

NORTHAMPTON BOROUGH COUNCIL

LICENSING AUTHORITY

NOTICE OF HEARING

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

Thursday, 26 July 2012 at 10:00 am

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

Review:
Flux/Atlantic

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.



Northamptonshire County Council

To Whom it may Concern

Please ask for: Ian Grieve
Tel: 01604 797104
Our Ref: 00100738
Your Ref:
Date: 13 May 2012

If you have any difficulty in obtaining the above telephone number please ring (01604) 797000 or email enquiries@northantsfire.org.uk.

FPS22

Dear Sir

Licensing Act 2003

Atlantix Bar and Club 94 Bridge Street Northampton NN1 1PD

Please find enclosed a copy of Review of the Premises Licence a copy of the application and supporting evidence.

Any enquires concerning these matters may be addressed to the inspector named at the address below.

Yours faithfully


Ian Grieve
Fire Protection Officer



Northamptonshire Fire and Rescue Service
Walker House, 3 Pondwood Close, Moulton Park,
Northampton, NN3 6RT
w. www.northamptonshire.gov.uk
f. 01604 797140



**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

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 Fire Protection Officer Ian Grieve

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Atlantix bar and Club formerly Flux Night Club 94 Bridge Street	
Post town Northampton	Post code (if known) NN1 1PD

Name of premises licence holder or club holding club premises certificate (if known) Juliet Drummond
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Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
- 2) a responsible authority (please complete (C) below) ☒

- 3) a member of the club to which this application relates (please complete (A) ☐
below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Northamptonshire Fire and Rescue Service Fire Service headquarters Moulton Way Northampton
Telephone number (if any) 01604 797000
E-mail address (optional) igrieve@northantsfire.org.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

1. The grounds for this review are for the Licensing Objective 'public safety'.

2. On 2 December 2011 Fire Officers visited the premises and met with one of the two partners, Mr Chris Going. The Officers calculated the occupancy of the premises and found that there was no fire safety documents available on site. An email was forwarded to Mr Going and his partner, Juliet Drummond highlighting the deficiencies.

3. A generic letter sent to the premises on 20 December 2011, along with other licensed premises in Northampton by Group Manager Fox, highlighting the needs for fire risk assessment and conforming to the fire safety legislation.

4. On 29 March 2012 at the request of Northamptonshire Police, Constable David Bryan and Fire Protection Officer Ian Grieve met with Juliet Drummond at the premises. There were concerns about advertised events whereby the occupancy of the premises may be exceeded. She was asked for the fire risk assessment and stated that since her business partner left at short notice she was unaware if one had been completed. This along with other issues raised concerns about fire safety in the premises. It was agreed Ian Grieve would telephone her to make an appointment for a full inspection of the premises.

5. It transpired that Juliet Drummond had cancelled the events highlighted at 4 above.

6. Attempts to contact Juliet Drummond proved difficult and it transpired she had changed her telephone and telephone number.

7. On 11 May 2012 Fire Protection Officers gained access to the club and met with Mr Cyril Ebulubu. he stated he was the manager of the premises. They had changed the name of the premises from Flux to Atlantix Bar and Club. It was advertised outside the premises that the opening night for the new premises was 11 May 2012, included a barbeque and was open until 4am. Mr Ebulubu stated that the fire alarm and emergency lighting in the premises had been tested and in good working order. Similarly the fire extinguishers had been maintained. When asked to test the emergency lighting Mr Ebulubu did not know how to test it. he had to be shown the use of a key, which he did not possess, and how to test the emergency lighting. When asked to test the fire alarm he did not have a key to activate the manual call points. He did not know the location of the fire alarm control panel, once indicating the intruder alarm and the electrical consumer units were the fire panel. We searched the basement, first floor and found fire alarm control panel in a cupboard behind the bar on the ground floor. Clearly it had not been tested. When activated the fire alarm sounded throughout the premises. The fire extinguishers had last been maintained 08 or 09 and not within the last 12 months. There was no fire risk assessment for the premises and no emergency plan. When asked about staff training he stated there were three new bar staff and 4 door staff. He would train them prior to opening. It was pointed out that without the emergency detailing what people should do, there was nothing to train the staff on. The rear gate to the enclosed area of the premises where the barbeque would take was inwards opening, which could cause problems in an emergency to escape safely from the premises.

8. It was clear that the management of the premises were prepared to open for business not knowing whether the fire alarm and emergency lighting worked or not. There was no emergency plan in place and no staff training. This could have placed the safety of the public at risk in the event of fire.

9. Subsequently the Fire Authority issued Enforcement Notices to both Juliet Drummond and Cyril Ebulubu to remedy the deficiencies highlighted. Both of these people were fully aware of their responsibilities and obligations under the fire safety legislation.

10. On 25 May 2012 the premises were again visited and both Juliet Drummond and Cyril Ebulubu were present. the enforcement notices were explained to them. Cyril Ebulubu stated he was now testing the fire alarm and emergency lighting and had completed staff training. But there was no fire risk assessment or emergency plan in place.

11. The Fire Authority is of the opinion that the lack of fire safety management in these premises has placed members of the public at risk from a fire on these premises and brings the matter before the Licensing Committee for their attention.

Please provide as much information as possible to support the application
(please read guidance note 2)

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

I. Givens

Date

8 June 2012

Capacity

Fire Protection Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of : Ian Johnston GrieveAge if under 18 : Over 18(if over 18 insert 'over 18') Occupation : Fire Protection Officer

This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature : I GrieveDate : 12/6/12

States: I am a Fire Protection Officer employed by Northamptonshire Fire and Rescue Service since September 2003. I have attended numerous courses at the National Fire College at Moreton in the Marsh, Fire Protection Association, Association of Building Engineers and Regional Fire and Rescue Service Fire Safety Courses. I have also attended a number of seminars in Fire Safety. I am accredited with the Institute of Fire Engineers to audit life safety risk assessments. I have completed a BTEC level 5 in Building Regulations and British Standard 9999.

On 1 December 2011 at 300pm I visited Flux Night Club at 94 Bridge Street Northampton in company with Watch manager Ken Bennett. The object of this prearranged visit was to ascertain the occupancy figures for the means of escape in the premises following a serious incident at a night club in Northampton. This was part of the strategy of Northamptonshire Fire and Rescue Service, in conjunction with Northamptonshire Police and Northampton Borough Council Licensing. I met with Mr Chris Going one of the partners in the business. The other partner being Juliet Drummond of 144 Cheveral Avenue Coventry, who was not present at this meeting. The occupancy of the premises was calculated by working out the floor space factors in conjunction with the available escape width capacity under the provisions of guidance in Approved Document B of Building Regulations, as accepted way of calculating the occupancy of premises. The maximum occupancy for these premises was assessed at 245 persons, limited due to the floor space factors.

