the current licensee.

## Answer

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17 of FOIA requires that we provide the applicant with a notice which;

- a) states that fact,
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

The Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny that it holds the information relevant to this question as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions :

### Section 40(5)(b)(i) – Personal Information

To confirm or deny whether or not convictions against any individual are held by the PSNI would result in the release of personal data relating to that individual by the PSNI. The processing of personal data is controlled by the Data Protection Act 1998, (DPA). Where such personal data falls within certain subject areas the information is classed, under the DPA as Sensitive Personal Data. One of these subject areas is “criminal offences, sentences, proceedings or allegations”, therefore the requested information would be considered Sensitive Personal Data. To process such data, certain conditions contained within the DPA must be satisfied. These conditions are not met by confirming or denying whether the information is held subsequent to a FOI request, therefore such confirmation or denial would amount to a breach of the DPA. These circumstances are catered for by the exemption at Section 40(5)(b)(i) of the FOIA.

Section 40 is a class based exemption meaning that it is not necessary for a public authority to articulate the harm caused by disclosure. This is due to the interaction with the DPA as outlined above. Under normal circumstances it is also an absolute exemption, meaning that a public interest test is not necessary. For the purpose of neither confirm nor deny however, a public interest test is required.

### Public Interest Test

#### Factors Favouring Confirmation or Denial

To confirm whether or not relevant convictions are recorded against the licensee would aid the satisfaction of the public interest that the licensee of this hotel is a suitable person to hold such a license and conduct a business of this type.

#### Factors Favouring Neither Confirming or Denying

Conviction history will be taken into consideration by the Courts and/or District Council when considering licensing applications as appropriate to each body, therefore satisfying this interest on the public behalf.

Confirmation of the holding of such information would amount to the release of information, ie that relevant convictions are or are not held against the licensee. This would be a breach of the DPA as outlined above.

### **Decision**

No release of information under the FOIA, whether as a result of confirmation or denial or otherwise, that amounts to a breach of other legislation can be justified by public interest considerations in favour. Therefore the decision in this matter must favour maintaining the Neither Confirm Nor Deny stance by the PSNI.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

### **Question 6**

Details of any comments made by PSNI in relation to the most recent application for an entertainment licence.

### **Answer**

Please find attached letter from Cookstown PSNI to Cookstown District Council dated 23 November 2010 which has been subject to the redaction of information pursuant to Section 40(2)(a) and (b) of the Act by virtue of Section 40(3)(a)(i). This exemption also relates to Personal Information. The names and other personal information of individuals, both in Cookstown District Council and Cookstown PSNI have been redacted from this document. In this instance, having accepted that the individual's names, telephone extension number and email address do amount to personal data, and that there is a legitimate public interest in any comments made by PSNI in relation to the most recent application for an entertainment licence, the decision as to whether or not to release these details rests with a balance of fairness and necessity. In other words is it necessary to release these details to achieve the legitimate public interest in any comments made by PSNI in relation to the most recent application for an entertainment licence? As the comments were made on behalf of the PSNI at a strategic level, the name and other details of the writer are not relevant and therefore not necessary to achieve this public interest. The recipient of the letter has no influence or bearing on the contents and therefore it is also not necessary to release his name to achieve the stated public interest.

### **Question 7**

PSNI proposals on how they intend to reduce the anti social behaviour in the area of Drum Road/Sweep Road/Old Rectory area in the early hours of Saturday, Sunday, Monday and Tuesday mornings should Cookstown Council decide to approve the current entertainment licence application.

### **Answer**

Searches were conducted however these searches failed to locate any records or documents relevant to your request based on the information you have provided. Accordingly, I have determined that the PSNI does not hold the information to which you seek access.

Police in Cookstown have however been focussing patrols in this area in relation to nightlife issues to reduce and detect incidents of anti-social behaviour, crime and vehicle related traffic offences. Police have also been working with their partnership agencies such as Cookstown District Council Dept of Environmental Health and DOE Roads Service to continually review and improve the patrolling and to strive to create an environment in the area that would encourage a responsible attitude to maintain the important nightlife economy with minimum negative impact to the local residents.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue

of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psnj.police.uk](http://www.psnj.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

23<sup>rd</sup> November 2010,

Cookstown District Council,  
Burn Road,  
Cookstown  
BT80 8DT

Dear Mr [REDACTED]

**s.F40**

**s.F40(2)**

**s.F40(2)(a) s.F40(3)(a)**

**s.F40(2)(b) s.F40(3)(ai)**

**Glenavon Hotel Entertainment Licence renewal**

Following our recent discussion, please find the PSNI current recommendations regarding the renewal of the Glenavon Hotel Entertainment Licence.

