

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 26 July 2012

COUNCILLORS PRESENT: Councillors Malpas (Chair), Patel and Strachan

OFFICERS: M Rahman – NBC Solicitor
B Edwards – Senior Licensing Officer

FOR THE APPLICANT: S Richards – Northamptonshire Fire and Rescue
Pc Bryan – Northamptonshire Police

FOR THE REPRESENTORS: Ms Drummond

1. REVIEW - FLUX/ATLANTIC

The Chair welcomed everyone to the meeting.

Councillor Strachan declared a personal interest as a Northamptonshire County Councillor as a Member of the Fire and Rescue Sub Committee. He made explained that he is only involved in matters relating to any changes in legislation or regulation and does not deal with any operational matters with the Fire Authority.

The Senior Licensing Officer outlined the purpose of the hearing and explained that on the 18th June 2012 an application was received for a review of the Premises Licence in respect of Atlantix, formerly known as Flux, 94 Bridge Street, Northampton. The application was submitted by Fire Protection Officer Ian Grieve representing Northamptonshire Fire and Rescue Service and relates to a series of compliance issues surrounding Fire Safety regulations and had been submitted on the ground of Public Safety.

Application for the Review

Mr Richards – Northamptonshire Fire and Rescue Service explained that following a tragic event at a Licensed Premises in Northampton, the Fire Authority had looked at a large number of licensed premises, specifically those with large occupancy levels. He explained that on the 2nd December 2011 Fire Officers had visited the premises where it was found that there were no fire safety documents. A generic letter was circulated to licensed premises in Northampton which highlighted the needs for fire risk assessments and the necessity to conform to the fire safety legislation. On a subsequent visit to the premises on the 11th May 2012, a Fire Officer gained access to the club and met with Mr Ebulubu who stated that he was the manager of the premises. Mr Ebulubu, when asked, had great difficulties in locating and identifying the Fire Alarm Panel and it was reported that staff training was perceived as being inadequate. It was explained that an Enforcement Notice had been issued on the 25th May 2012 which was due to expire in August 2012.

Mr Richards explained that on the 24th July 2012, he had visited the premises again and had met with the Designated Premises Supervisor (DPS) – Ms Drummond, where he had been notified that Mr Ebulubu was no longer in employment at the premises and that the premises remained closed. It was noted that since the premises was closed, they would not be fully compliant with Fire Safety as testing procedures could not be carried out fully as they could only be tested once the premises was open and in operation. He stated that significant improvements had been made with regards to Fire Safety and numerous steps had been taken to improve Fire Safety procedures.

Pc Bryan – Northamptonshire Police, commented that he echoed the concerns of the Fire Authority had explained that he had been notified of an event at the premises that was being advertised beyond the licensed hours. It was reported that once being made aware of this by the Police, Ms Drummond had cancelled the event. Pc Bryan further explained that he had attended a hearing on the 7th June 2012, where Mr Ebulubu had applied for a Temporary Events Notice (TENS) for the

premises, in which the Police had objected to and the application was refused. On the proposed date of the TENS, the Police visited the premises and noticed that at 3.20am, music was being played and customers were still on the premises – and whilst there was no evidence gathered, there was a strong belief that had there not have been a Police presence, activities would have continued. He commented that one concern was that Ms Drummond, being the DPS for two other premises in Coventry, would not be suitable as the DPS and that a person within the locality would be preferable as the DPS.

Questions to the Applicant

In response to questions of the Sub Committee, Mr Richards explained that the significant changes made had involved was the employment of a company to maintain the Fire Alarm system and the Fire Extinguishers and that a Fire Risk Assessment had been carried out – all of which would be signed over to a newly appointed Manager in due course. Evidence had been gathered by the Fire authority that had demonstrated significant provision for Fire Safety arrangements.

Representations by the Respondent

Ms Drummond explained that she had purchased the lease of the premises, before realising that she had taken on too much with her other premises. She stated that she only knew about the problems at the Premises when she had been informed of them by the Fire Authority. She stated that she wanted to work with the Fire Authority and the Police in order to address the issues that had arisen and reported that any new manager would have all Fire Safety tests documented and would be fully trained in Fire Safety of the premises.

Questions to the Respondent

IN response to questions of the Sub Committee, Ms Drummond explained that she would be happy for the future Designated Premises Supervisor (DPS) to be local to the premises. She confirmed that no manager was currently employed at the premises. She further explained that she had employed a contractor to check the Fire Safety Equipment, including extinguishers and the lights and an electrician who would document the battery life of equipment.

In response to a question asked by the Solicitor, the Fire Safety Officer explained that it was normal practice for contractors to be employed on a rolling contract basis and should the contract be terminated the Fire Safety Authority would check the premises on a more regular basis.

Summing up by the Applicants

Mr Richards explained that he expected all licensees to be more responsible in their approach to Fire Safety. He commented that lessons had been learnt and that in the future the premises would be monitored and scrutinised closely by the Fire Authority.

Pc Bryan stated that he would like to see that whoever was running the premises to be the Designated Premises Supervisor, who could then liaise with the Police and Fire Authorities on behalf of Ms Drummond.

There being no further questions, the Sub Committee adjourned at 10.25am to make a decision. The Solicitor was called for advice.

The Determination

The Sub Committee considered the Review of the Premises Licence for Flux Nightclub aka Atlantix, at Bridge Street Northampton, which had been called by the Northamptonshire Fire Service and supported by Northamptonshire Police on the grounds of the Licensing Objective of Public Safety. The Sub Committee had been informed that there had been Fire Enforcement Notices, served on Mr Cyril Ebulubu and Ms Juliet Drummond, in relation to the premises and its deficiencies. However, it was recognised that the management no longer employs Mr Ebulubu nor does he have any relationship with the premises. Although Mr Ebulubu is no longer involved with the Premises, Members wanted to clarify that they were extremely discouraged by the fact that the premises had carried on operating after its permitted hours, especially after those involved had an application for a TENS refused which demonstrated that those involved have no respect or regard for authority.

Members seriously considered whether any premises, which flouted public safety rules and regulations, should be allowed to remain open and continue to place serious risk to public safety.

However, they expressed their appreciation that Mr Ebulubu had been dismissed and recognised and acknowledged that Ms Drummond had co-operated with the Fire Authority and made efforts to rectify any concerns regarding safety.

Therefore, it was felt, in the interest of upholding the Licensing Objective of Public Safety, it would be appropriate to apply the following conditions onto the Premises Licence:

- The Designated Premises Supervisor for these Premises must be a person who would be involved with the day to day running of the premises
- At least one Personal Licence Holder must be present at the premises at all times any Licensable activity is taking place.

Members deliberated whether to remove Ms Drummond as the DPS, but decided that should she wish to concentrate on this particular business she should not be deprived of the opportunity.

It was understood that the Fire Authority would be monitoring the premises regularly and Members would therefore encourage Ms Drummond and any DPS to work closely with them and co-operate. Members suggested that regular fire evacuation tests be carried out.

All parties were informed that they have the right to appeal this decision to the Magistrates Courts if they feel that this is necessary within 21 days.

The meeting concluded at 11.12am