Mr Going was unawares whether or not a fire risk assessment and emergency plan had been prepared for the premises. I reminded him of his obligation to complete a fire risk assessment and emergency plan for these premises; also that the fire alarm and emergency lighting should be tested and maintained; there should staff training and fire fighting equipment should be provided. The single final fire exit out onto Bridge Street was inwards opening, the drapes covered the exit. This door was to be kept clear of the

Signature : I GrieveSignature witnessed by : [Signature]

PTO

drapes and provided with an illuminated exit sign. I forwarded this information to both Juliet Drummond and Chris Going by email. I also provided Mr Going with a copy of the 'short guide to making your premises safe from fire', and I referred him to the CLG website and guidance document 'small and medium places of assembly'. In the email I included a pro forma fire risk assessment and a copy of a worked example to assist them in completing a fire risk assessment and emergency plan for the premises.

On 20 December 2011, a letter was sent to licensed premises in Northamptonshire by Group manager Baz Fox to remind all responsible persons of their obligations under the Regulatory Reform (Fire Safety) Order 2005, to complete a fire risk assessment and to assess the occupancy figures for their premises.

On 29 March 2012, in company with Police Constable David Bryan I again visited the premises of Flux Night Club 94 Bridge Street Northampton where we met with Juliet Drummond of 144 Cheveral Avenue Coventry. This was in respect of concerns over the occupancy of the premises and how they would be used following nationally advertised events at these premises. These being the 'tallpaul' and 'pigpipe' events advertised. It was known that these events had been advertised and coaches were being laid on in Birmingham, Luton, Nottingham and Leicester. The concerns were that the maximum occupancy for the club had been assessed at 245 persons. It transpired that Juliet Drummond had sublet the premises to a manager to run in her absence. She had no knowledge about these events and would cancel them. I asked for the fire risk assessment for the premises. She stated that since her business partner had left at short notice she was unaware if a fire risk assessment had been completed. She stated that she ran two other licensed premises in Coventry and was aware of what was required. I said that I would telephone her with a view to conducting a full fire safety inspection of the premises due to the manner in which the premises were managed in respect of fire safety. Juliet Drummond did in fact cancel the events thus negating my immediate concerns.

I telephoned Juliet Drummond on a number of occasions and left messages on the answerphone to contact me to arrange a fire safety inspection.

On Friday 11 May 2012 at 10am, in company with Fire Protection Officer Scott Richards we were in Bridge Street Northampton. Outside the front doors of the Atlantix night club we saw a lady waiting at the doors. We parked our marked Fire Service car and approached the lady. We ascertained that she was indeed waiting for the Manager to attend the premises. Outside the Club were posters advertising the opening night and barbeque for 'Atlantix club and bar, opening until 4am. At 1015 the same day two males arrived at the premises. They opened up the premises. We walked inside and introduced ourselves.

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Signature witnessed by :



PTO


A man said the owner would be at the premises shortly and provided no further information. At 1030 am the same day, a man I now know to be Mr Cyril Ebulubu arrived and he immediately recognised me. I could not place Mr Ebulubu initially and then I recalled that I had met him at his restaurant Com-Chop on Kettering Road Northampton. I asked what involvement he had in these premises and he replied that he was part of the partnership with Juliet Drummond. When asked who the designated premises supervisor (DPS) was, he replied, "Juliet". He explained that he was managing the premises for the opening night as 'Atlantix'. We sat down inside the club. I asked if there were a fire risk assessment completed for the premises and he replied "No". I asked if there were a written emergency plan in place for the premises and he replied, "No". I explained that there needed to be an emergency plan in place for the premises to be able to train staff on what to do if the fire alarm sounds or what to do if they discover a fire. I asked if the staff had received any training in fire safety. He stated that they were all new staff coming in about 12midday to be trained. I asked how they could be trained if there was no emergency plan. He made no reply. Mr Ebulubu stated that there were to be 3 bar staff and four door employed. I asked him what the occupancy was for the premises and he replied "250". I said that I was pleased he knew the occupancy because it was us who had calculated it. We then discussed the event which was taking place tonight i.e. the opening night and barbeque for Atlantix. We spoke about the occupancy being inside the premises but they had a large outside area where the barbeque was taking place. This area where the barbeque was taking place was outside, totally enclosed and controlled by an inwards opening door. We discussed the fact if he has 250 persons inside the premises and perhaps 100 at the barbeque. What would happen if it rained and where would the people at the barbeque go? He replied "inside".

I explained the means of escape and floor space only allowed a maximum number of 250 inside the premises. He would potentially have 350 in the premises and the means of escape could only facilitate 250. I explained that we have concerns over the fire safety management of the premises, overcrowding compromising the means of escape. I asked Mr Ebulubu if the fire alarm worked. He replied "yes". I said to him "How do you know?" He replied "I've tested it". I asked if he had any records of the testing and maintenance of the fire alarm to which he replied "No". I then asked about the emergency lighting. Mr Ebulubu stated that he had tested the emergency lighting and it was ok. I asked about the maintenance of the fire fighting equipment and he replied it had been done. Fire Protection Officer Scott Richards asked Mr Ebulubu to test the emergency lighting as there was no LED showing the battery was being charged on a maintained final exit sign. Mr Ebulubu did not know how to test the emergency lighting and had no key to access and test the emergency lighting. This was established when he sent one of his colleagues up a ladder to test the emergency lighting. Once there the man asked him what to do. Mr Ebulubu could not tell him how to test the emergency lighting. It was Fire protection officer Scott Richards who explained how to test the emergency lighting with a key. Fire Protection Officer Scott

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Richards produced his own test key and switched on the emergency lighting units in the premises. This was to satisfy ourselves the emergency lighting worked prior to the opening of the premises. Three emergency lighting units had been painted on the inside of the glass lens with blue paint, thereby reducing their effectiveness and one unit did not work. There were no records available of the testing or maintenance of the emergency lighting in the premises. Fire protection Officer Scott Richards then asked about the fire fighting equipment because they were dated 09 and 08. Indicating their last scheduled maintenance was in these years. Mr Ebulubu made no reply. We asked for the fire alarm to be tested. It took 10 minutes for Mr Ebulubu and his colleagues to identify the fire alarm control panel in the premises. Initially it was stated that the intruder alarm and the electrical consumer units were the fire panel. We searched the ground floor, went into the basement and up to the first floor to identify the location. The fire alarm control panel was located behind the bar, in a cupboard by one of his colleagues. We again asked for it to be tested but it was found that there was no key to test the manual call point on the fire alarm system. We were asked to wait whilst they located a key which was not found. They activated the fire alarm by activating the call point breaking the glass and the fire alarm sounded. They were then unable to reset the fire alarm and the manual call point. But they were able to silence the alarm. I explained there was no fire risk assessment, emergency plan, no maintenance or testing of the fire alarm and the emergency lighting, staff training and maintenance of the fire fighting equipment. The fire safety arrangements were not satisfactory. I explained that I would be issuing an enforcement notice for all these deficiencies to both Mr Ebulubu and Juliet Drummond. We then left the premises at 1135am.

