

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Monday, 14 November 2011

**PRESENT:** Councillor Wire DL (Chair); Councillors Eales and Sargeant.

### 1. LAVA AND IGNITE, ST PETER'S SQUARE, NORTHAMPTON

The Chair reported that in order to clarify the current position he would read a prepared statement and no questions would be asked. He then read out the following statement:

On 19<sup>th</sup> October 2011, a certificate was received under Section 53a(1)(b) of the Licensing Act 2003, signed by Detective Superintendent Jan MEAGHER of the Northamptonshire Police in respect of the premises, Lava and Ignite, St Peter's Square, Northampton. Pc David Bryan, representing Northamptonshire Police, served the Certificate.

The certificate was served because Detective Superintendent MEAGHER was of the opinion that other procedures under the Licensing Act 2003 were inappropriate in this case because:

It was the view of Northamptonshire Police that due to the circumstances described in the application for a Summary Review (Sec53A Licensing Act 2003) that serious disorder had broken out at the specified premises.

It was not appropriate to utilise Police Closure powers under Section 160 and 161 of the Licensing Act 2003 at that time as these would only give powers to close the premises for up to 48 hours. To call for a conventional review would have required the 28day consultation period and that would have frustrated the purpose of the suspension of the licence.

Obligatory notices were affixed to the premises.

On Thursday 20<sup>th</sup> October 2011 the Summary Review took place and as a result the decision was taken that the Premises Licence would be suspended pending a full review of that Licence.

The full premises review should have taken place today.

As of Thursday 27<sup>th</sup> October 2011, the company Luminar Lava Limited (the owners of Lava & Ignite at St Peters Way Northampton) went into administration.

From the moment Administrators were appointed, under section 27 of the Licensing Act 2003, the Premises Licence has lapsed. Therefore, unless the Administrators apply for an Interim Authority or, that licence is transferred to another party, no Licence exists. In effect there is now no licence to bring for a review.

An interim authority or, indeed, a transfer, which as long as they do so within 28 days of the 27<sup>th</sup> October 2011, would have the effect of "reinstating" the Premises Licence under section 47 (6) of the Licensing Act 2003.

**HOWEVER UNTIL THE TRANSFER DEADLINE OF 28 DAYS HAS PASSED WE HAVE TO BE AWARE THAT AN INTERIM AUTHORITY CAN BE APPLIED FOR OR THE**

**LICENCE MAY STILL BE TRANSFERRED AND THEREBY REINSTATED.**

Written notification has been received from Jonathan Smith of solicitors Poppleston Allen representing the Administrators, Ernst and Young that they do not intend to “resurrect” the Premises Licence, either by way of a transfer or interim authority, into their name.

It was also confirmed, on behalf of Ernst and Young that it is not their intention to subsequently transfer the licence or submit an application for an interim authority into their own names after this date, but prior to the expiry of the 28 days following the administration of the company, which took place in the 27<sup>th</sup> October 2011.

Once this deadline of 28 days has passed, Northampton Borough Council Licensing will monitor any further applications with regard to these premises. Should another party wish to licence the premises, they would need to re-apply for a Premises Licence and the matter will be looked at afresh and all relevant authorities and interested parties will have an opportunity to put any representations forward. This will then follow the same procedure as any new Premises Licence application.

The cancellation of this review in no way affects the Police enquiry, instigated by the Coroner, into the recent incident at the premises and the subsequent tragic loss of life.

We would like to extend again our deepest sympathies to the families of both victims, Nabila Nanfuka and Laurene-Danielle Jackson our thoughts are with them at this time.

The meeting concluded at 10.04am