

**NORTHAMPTON BOROUGH COUNCIL**

**LICENSING AUTHORITY**

**NOTICE OF HEARING**

**A Meeting of the Licensing Sub-Committee will be held on**

**Thursday, 20 October 2011 at 9:30 am**

In The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.  
The Guildhall, Northampton  
to hear the relevant representations and notices raised in respect of

1. Lava and Ignite

## PROCEDURES FOR LICENSING SUB-COMMITTEE HEARING

- **Welcome** – Chairman welcomes the Applicant, Representors, Responsible Authorities and Interested Parties and introduces members of the sub-committee (+ other officers e.g. Solicitor, Licensing Officer, Meetings Services clerk etc).
- **Reason for Hearing** – to be outlined by the **Licensing Officer** or the **Chair**.
- **Format of the hearing** – an explanation of the format of the proceedings:
  1. **Applicant** (or his/her representative) will address the sub-committee first and put their case.
  2. **The Chair** leads an examination of the **Applicant's case**. First, the panel may ask questions and then the Chair invites Responsible and Interested Parties to participate. Questions may only relate to the points made by the applicant.
  3. **The Representors** (and responsible and Interested Parties) then state their case.
  4. **The Chair** leads an examination of the **Representor's case**.

Each party will be given an equal maximum period of time in which to present their case and may, if given permission by the Chair, question any other party.

- **Summing Up**
  - By the Representors
  - By the Applicant
- **Sub-committee retires** – and may call for the Solicitor for advice if required.
- **Sub-Committee deliver their decision and reasons for their decision at the conclusion of the meeting IF:**
  1. Application for conversion of existing licence
  2. Application for conversion of existing club certificate
  3. Application by holder of justices' licence for grant of personal licence
  4. Application for conversion and variation of premises licence (including variation of DPS)
  5. Application for conversion and variation of club premises certificate
  6. Counter notice following police objection to temporary event notice
  7. Review of Premises Licence following Closure Order

In all other cases, the Sub-committee delivers its decision and reasons for its decision within five working days beginning with the day on which the hearing was held.



**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE  
UNDER SECTION 53A of the LICENSING ACT 2003**  
(Premises associated with serious Crime or disorder)

Northampton  
Borough Council

19 OCT 2011

LICENSING

Insert name & address of relevant Licensing Authority:  
Northampton Borough Council, The Guildhall, St Giles Square, Northampton.

**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 Constable 113 David Bryan  
(on behalf of) the Chief Officer of Police for the Northampton Police area  
apply for the review of a premises licence under Section 53a of the Licensing Act 2003

Northampton  
Borough Council

19 OCT 2011

LICENSING

**Part 1 – Premises Details:**

Postal address of the premises (or if none – Ordnance Survey map reference or description)  
Lava and Ignite,  
St Peters Square,  
  
Town: Northampton Post Code: NN1 1PS

**Part 2 – Premises License details:**

Name of Premises Licence holder (If known) Luminar Lava Ignite Limited  
Premises Licence Number (If known) PL0389

**Part 3 – Certificate under Section 53a(1)(b) of the Licensing Act 2003**

(Please read guidance note 1)  
I confirm that a certificate has been given by a senior member of the Police Force for the police area above and that in his/her opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application

Please tick/check the box to confirm

**Part 4 – Details of association of the above premises with serious crime, serious disorder or both: (Please read guidance note 2)**


In the early hours of Wednesday the 19<sup>th</sup> of October 2011 Northamptonshire Police and other emergency services were called to deal with a significant crowd outside LAVA and IGNITE, a nightclub in Northampton town centre. The crowd was monitored both outside and inside the premises by police and management of the premises.  
As customers started to leave the premises an incident took place within the premises whereby patrons were panicking due to overcrowding issues. Fighting was breaking out on the staircase of the premises which escalated the situation causing more problems. The Police at the scene had to assist the management and the security as it appeared they had lost control of the premises and the capacity. Northamptonshire Police control room also took a call from a distressed patron within the club stating that they were stuck in the lift within the premises with eight other patrons. As a result of this incident there has been one fatality a 22 year old female and two other patrons are still in hospital with what are described as critical injuries. In addition two people were arrested for public

order offences, these two people were part of the promotion team involved in the event being held. This was clearly a very resource intensive incident and was deemed a critical incident by Northamptonshire Police.

Northamptonshire Police Licensing Department were not made aware of this event which was advertised nationally with revellers being coached in from other parts of the country. The flyer/poster advertising the event states the organisers were "working with Northamptonshire Police to bring you a safe event". The organisers did not have any permission from Northamptonshire Police to print this or would have had such permission to use our name on any advertising material.

Northamptonshire Police would respectfully ask that Northampton Borough Council Licensing Committee to remove the DPS and suspend the Premises Licence for LAVA and IGNITE which will enable a full investigation to take place surrounding this tragic incident until the full Review Hearing.