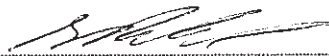
I had previously met Mr Cyril Ebulubu on 7 September 2011 at the restaurant/take away at Com – Chop 37 Kettering Road Northampton. This was in response to a complaint about the means of escape from the first floor of these premises. I provided him with a copy 'short guide to making your premises safe from fire'; I referred him to the CLG website and guidance documents. I explained the deficiencies and how he could rectify them. I sent him an email identifying all the matters we had discussed at his premises.

On Monday 14 May 2012 I sent an email to Juliet Drummond about my concerns for fire safety in the premises. At 0820 the same day, I received a telephone call from Juliet Drummond. I explained that I had been trying to contact her on the telephone but there was no reply. She stated she had changed her telephone and apologised. I explained that I had visited the premises on Friday and met with Mr Cyril Ebulubu. I asked what the relationship was/she explained that she is the leaseholder and current DPS (designated premises supervisor). Cyril was looking after the premises for her as the manager. She would like to pass it on but she tied by the lease. I explained my concerns about the lack of fire safety and that I wanted to meet with her. She asked if I could do it on the telephone. I explained the premises were

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opening Friday night with new staff who had not been trained in fire safety. There was no fire risk assessment, emergency plan. Fire safety management of the premises was a concern. She agreed and that she has premises in Coventry which she has to concentrate on. I said that we had previously met with Police Constable David Bryan and that I had concerns with the occupancy in the premises. She agreed and that she had cancelled the previous events. I said that there were no records of the fire extinguishers being maintained, nor the fire alarm and emergency lighting. There were no records of testing either. I explained that I would issue an enforcement notice to her and Cyril Ebulubu for the deficiencies and explained the notice. She said that she would accept electronic service by email. I thanked her and concluded the call.

On 17 May 2012 at 0742 I sent a copy of an enforcement notice to Juliet Drummond via email.

On Wednesday 23 May 2012, I sent a copy of an enforcement notice to Mr Cyril Ebulubu via email. At 1150 the same day I had delivered a copy of enforcement notice to Mr Cyril Ebulubu and posted it through the door of Atlantix bar and club at 94 Bridge street Northampton.

At 1110am on Friday 25 May 2012, Fire protection Officer Scott Richards and myself, were on duty in uniform walking along Bridge Street Northampton. Outside the Atlantix bar and club we saw Mr Cyril Ebulubu waiting to park his car at the premises. I asked if he had a few minutes for us and replied that he had. He went to park his car and we went into the club. I there saw Juliet Drummond talking to an environmental Health Officer. We waited for their conversation to conclude and went back into the club with Mr Cyril Ebulubu. The Environmental health Officer left and we were joined by Juliet Drummond. I said I wished to talk to him about the enforcement notice that had been served electronically. He stated he had not received it but agreed he had received a hard copy posted through the door of the club. Mr Cyril Ebulubu stated he had started testing the fire alarm and the emergency lighting producing records of this and some staff training. He stated he arranged for Smiths Fire to maintain the fire alarm and emergency lighting which was booked for Tuesday. I said that these were positive moves. I went through the enforcement notices, the same for both Cyril Ebulubu and Juliet Drummond. I explained the deficiencies and how they may be remedied. I also explained the right to appeal to a magistrates Court within 21 days. I explained the reasons for the issue of the enforcement notices to both. In December 2011 I met with the business partner of Juliet Drummond and assessed the occupancy of the premises. There were a number of fire safety deficiencies which were emailed to her. In March 2012 in company with Police Constable David Bryan, I visited the premises and met with her. There were concerns over planned events which potentially would exceed the occupancy for the premises. I said that fortunately she had cancelled the

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events of concern. I had been trying to contact her by telephone and had left messages. She had changed her phone and I resorted to the email address, to which she responded. I had served the enforcement notice electronically and she agreed that she had received the email. In respect of Mr Cyril Ebulubu he had taken on the management of the premises under a new name advertising a barbeque and being open till 4am. At this time he had no knowledge the fire alarm or emergency lighting were working; he had not considered the occupancy of the premises in the light of the total numbers of people; outside at the barbeque and inside the club; totally new staff were being employed without any knowledge of the emergency plan and staff training; there was no fire risk assessment; no emergency plan and no fire safety arrangements to protect persons frequenting the premises from fire. I had met with him previously at his restaurant following a complaint and made him aware of his responsibilities for fire safety, confirming these in writing via email.

I confirmed the address for Juliet Drummond was now 3 Lisbon Way Coventry CV3 2AQ and for Cyril Ebulubu was 19 Streambank Road Northampton NN3 8YG.

I explained that the Police had objected to the TENS applications for June 2012 on the grounds of Public safety and that I would be attending the hearing to provide the evidence for this matter. Juliet Drummond stated that she had been refused TENS applications for her premises in Coventry due to incidents. I explained that in the nicest possible way I was explaining the course of action and I did not wish to solicit any replies from either person. We thanked them and left the premises.

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Signature witnessed by :



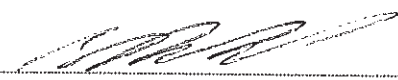
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WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

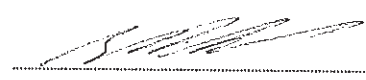

Statement of : Scott RichardsAge if under 18 : Over 18(if over 18 insert 'over 18') Occupation : Fire Protection Officer

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature : Date : 12-6-12

States: I am a Fire Protection Officer employed by Northamptonshire Fire and Rescue Service since September 2003. I have attended numerous courses at the National Fire College at Moreton in the Marsh, Fire Protection Association, Association of Building Engineers and Regional Fire and Rescue Service Fire Safety Courses. I have also attended a number of seminars in Fire Safety. I have also attended internal Fire safety Training Days with my employer on a monthly basis. I am accredited with the Institute of Fire Engineers as a 'fire risk auditor'.