With regard to the renewal of the Entertainment Licence of the Glenavon Hotel, I wish to recommend the following;

*that the Entertainment Licence be amended to state that entertainment may be provided 12 noon on each and every Sunday, until 12.30am on the following Monday morning, not being Sunday 31<sup>st</sup> December, where entertainment may be permitted until 1.30am on the following Monday morning.*

My rationale for this amendment to the current licence conditions are for a number of reasons. They include concerns raised by local residents, crime prevention and detection matters and the cost to the public purse.

Firstly, from a resident's point of view, I have listened to their concerns' on a number of occasions. Some of their concerns they raise are not policing matters. However, indecent behaviour, indecent exposure, criminal damage to their property and disorderly behaviour are my concern. Altering the entertainment licence conditions on a Sunday night by one hour will reduce the opportunity of these offences to take place and may go some way to reduce the fear of crime that these residents present to me weekly.

Sector Inspector, PSNI Cookstown  
19 Molesworth Road, Cookstown BT80 8NT  
Tel: 028 8676 6000 Ext. [REDACTED] E-MAIL: [REDACTED]@psni.pnn.police.uk

**s.F40**

**s.F40(2)**

**s.F40(2)(a)**

**s.F40(2)(b)**

**s.F40(3)(a)**

**000001**

Secondly, the provision of entertainment beyond that of the current licensing hours could in one sense be seen as an anomaly or alternatively as a unique trading advantage in the other. Currently, on each Sunday evening patrons of the Sense Night Club can lawfully purchase intoxicating liquor up to and until midnight, but can continue to enjoy entertainment for further hour. No other licensed premise within F District has this unique condition on their licence. When I initially came to office I spent a considerable amount of time assuring a range of licensees within and outside Cookstown Council area that the trading behaviour was indeed lawful and not just being ignored by Police. Although I believe I have addressed these concerns, there is a public perception that Sense Night Club is a *“late licence”* location. Although the premises stop providing entertainment at 1am, patrons take quite sometime to go home. I have regularly received a range of calls from the local residents after 3am.

The issue of “equity” of licence conditions, is not primarily a Police matter, however aligning the hours of operation of the liquor and entertainment license, would enable me to provide a more balanced Policing response to the Night Time economy in Cookstown. There would be a cost benefit to the Police budget should these hours be aligned. Simply put, we provide additional officers at an additional cost to attempt to address the concerns of the residents and protect the patrons of the Glenavon Hotel. This is clearly our duty, however viewing the matter holistically; the conditions of renewal are in Council hands and therefore your decision will directly affect our budget. This is an inherited position and we will continue to meet the demands placed upon us. However additional hours spent Policing the Glenavon is time not spent on other District priorities.

With regard to assaults, the Glenavon Hotel is directly linked to three quarters of all Assault Occasioning Actual Bodily Harm at licensed premises;

***115 crimes in total, 42 occurred on licensed premises, 32 at the Glenavon; therefore Glenavon accounts for 27.8% of all AOABH and three-quarters of AOABH at licensed premises.***

and two thirds of Grievous bodily harm at licensed premises in the Cookstown Sector,

***33 crimes in total, 12 occurred on licensed premises, 8 at the Glenavon; so Glenavon accounts for 24.2% of all GBH and two-thirds of GBH at licensed premises.***

Sector Inspector, PSNI Cookstown  
19 Molesworth Road, Cookstown BT80 8NT  
Tel: 028 8676 6000 Ext [REDACTED] E-MAIL: [REDACTED]@psni.pnn.police.uk

s.F40  
s.F40(2)  
s.F40(2)(a)  
s.F40(2)(b)  
s.F40(3)(a)

000002

Thankfully none have resulted in the death of the victim, but no other premises within this sector have such levels of alcohol related violence associated with it.

These figures are clearly a challenge to all of us. It is our aim to tackle these violent incidents by education, enforcement and partnership working. Aligning the hours of the licence will in our opinion directly reduce the number of assaults and associated injuries, over the long term. In effect, making Cookstown a safer place for everyone.

Furthermore, I have also received individual representations from elected representatives on several occasions, regarding the Anti Social Behaviour (ASB) that is directly and indirectly linked to Sense Night Club. Altering the entertainment hours will have a direct impact on ASB and I suggest, improve the quality of life of the residents.



Finally, with regard to "Teenage disco" events, could I ask you consider an amendment to the license to include stipulating these are not valid for any under 18 year old events held on licensed premises. I believe you have been contacted separately from our Social Policy Unit regarding this matter. This is something we will highlight in all our reports regarding the renewal of all and any future entertainment licence applications within the district.

I would also like to acknowledge that the Glenavon Hotel is a legitimate business and entitled to operate as such, and its owners and staff continue to work closely with police in an attempt to address the issues mentioned above.

Yours faithfully,



**s.F40**  
**s.F40(2)**  
**s.F40(2)(a)**  
**s.F40(2)(b)**  
**s.F40(3)(a)**  
**s.F40(3)(ai)**

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