**Part 4 Cont .....**

Signature of Applicant		Date: 19 <sup>th</sup> October 2011
Capacity:	LICENSING OFFICER	

<b>Contact details for matters concerning this application:</b>	
Name:	Constable 113 D. Bryan
Address:	C/O Campbell Square Police Station, Northampton, NN1 3EL
E-mail:	david.bryan@northants.police.uk
Telephone:	03000 111 222

**Notes for Guidance**

1. A certificate of the kind mentioned in the form, must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder, or both.  
Serious crime is defined by reference to Section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
  - 'Conduct that amounts to one or more criminal offences for which a person who has attained the age of 18 and has no previous convictions, could reasonably be expected to be sentenced to imprisonment for a term of three years or more'; or
  - 'Conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose;
  - Serious disorder is not defined in legislation and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



**CERTIFICATE**  
Under section 53a(1)(b) of the Licensing Act 2003

**I Jan Meagher**  
am a Superintendent (or above) in Northamptonshire Police and hereby certify that in my opinion the premises described below are associated with:

**serious crime/serious disorder/both serious crime and serious disorder\***

\*Delete as appropriate

**Premises Details:**

(Include Business name, Postal address of the premises or if none – Ordnance Survey map reference or description)

Lava & Ignite Nightclub,  
St Peters Square

Town: Northampton

Post Code: NN1 1PS

**I am giving this certificate because I am of the opinion that other procedures under the Licensing Act 2003 are inappropriate in this case because:**

(Give brief description of why other procedures such as standard review process are thought to be inappropriate eg the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned etc)

Disorder is described as being “a lack of order or regular arrangement, Confusion, a breach of civic order or peace or a public disturbance, to throw into confusion or disarray”

It is the view of Northamptonshire Police that due to the circumstances described in the attached application for Review (Sec53A LA2003) that serious disorder has broken out at the specified premises.

It is not appropriate to utilise Police closure powers under sec 160 and 161 of the licensing Act 2003 as these would only give powers to close for up to 48 hours. To call for a conventional review would require the 28 day consultation period which would frustrate the purpose of the suspension of this license.

Signed:

Date:



## LOCAL AUTHORITY



Licensing Section  
The Guildhall  
St Giles Square  
NORTHAMPTON  
NN1 1DE

## Part 1 - Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Lava and Ignite**

St Peters Square, Northampton, Northamptonshire, NN1 1PS.

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	<p>Monday-Sunday Non Standard Timings: An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland that falls outside the current permitted hours on the premises licence to permit the supply of alcohol commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the police 7 days beforehand and provided the police have not objected to the additional hours within 72 hours of being notified.</p>	11:00am	4:00am
D. Boxing or wrestling entertainment (Indoors)	<p>Monday-Sunday Non Standard Timings: An additional hour to the standard and non-standard times on the day when</p>	11:00am	4:00am



## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
D. Boxing or wrestling entertainment (Indoors) continued ...	British Summertime commences.  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
E. Performance of live music (Indoors)	Monday-Sunday Non Standard Timings: An additional hour to the standard and non-standard times on the day when British Summertime commences.  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	11:00am	4:00am
F. Playing of recorded music (Indoors)	Monday-Sunday	Midnight	Midnight
G. Performance of dance (Indoors)	Monday-Sunday Non Standard Timings: An additional hour to the standard and non-standard times on the day when British Summertime commences.  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	11:00am	4:00am
I. Provision of facilities for making music (Indoors)	Monday-Sunday Non Standard Timings: An additional hour to the standard and non-standard times on the day when British Summertime commences.  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	11:00am	4:00am
J. Provision of facilities for dancing (Indoors)	Monday-Sunday Non Standard Timings: An additional hour to the standard and non-standard times on the day when British Summertime commences.  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	11:00am	4:00am
L. Late night refreshment (Indoors)	Monday-Sunday Non Standard Timings: An additional hour to the standard and non-standard times on the day when British Summertime commences.  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland that falls outside the current permitted hours on the premises licence to permit the supply of alcohol commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the police 7 days beforehand and provided the police have not objected to the additional hours within 72 hours of being notified.	11:00pm	4:00am





**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors) continued ...			
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday-Sunday Non Standard Timings: An additional hour to the standard and non-standard times on the day when British Summertime commences.	11:00am	4:00am
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
	In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland that falls outside the current permitted hours on the premises licence to permit the supply of alcohol commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the police 7 days beforehand and provided the police have not objected to the additional hours within 72 hours of being notified.		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday-Sunday Non Standard Timings: An additional hour to the standard and non-standard times on the day when British Summertime commences.	11:00am	4:30am
From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
In the event of a screening of any international sporting event involving any of the countries from the United Kingdom and the Republic of Ireland that falls outside the current permitted hours on the premises licence to permit the supply of alcohol commencing one hour before the start of the event and finishing one hour after the end of the event, the details of the transmission to be notified to the police 7 days beforehand and provided the police have not objected to the additional hours within 72 hours of being notified.		

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Luminar Lava Ignite Limited  
 Deltic Avenue, Rooksley, Milton Keynes, Bedfordshire, MK13 8LW.  
 Telephone 01908 544100

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Spencer FITZGERALD  
 2 Holyoake Terrace, Long Buckby, Northants, NN6 7RH.