On Friday 11 May 2012 at 10am, in company with Fire Protection Officer Ian Grieve we were in Bridge Street Northampton. Outside the front doors of the Flux night club we saw a lady waiting at the doors. We parked our marked Fire Service car and approached the lady. We ascertained that she was indeed waiting for the Manager to attend the premises. Outside the Club were posters advertising the opening night and barbeque for 'Atlantix club and bar, opening until 4am. At 1015 the same day two males arrived at the premises. They opened up the premises. We walked inside and introduced ourselves. A man said the owner would be at the premises shortly and provided no further information. At 1030am the same day, a man I now know to be Mr Cyril Ebulubu arrived and he immediately recognised Fire Protection Officer Ian Grieve. I Fire Protection Officer Ian Grieve asked him what involvement he had in these premises and he replied that he was part of the partnership with Juliet Drummond. When asked who the designated premises supervisor (DPS) was, he replied, "Juliet". He explained that he was managing the premises for the opening night as 'Atlantix'. We sat down inside the club. Fire Protection Officer Ian Grieve asked if there were a fire risk assessment completed for the premises and he replied "No". Fire Protection Officer Ian Grieve asked if there were a written emergency plan in place for the premises and he replied, "No". Fire Protection Officer Ian Grieve explained that there needed to be an emergency plan in place for the premises to be able to train staff on what to do if the fire alarm sounds or what to do if they discover a fire. Fire Protection Officer Ian Grieve asked if the staff had received any training in fire

Signature : Signature witnessed by : 

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safety. He stated that they were all new staff coming in about 12midday to be trained. Fire Protection Officer Ian Grieve asked how they could be trained if there was no emergency plan. He made no reply. Mr Ebulubu stated that there were to be 3 bar staff and four door employed. Fire Protection Officer Ian Grieve asked him what the occupancy was for the premises and he replied "250". Fire Protection Officer Ian Grieve said that he was pleased he knew the occupancy because it was us who had calculated it. We then discussed the event which was taking place tonight .i.e. the opening night and barbeque for Atlantix. We spoke about the occupancy being inside the premises but they had a large outside area where the barbeque was taking place. This area where the barbeque was taking place was outside, totally enclosed and controlled by an inwards opening door. We discussed the fact if he has 250 persons inside the premises and perhaps 100 at the barbeque. What would happen if it rained and where would the people at the barbeque go? He replied "inside".

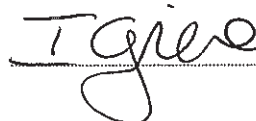
Fire Protection Officer Ian Grieve explained the means of escape and floor space only allowed a maximum number of 250 inside the premises. He would potentially have 350 in the premises and the means of escape could only facilitate 250.

Fire Protection Officer Ian Grieve explained that we have concerns over the fire safety management of the premises, overcrowding compromising the means of escape. Fire Protection Officer Ian Grieve asked Mr Ebulubu if the fire alarm worked. He replied "yes". Fire Protection Officer Ian Grieve said to him "How do you know?" He replied "I've tested it". Fire Protection Officer Ian Grieve asked if he had any records of the testing and maintenance of the fire alarm to which he replied "No". He was then asked about the emergency lighting. Mr Ebulubu stated that he had tested the emergency lighting and it was ok. Fire Protection Officer Ian Grieve asked about the maintenance of the fire fighting equipment and he replied it had been done. I asked Mr Ebulubu to test the emergency lighting as there was no LED showing the battery was being charged on a maintained final exit sign. Mr Ebulubu did not know how to test the emergency lighting and had no key to access and test the emergency lighting. This was established when he sent one of his colleagues up a ladder to test the emergency lighting. Once there the man asked him what to do. Mr Ebulubu could not tell him how to test the emergency lighting. I explained how to test the emergency lighting with a key. I produced my own test key and switched on the emergency lighting units in the premises. This was to satisfy ourselves the emergency lighting worked prior to the opening of the premises. Three emergency lighting units had been painted on the inside of the glass lens with blue paint, thereby reducing their effectiveness and one unit did not work. There were no records available of the testing or maintenance of the emergency lighting in the premises. I then asked about the fire fighting equipment because they were dated 09 and 08. Indicating their last scheduled maintenance was in these years. Mr Ebulubu made no reply. We asked for the fire alarm to be tested. We asked for the fire alarm to be tested. It took 10 minutes for Mr Ebulubu and his colleagues to identify the fire alarm control panel

Signature :



Signature witnessed by :



PTO

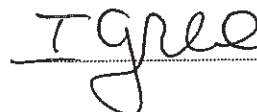
in the premises. Initially it was stated that the intruder alarm and the electrical consumer units were the fire panel. We searched the ground floor, went into the basement and up to the first floor to identify the location. The fire alarm control panel was located behind the bar, in a cupboard by one of his colleagues. We again asked for it to be tested but it was found that there was no key to test the manual call point on the fire alarm system. We were asked to wait whilst they located a key which was not found. They activated the fire alarm by activating the call point breaking the glass and the fire alarm sounded. They were then unable to reset the fire alarm and the manual call point. But they were able to silence the alarm. Fire Protection Officer Ian Grieve explained there was no fire risk assessment, emergency plan, no maintenance or testing of the fire alarm and the emergency lighting, staff training and maintenance of the fire fighting equipment. The fire safety arrangements were not satisfactory. Fire Protection Officer Ian Grieve explained that I would be issuing an enforcement notice for all these deficiencies to both Mr Ebulubu and Juliet Drummond. We then left the premises at 1135am.

