

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 20 October 2011

- COUNCILLORS PRESENT:** Councillors Caswell Duncan and Wire DL
- OFFICERS:** Mohammed Rahman (NBC Solicitor)
Phillip Bayliss (Principle Licensing Officer)
- FOR THE APPLICANT:** Pc Bryan (Northamptonshire Police)
Ps Worthington (Northamptonshire Police)
Sgt Quinn (Northamptonshire Police)
- FOR THE REPRESENTORS:** S Douglas (Chief Executive – Luminar Leisure)
J Smith (Solicitor – Poppleston Allen Solicitors)
T Gorbitz – (Divisional Director – Luminar Leisure)

1. LAVA AND IGNITE

The Chair on behalf of the Committee expressed sympathy for the families of those affected by the recent tragic events. He commented that there were two other Councillors present in the room, but they would not be part of the decision making process, it would be for the determination of the Sub-Committee.

The Licensing Officer outlined the purpose of the hearing and explained that on the 19th October 2011, a Certificate under Section 53a(1)(b) had been received from Northampton Police in respect of the premises Lava and Ignite, St Peter's Square, Northampton. The Certificate was served as Northamptonshire Police considered other procedures under the Licensing Act 2003 inappropriate due to the circumstances described in the application for review (Sec53A Licensing act 2003), in particular that serious disorder had broken out at the premises. It was also noted that it would not be appropriate to utilise Police Closure powers, as this would only give them powers to close the premises for up to 48 hours.

Application for the Review

Pc Bryan from Northamptonshire Police confirmed that they had applied for the review of the premises under Section 53A of the Licensing Act 2003 – Premises associated with serious Crime or serious disorder. In reference to the Application, he informed the Committee that where it stated 2 people had been arrested for public order offences, he could confirm that only 1 person had been arrested following an incident that had resulted in one fatality and two people being admitted to hospital, with critical injuries. This was following an event that was suspected of being overcrowded. He stated that it is the view of the Police that with it being an ongoing investigation should the License be suspended, they would not deem it necessary for the Designated Premises Supervisor to be removed.

Questions to the Applicants

In response to a question asked by the Committee, Ps Worthington informed Members that whilst preparing a file for the coroner and due to pending investigations, there were limitations on the information that could be given in public and therefore was unable to comment on the capacity inside the club on the day of the incident. He did confirm that the maximum capacity that was stipulated risk assessment was 1600 people although he was

unable to comment on whether that had been exceeded on the night. He was also unable to comment on the number of door staff that had been present at the event.

Representation by the Respondent

Mr J Smith of Poppleston Allen solicitors, who represented Lava & Ignite explained that his client had not had access to the Club since the event and therefore had limited information available to them with regards to the CCTV, door staff records and capacity figures from that evening. He commented that this was an event that had been held for the past three years. He confirmed that there were 15 door staff present on the evening, 5 more than was stipulated on the License, although they were unable to provide evidence of this due to the lack of log books. It was alleged that the incident occurred as a result of a DJ announcement that made reference to transport leaving for the universities, but they would be conducting their own internal investigation.

He introduced Mr Douglas, the CEO of Luminar Leisure adding the comment that 'the buck stops here'.

The Chief Executive of Luminar Leisure added that he was deeply saddened by the event, his thoughts being with the families affected. He commented he would co-operate fully with the Police and Licensing Authority and had no objections to the Police's suggestion of suspending the License.

The Determination

There being no further questions, the Sub-Committee adjourned at 9.45 to make a decision and the Solicitor was called for advice.

The Sub-Committee reconvened at 10.05.

The Sub-Committee considered the expedited Review of the Premises License for Lava & Ignite Nightclub, St Peter's Way, Northampton, which was applied for by Northamptonshire Police.

The Sub-Committee heard the representations put forward from the Police and noted that having originally requested the removal of the Designated Premises Supervisor and the Premises License be suspended; the Police would be satisfied with the License being suspended.

Members took into consideration the submissions from Mr Smith, of Poppleston Allen, who represented Lava & Ignite and were appreciative that the Chief Executive of the Company was in attendance at the hearing. It was noted that they were unable to ask as many questions as they would have liked due to the ongoing investigations.

However, due to the seriousness of the matter, including the tragedy that had taken place, the Sub-Committee needed to strongly consider all the options available in relation to the Premises Licence.

The Sub-Committee concluded that in order to promote and uphold the Licensing Objectives, the only viable course of action deemed suitable was to suspend the Premises License, which would be an interim step, with immediate effect. Due to the severity of the incidents reported, the loss of life and the number of serious injuries, suspension would be necessary and proportionate and would uphold the Licensing Objectives, in particular Public Safety. It would also allow the relevant authorities time to conduct necessary investigations.

The suspension would continue until a normal Licensing Review took place, which would be within 28 days, when the matter would be revisited.

The meeting concluded at 10.07am