Licence No. 10SF-34UC-254

Issued by Daventry

ANNEXES

**ANNEX 1 - MANDATORY CONDITIONS**

**19 Mandatory conditions where licence authorises supply of alcohol**

(1) No supply of alcohol may be made under the premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**20 Mandatory condition: exhibition of films**

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(3) In this section -

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39)

(authority to determine suitability of video works for classification).

**Police Conditions**

1 The operator in order to secure the integrity of the licensing objective the prevention of crime & disorder shall ensure that bottles, glasses and other open containers are not taken



## ANNEXES continued ...

from the premise unless the practise is specifically authorised by the premise license.

- 2 At peak time and critical times, that is when the licensing objectives namely the prevention of crime & disorder and public safety is or is likely to be compromised, the capacity limit is maintained so as to be conducive to the keeping of good order on the premise.
- 3 To co-operate fully with any agency to ensure that the promotion of the four licensing objectives is actively supported by the use of crime prevention notices and similar.
- 4 Sales promotions or discounting of alcoholic drinks can be instrumental to creating the circumstances whereby the promotion of the four licensing objectives is disregarded. Therefore, the operators of premises that promote such practice have an added positive responsibility to monitor incidents relevant to the licensing objectives and introduce control measures as necessary to prevent offences of drunkenness and disorder being occasioned.
- 5 To prevent incidents of crime and disorder an expectation prevails that the operators of premises and their staff will at all reasonable times co-operate fully with the Police and other enforcement agencies and take steps to ensure that members of their staff understand the importance of the responsibility they hold.

**Amended Condition**

The condition in the Public Entertainment Licence (6.2) which relates to the number of door staff is now amended to read '2 door staff required for the first 150 people and 1 per 150 after that. A maximum of 10 door staff should be on duty.'

**Licensing Act 2003**

This licence is granted on the condition that the restrictions contained within the enactments specified under the Licensing Act 2003 Schedule 8 (1 & 6) are adhered to.

**Licensing Objectives**

Below are the additional steps that you have agreed to undertake to promote the four Licensing Objectives and which form a part of the operating schedule for these premises:

**General -**

The venue will train its staff as required by relevant legislation.

The style and operation of the venue will not differ significantly during the extended hours. The additional hours will, of themselves, promote the licensing objectives as stated in paragraph 3.29 of the guidance, in allowing customers to emerge from the premises at a more gradual rate. The venue will comply with all of the conditions on the justices licence, public entertainment licences and other licences in force for the additional hours (in so far that they are not being varied by this application). The Public Entertainment Licence guidelines are specific to this venue, its location and style of operation. The venue has an established capacity.

**The prevention of crime and disorder -**

If a DJ is used on any night then he/she will ask customers to leave quietly.

The level of lighting outside the premises will continue for the additional hours of trading. The



## ANNEXES continued ...

existing CCTV system will continue to operate during the additional hours of trading. Notices stating that CCTV is in operation 24 hours a day will be displayed throughout the venue. The external area will be covered by the existing CCTV system installed at the premises. Any person who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue. Any person within the venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue. The venue will actively participate in the local Pubwatch or equivalent scheme. Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff. Toughened glass will continue to be used during additional hours of trading. This venue will only accept photographic driving licences, passport or in agreement with the police a form of identification with the PASS hologram. Music and dancing will continue to be a prominent feature of trading.

**Public safety -**

The nature and operation of the venue will not alter during the additional hours. Free drinking water will be available at all times. A person trained in first aid will be at the venue, which will have received training in any problems associated with alcohol and drug misuse. A qualified first aider shall be present throughout any sporting entertainment involving boxing, wrestling, judo, karate or sport of a similar nature. Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before use and any material used to form the skirt of the ring shall be flame retardant. The seating layout shall be agreed with the appropriate authorities.

**The prevention of public nuisance -**

If a DJ is used on any night then he/she will ask customers to leave quietly. The level of lighting outside the venue will continue for additional hours of trading. The existing CCTV system will continue to operate during the additional hours of trading. Notices displaying that CCTV is in operation 24 hours a day will be displayed throughout the venue. Reasonable steps will be taken to recognise the need of local residents and businesses.

**The protection of children from harm -**

A person under the age of 18 years will only visit the venue with a responsible adult usually for the purpose of dining unless there is an event especially organised for the youth market. Unaccompanied persons under the age of 18 are not welcome in the venue except at events especially organised for the youth market. A person under 18 years will not be allowed to use any AWP machine. The venue intends to have specially organised events for the youth market, when the venue will adhere to the following: admission policy; general policies statement; code of conduct for staff statement; and child protection policy.

**ADDITIONAL MANDATORY CONDITIONS.**

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

**The following conditions shall come into force on 6th April 2010**



## ANNEXES continued ...

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

**The following conditions shall come into force on 1st October 2010**

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age



ANNEXES continued ...

verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Solicitor to the Council