At 1110am on Friday 25 May 2012, Fire Protection Officer Ian Grieve and myself, were on duty in uniform walking along Bridge Street Northampton. Outside the Atlantix bar and club we saw Mr Cyril Ebulubu waiting to park his car at the premises. Fire Protection Officer Ian Grieve asked if he had a few minutes for us and replied that he had. He went to park his car and we went into the club. Fire Protection Officer Ian Grieve saw Juliet Drummond talking to an environmental Health Officer. We waited for their conversation to conclude and went back into the club with Mr Cyril Ebulubu. The Environmental health Officer left and we were joined by Juliet Drummond. Fire Protection Officer Ian Grieve said that he wished to talk to him about the enforcement notice that had been served electronically. Juliet Drummond made unsolicited comments that she had been refused TENS Notices for premises in Coventry due to incidents. Mr Cyril Ebulubu stated he had started testing the fire alarm and the emergency lighting producing records of this and some staff training. He stated he arranged for Smiths Fire to maintain the fire alarm and emergency lighting which was booked for Tuesday. Fire Protection Officer Ian Grieve said that these were positive moves. I went through the enforcement notices, the same for both Cyril Ebulubu and Juliet Drummond. I explained the deficiencies and how they may be remedied. Fire Protection Officer Ian Grieve also explained the right to appeal to a magistrates Court within 21 days. Fire Protection Officer Ian Grieve explained the reasons for the issue of the enforcement notices to both. In December 2011 I met with the business partner of Juliet Drummond and assessed the occupancy of the premises. There were a number of fire safety deficiencies which were emailed to her. In March 2012 in company with Police Constable David Bryan, Fire Protection Officer Ian Grieve visited the premises and met with her. There were concerns over planned events which potentially would exceed the occupancy for the

Signature :



Signature witnessed by :



PTO

premises. Fire Protection Officer Ian Grieve said that fortunately she had cancelled the events of concern. Fire Protection Officer Ian Grieve had been trying to contact her by telephone and had left messages. She had changed her phone and I resorted to the email address, to which she responded. Fire Protection Officer Ian Grieve had served the enforcement notice electronically and she agreed that she had received the email. In respect of Mr Cyril Ebulubu he had taken on the management of the premises under a new name advertising a barbeque and being open till 4am. At this time he had no knowledge the fire alarm or emergency lighting were working; he had not considered the occupancy of the premises in the light of the total numbers of people; outside at the barbeque and inside the club; totally new staff were being employed without any knowledge of the emergency plan and staff training; there was no fire risk assessment; no emergency plan and no fire safety arrangements to protect persons frequenting the premises from fire. Fire Protection Officer Ian Grieve had met with him previously at his restaurant following a complaint and made him aware of his responsibilities for fire safety, confirming these in writing via email.

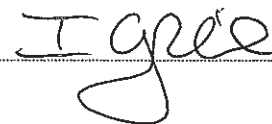
Fire Protection Officer Ian Grieve confirmed the address for Juliet Drummond was now 3 Lisbon Way Coventry CV3 2AQ and for Cyril Ebulubu was 19 Streambank Road Northampton NN3 8YG.

Fire Protection Officer Ian Grieve explained that the Police had objected to the TENS applications for June 2012 on the grounds of Public safety and that Fire Protection Officer Ian Grieve would be attending the hearing to provide the evidence for this matter. Juliet Drummond stated that she had been refused TENS applications for her premises in Coventry due to incidents. Fire Protection Officer Ian Grieve explained that in the nicest possible way I was explaining the course of action and I did not wish to solicit any replies from either person. We thanked them and left the premises.

Signature :



Signature witnessed by :



PTO

Ian Grieve

From: Ian Grieve
Sent: 02 December 2011 10:05
To: 'jools1234@hotmail.co.uk'; 'chris.going@sky.com'
Subject: Occupancy Calculation and Fire Safety Audit of Flux Bar/Night Club 94 Bridge Street Northampton
Attachments: FB140a Fire Risk Assessment Proforma(blank).doc; FB140b Fire Risk Assessment Office (worked example).doc

Dear Juliet and Chris,

Following my visit to the above premises on 1 December 2011 and our meeting:

1. Fire Safety

Chris was unaware whether a fire risk assessment and emergency plan had been prepared for the premises. I remind you of your obligations to complete a fire risk assessment for the premises; emergency plan; maintenance and testing of the fire alarm and emergency lighting; staff training and the provision of fire fighting equipment. I would also ask you to consider the single exit onto Bridge Street is covered by heavy duty drapes. This door must be kept clear of the drapes and also provided with an illuminated exit sign.

2. Occupancy of the premises

Utilising guidance from Approved Document B of the Building Regulations I have calculated the maximum occupancy of the premises.

There are currently 4 x designated exits from the premises. The two nearest the DJ Booth fall within 45 degrees of each other and both are therefore counted as one exit. This is because a fire in the DJ Booth would mean these two exits could not be used. We are allowed to discount the largest exit due to fire.

This leaves two fire exits with a total capacity of 361 persons. One exit at 301 persons and the single inwards opening door leading onto Bridge Street 60 persons making the total of 361 persons. Therefore the maximum exit capacity is 361 persons.

The floor space factors equate to 93m ² at 0.5m per person	= 185 persons
The crush bar is	= 46 persons
The seating area at 1m ² per person	= 14 persons

This provides a total floor space occupancy of =245

Therefore the **maximum occupancy of these premises** is restricted by the floor space factors (the number of people who can fit in the available floor space) is **245 persons**.

Regards
Ian Grieve
Fire Protection Officer

Northamptonshire Fire And Rescue Service
Walker House
3 Pondwood Close

Moulton Park
Northampton
NN3 6RT

Tel – 01604 797104

Fax – 01604 797140

Email – igrieve@northantsfire.org.uk





Northamptonshire County Council

Flux Bar/Nightclub
94 Bridge Street

Northampton
NN1 1PD

Please ask for: Baz Fox

Tel: 01604 797155

Our Ref: 00100738

Date: 20/12/2011

If you have any difficulty in obtaining the above
telephone number please ring (01604) 797000 or
email

enquiries@northantsfire.org.uk

In light of the recent tragic events in Northamptonshire the following information is given to the Responsible person for the premises.

REGULATORY REFORM (FIRE SAFETY) ORDER 2005 (F.S.O)

Fire Risk assessment

It is the responsibility of the Responsible person to ensure that a Fire Risk Assessment is conducted for the premises.

That assessment must record the significant findings and the actions necessary to rectify those findings.

The assessment for the premises must identify the persons at risk within the premises and therefore should also include the numbers of persons expected to resort in the premises, usually referred to as the 'occupancy figure' or 'occupant capacity'.

Occupancy figure/occupancy capacity

It is the responsibility of the Responsible person to ensure this occupancy figure is relevant to the premises and the management arrangements employed are sufficient to ensure the occupancy figure is not exceeded.

This will require calculating the floor space area of the premises and importantly the number, size and location of the emergency exits to ascertain the maximum numbers of persons that should be allowed in the premises as a whole, and include restrictions to certain areas of the premises.

Further specialist advice on how to calculate this figure should be sought from a competent person or information can be found in the Communities and Local Government (CLG) guidance document 'Small and medium places of assembly' and 'Large places of assembly' that can be purchased from your local book store or downloaded free from
www.communities.gov.uk/fire/firesafety/firesafetylaw

Cont/d.



Northamptonshire Fire and Rescue Service
Headlands
Kettering
Northamptonshire
NN15 6BH
w. www.northamptonshire.gov.uk
f. 01604 797170



NOTE FOR CASE

Name:

Address: Flux Bar and Club 94 Bridge Street Northampton
NN1 1PD

Premises ID: 00100738

Date: 29 March 2012

Officer: Ian Grieve

1. At the request of PC Dave Bryan I attended the premises with him and met Juliet Drummond of 144 Cheveral Avenue Coventry. PC Bryan had concerns about the occupancy of the premises with forthcoming nationally advertised events. These being the 'tailpaul' and 'pigpipe' events to be held at the premises. It was known these events had been advertised and coaches were being lain on at Birmingham, Luton, Nottingham and Leicester. The concerns were that the occupancy for the Club was 250 maximum, for safe escape in accordance with current guidance.

2. It transpired she had sublet the premises to a manager to run in her absence. She was in the dark about these events and stated she would cancel them. I asked for the fire risk assessment, she stated that since her business partner had left at short notice she was unaware if one had been completed. She stated she ran two other licensed premises in Coventry and was aware of what was required. I said I would telephone her with a view to conducting a full fire safety inspections due to the manner in which the premise were being managed and my concerns.

Ian Grieve

NOTE FOR CASE

Name:

Address: Atlantix Bar and Club 94 Bridge Street Northampton
NN1 1PD

Premises ID: 00100738

Date: 18 April 2012

Officer: Ian grieve

1. the events that were of concern re the potential numbers of person s had been cancelled and did not take place.



Northamptonshire County Council

By Hand

Mr Cyril Ebulubu
90 Streambank Road
Northampton
NN3 8YG

Please ask for: Ian Grieve
Tel: 01604 797104
Our Ref: 00100738
Your Ref:
Date: 15 May 2012

If you have any difficulty in obtaining the above
telephone number please ring (01604) 797000 or
email enquiries@northantsfire.org.uk.

FPS3

Dear Sirs

REGULATORY REFORM (FIRE SAFETY) ORDER 2005
Atlantix Bar and Club 94 Bridge Street Northampton NN1 1PD

The Northamptonshire Fire and Rescue Authority is the enforcing authority under Article 25 of the above legislation.

Following a fire safety audit of the above premises by me on 11 May 2012, I confirm that the matters and steps specified on the attached Schedule need to be carried out to remedy your failure to comply with the above legislation.

The attached Enforcement Notice is a legal requirement against which you have a right of appeal to a Magistrates' Court. Your attention is drawn to the notes that accompany this Notice.

If you are in any doubt as to the obligations placed upon you, or there is any relevant matter upon which you require clarification, you may write to me direct at the address below, or alternatively telephone your enquiry to the inspector named.

Yours faithfully

I Grieve
Ian Grieve
Fire Protection Officer

Enc: Enforcement Notice
Schedule to Enforcement Notice
Notes and Standard Terms and Definitions



Northamptonshire Fire and Rescue Service
Walker House, 3 Pondwood Close, Moulton Park,
Northampton, NN3 6RT
w. www.northamptonshire.gov.uk
f. 01604 797140



**NORTHAMPTONSHIRE FIRE AND RESCUE SERVICE
ENFORCEMENT NOTICE**

NOTICE REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Name: **Mr Cyril Ebulubu**
Premises: **Atlantix Bar and Club**
Address: **94 Bridge Street Northampton NN1 1PD**

I Fire Protection Officer Ian Grieve on behalf of the Northamptonshire Fire and Rescue Authority, hereby give you notice that the Fire and Rescue Authority is of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements placed upon you by The Regulatory Reform (Fire Safety) Order 2005 in respect of the above named premises and the persons who may be on the premises or who may be affected by a fire on the premises.

The provisions of the Regulatory Reform (Fire Safety) Order 2005 which have not been complied with are:-

Article 9, 11, 13, 15, 17, 21

The matters which, in the opinion of the Fire and Rescue Authority, result in the failure to comply with the aforementioned provisions of the Regulatory Reform (Fire Safety) Order 2005 are specified in the Schedule to this notice.

The Fire and Rescue Authority is further of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure(s) to comply with The Regulatory Reform (Fire Safety) Order 2005.

Unless the steps identified in the Schedule to this notice have been complied with by 15 August 2012 you will be regarded as not being in compliance with this notice and the Fire and Rescue Authority may consider a prosecution against you. You may, however, apply for an extension to this time limit (see notes).

You have the right to appeal against this notice (see notes), by way of complaint for an order, to the Clerk to the Court of the Magistrates' Court acting for the petty sessions area in which your premises are located. If you wish to bring an appeal, you must do so within 21 days of the date this notice is served on you. The Magistrates' Courts Act 1980 will apply to the proceedings. The bringing of an appeal shall have the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

Date 16/5/2012 Signed I Grieve
(On behalf of and duly authorised by the Fire and Rescue Authority)

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO 360
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM
(FIRE SAFETY) ORDER 2005 ISSUED BY THE NORTHAMPTONSHIRE FIRE AND RESCUE
AUTHORITY ON 15 May 2012**

Name and Address of Premises: **Atlantix Bar and Club 94 Bridge Street Northampton NN1 1PD**

Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the Fire and Rescue Authority, need to be taken in order to comply with the Regulatory Reform (Fire Safety) Order 2005.

Note: Notwithstanding any consultation undertaken by the Fire and Rescue Authority, **before** you make any alterations to the premises, **you** may need to apply for approval from either the Local Authority Building Control or an Approved Inspector and/or the approval of any other bodies having a statutory interest in the workplace.

Please be advised that matters detailed under the "**Suggested remedy**" heading(s) are only one method of achieving compliance. If you wish to use a different method to remedy the specified matters you are advised to contact the Fire and Rescue Authority with details of your proposals before commencing work.

SCHEDULE

RISK ASSESSMENT

Deficiency from Article 9 (1)

A Fire Safety Risk Assessment has not been carried out.

Suggested Remedy

A suitable and sufficient fire safety risk assessment should be undertaken and should be made available on the premises. The assessment should cover all significant risks, which may affect any person who may be affected by fire, and should include the means of access and egress from the premises. The assessment should be reviewed at regular intervals, and when a significant change is made.

FIRE SAFETY ARRANGEMENTS

Deficiency from Article 11 (2)

The fire safety arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures have not been recorded where appropriate:

Suggested Remedy

The responsible person must record fire safety arrangements with regards to the nature of his activities and the size of his undertaking, for effective planning, organisation, control, monitoring and review of the preventative and protective measures, where;

- a) he employs five or more employee;
- b) a licence under an enactment is in force in relation to the premises; or
- c) an alterations notice requiring this is in force in relation to the premises.

FIREFIGHTING

Deficiency from Article 13(3) (b)

Inadequate number of competent persons has been nominated to implement fire-fighting measures.

Suggested Remedy

Sufficient number of competent persons is to be nominated to implement fire fighting measures.

PROCEDURES FOR SERIOUS AND IMMINENT DANGER AND FOR DANGER AREAS

Deficiency from Article 15 (1) (a)

Appropriate procedures and safety drills, which are to be followed in the event of serious and imminent danger to persons, are not established.

Suggested Remedy

Suitable and sufficient procedures and safety drills are to be implemented and followed in the event of serious and imminent danger to persons.

MAINTENANCE

Deficiency from Article 17(1)

The manual fire fighting equipment is inadequately maintained.

Suggested Remedy

The manual fire fighting equipment is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing testing and maintenance details.

Deficiency from Article 17(1)

The fire alarm system is inadequately maintained.

Suggested Remedy

The fire alarm is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing the testing of fire warning systems, including weekly tests and the periodic maintenance by a competent person.

Deficiency from Article 17(1)

The emergency lighting is inadequately maintained.

Suggested Remedy

The emergency lighting is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing the testing of emergency lighting, including monthly tests and the annual maintenance by a competent person.

TRAINING

Deficiency from Article 21(2)

The safety training provided to employees is inadequate.

Suggested Remedy:

The responsible person must ensure that the safety training provided -

- a) includes suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises,
- b) be repeated regularly,
- c) be adapted to take account of any new or changed risks to the safety of employees concerned,
- d) be provided in a manner appropriate to the risk identified by the risk assessment and
- e) take place during working hours.

**NOTES TO ACCOMPANY ENFORCEMENT NOTICE
SERVED UNDER ARTICLE 30 OF
THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

- 1 Application to premises. The Regulatory Reform (Fire Safety) Order 2005, subject to paragraphs 6 (1) (a) to (g) below, applies to any premises.
- 2 The Order does not apply in relation to:-
 - (a) domestic premises;
Note: Where the premises are, or consist of, a house in multiple occupation this Order applies in relation to those parts of the premises which are not domestic premises;
 - (b) an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995;
 - (c) a ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
 - (d) fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings;
 - (e) an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 or a vehicle exempted from duty under that Act;
 - (f) a mine within the meaning of section 180 of the Mines and Quarries Act 1954, other than any building on the surface at a mine, and
 - (g) a borehole site to which the Borehole Sites and Regulations 1995 apply.
- 3 You may appeal (under Article 35 of the Order) against an enforcement notice served (under Article 30 of the Order). The appeal is made, within 21 days from the day on which the notice is served, to the magistrates' court for the area in which your premises is situated and may be brought on the grounds that you think that:-
 - (a) the service of an enforcement notice was based on an error of fact;
 - (b) the service of the enforcement notice was wrong in law, and
 - (c) the Fire and Rescue Authority erred in the exercise of their discretion in serving the enforcement notice.

Without prejudice to the breadth of the grounds of appeal set out in paragraphs (a) to (c) above, examples of situations in which an appeal may lie are where:-

 - (a) You dispute any of the facts in the notice which detail the steps which have to be taken in order to comply any provision of the Order.
 - (b) You think that an unreasonable time period has been set for the taking of the steps set out in the notice.
- 4 The Fire and Rescue Authority may grant, at their discretion, an extension (or further extension) of time specified for the steps to be taken if an appeal against the notice is not pending. Application for an extension of time should be addressed to:- The Chief Officer Northamptonshire Fire and Rescue Service, Moulton Way, Northampton, NN3 6XJ.

- 5 Failure to comply with any requirement imposed by an enforcement notice served under Article 30 of the Order within the time specified in the notice (or such further time as the Fire and Rescue Authority may, at their discretion, grant) is a criminal offence under Article 32(d) of the Order. A person guilty of such an offence shall be liable,
- (a) on summary conviction to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.
- 6 In any proceedings for an offence referred to above, where the commission by any person of an offence under the Order, is due to the act or default of some other person, that person is guilty of the offence, and a person may be charged with and convicted of the offence whether or not proceedings are taken against the first mentioned person.
- 7 Nothing in the Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of an employee or person nominated to implement measures for fire-fighting and procedures for serious and imminent danger and for danger areas, and appointed to assist him/her in undertaking such preventive and protective measures as necessary.
- 8 Subject to Note 9, in any proceedings for an offence under the Order, except for a failure to comply with Articles 8 (1) (Duty to take general fire precautions) or 12 (Elimination or reduction of risks from dangerous substances), it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of such an offence.
- 9 If you are the responsible person you are under an obligation to comply with the provisions of the Order or of any regulations made under it. If you have failed to comply and you and the Fire and Rescue Authority cannot agree on the measures which are necessary to remedy the failure(s). Under Article 36 of the Order you and the Fire and Rescue Authority may agree to refer the question, as to what measures are necessary to remedy the failure(s), to the Secretary of State for a determination.
- 10 It should be noted that in order to satisfy the Environment and Safety Information Act 1988 the Fire and Rescue Authority is obliged to enter details of any enforcement notice into a register to which the public have access. If you feel that any such entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the Authority within a period of fourteen days following the service of the notice.
- 11 To assist with administration procedures, it would be helpful if you could quote the reference number (at the top of this notice) when dealing with the Fire and Rescue Authority.

STANDARD TERMS AND DEFINITIONS

FIRE RESISTING (FIRE RESISTANCE): The ability of a component or construction of a building to satisfy, for a stated period of time, some or all of the appropriate criteria specified in the relevant British Standard.

INTUMESCENT SEALS: A strip of material placed along the door edges (excluding the bottom edge), or frame, that will react to heat by expanding to form a seal to the passage of hot gases and flame.

SMOKE SEAL: A flexible strip of material (often used in conjunction with an intumescent strip) placed along the door edges or frame to limit the spread of cold smoke during the early stages of a fire.

SELF-CLOSING DEVICE: A device which is capable of closing the door from any angle and against any latch fitted to the door. Rising butt hinges are not considered to be satisfactory devices.

AUTOMATIC DOOR RELEASE: A device, linked to (or operated by the sound of) the fire alarm system, that when fitted to a fire resisting self closing door, enables it to be held open during normal working conditions.

EMERGENCY ESCAPE LIGHTING: That part of the emergency lighting system provided for use when the electricity supply to the normal lighting fails so as to ensure that the means of escape can be safely and effectively used at all times.

RISK ASSESSMENT: An organised appraisal of your activities and premises to enable you to identify potential fire hazards, and to decide who (including employees and visitors) might be in danger in the event of fire, and their location. You will then evaluate the risks arising from the hazards and decide whether the existing fire precautions are adequate, or whether more needs to be done. It will be necessary for you to record your significant findings (if you have five or more employees), and to review and revise when necessary.



Northamptonshire County Council

Electronic Delivery

Mrs Juliet Drummond
144 Cheveral Avenue
Coventry
CV6 3HB

Please ask for: Ian Grieve
Tel: 01604 797104
Our Ref: 00100738
Your Ref:
Date: 15 May 2012

If you have any difficulty in obtaining the above
telephone number please ring (01604) 797000 or
email enquiries@northantsfire.org.uk.

FPS3

Dear Sirs

REGULATORY REFORM (FIRE SAFETY) ORDER 2005
Atlantix Bar and Club 94 Bridge Street Northampton NN1 1PD

The Northamptonshire Fire and Rescue Authority is the enforcing authority under Article 25 of the above legislation.

Following a fire safety audit of the above premises by me on 11 May 2012, I confirm that the matters and steps specified on the attached Schedule need to be carried out to remedy your failure to comply with the above legislation.

The attached Enforcement Notice is a legal requirement against which you have a right of appeal to a Magistrates' Court. Your attention is drawn to the notes that accompany this Notice.

If you are in any doubt as to the obligations placed upon you, or there is any relevant matter upon which you require clarification, you may write to me direct at the address below, or alternatively telephone your enquiry to the inspector named.

Yours faithfully


Ian Grieve
Fire Protection Officer

Enc: Enforcement Notice
Schedule to Enforcement Notice
Notes and Standard Terms and Definitions



Northamptonshire Fire and Rescue Service
Walker House, 3 Pondwood Close, Moulton Park,
Northampton, NN3 6RT
w. www.northamptonshire.gov.uk
f. 01604 797140

**NORTHAMPTONSHIRE FIRE AND RESCUE SERVICE
ENFORCEMENT NOTICE**

NOTICE REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Name: **Mrs Juliet Drummond**
Premises: **Atlantix Bar and Club**
Address: **94 Bridge Street Northampton NN1 1PD**

I Fire Protection Officer Ian Grieve on behalf of the Northamptonshire Fire and Rescue Authority, hereby give you notice that the Fire and Rescue Authority is of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements placed upon you by The Regulatory Reform (Fire Safety) Order 2005 in respect of the above named premises and the persons who may be on the premises or who may be affected by a fire on the premises.

The provisions of the Regulatory Reform (Fire Safety) Order 2005 which have not been complied with are:-

Article 9, 11, 13, 15, 17, 21

The matters which, in the opinion of the Fire and Rescue Authority, result in the failure to comply with the aforementioned provisions of the Regulatory Reform (Fire Safety) Order 2005 are specified in the Schedule to this notice.

The Fire and Rescue Authority is further of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure(s) to comply with The Regulatory Reform (Fire Safety) Order 2005.

Unless the steps identified in the Schedule to this notice have been complied with by 15 August 2012 you will be regarded as not being in compliance with this notice and the Fire and Rescue Authority may consider a prosecution against you. You may, however, apply for an extension to this time limit (see notes).

You have the right to appeal against this notice (see notes), by way of complaint for an order, to the Clerk to the Court of the Magistrates' Court acting for the petty sessions area in which your premises are located. If you wish to bring an appeal, you must do so within 21 days of the date this notice is served on you. The Magistrates' Courts Act 1980 will apply to the proceedings. The bringing of an appeal shall have the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

Date 15 May 2012 Signed I Grieve
(On behalf of and duly authorised by the Fire and Rescue Authority)

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO 361
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM
(FIRE SAFETY) ORDER 2005 ISSUED BY THE NORTHAMPTONSHIRE FIRE AND RESCUE
AUTHORITY ON 15 May 2012**

Name and Address of Premises: Atlantix Bar and Club 94 Bridge Street Northampton NN1
1PD

Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the Fire and Rescue Authority, need to be taken in order to comply with the Regulatory Reform (Fire Safety) Order 2005.

Note: Notwithstanding any consultation undertaken by the Fire and Rescue Authority, **before** you make any alterations to the premises, **you** may need to apply for approval from either the Local Authority Building Control or an Approved Inspector and/or the approval of any other bodies having a statutory interest in the workplace.

Please be advised that matters detailed under the "**Suggested remedy**" heading(s) are only one method of achieving compliance. If you wish to use a different method to remedy the specified matters you are advised to contact the Fire and Rescue Authority with details of your proposals before commencing work.

SCHEDULE

RISK ASSESSMENT

Deficiency from Article 9 (1)

A Fire Safety Risk Assessment has not been carried out.

Suggested Remedy

A suitable and sufficient fire safety risk assessment should be undertaken and should be made available on the premises. The assessment should cover all significant risks, which may affect any person who may be affected by fire, and should include the means of access and egress from the premises. The assessment should be reviewed at regular intervals, and when a significant change is made.

FIRE SAFETY ARRANGEMENTS

Deficiency from Article 11 (2)

The fire safety arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures have not been recorded where appropriate:

Suggested Remedy

The responsible person must record fire safety arrangements with regards to the nature of his activities and the size of his undertaking, for effective planning, organisation, control, monitoring and review of the preventative and protective measures, where;

- a) he employs five or more employee;
- b) a licence under an enactment is in force in relation to the premises; or
- c) an alterations notice requiring this is in force in relation to the premises.

Deficiency from Article 13(3) (b)

Inadequate number of competent persons has been nominated to implement fire-fighting measures.

Suggested Remedy

Sufficient number of competent persons is to be nominated to implement fire fighting measures.

PROCEDURES FOR SERIOUS AND IMMINENT DANGER AND FOR DANGER AREAS

Deficiency from Article 15 (1) (a)

Appropriate procedures and safety drills, which are to be followed in the event of serious and imminent danger to persons, are not established.

Suggested Remedy

Suitable and sufficient procedures and safety drills are to be implemented and followed in the event of serious and imminent danger to persons.

MAINTENANCE

Deficiency from Article 17(1)

The manual fire fighting equipment is inadequately maintained.

Suggested Remedy

The manual fire fighting equipment is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing testing and maintenance details.

Deficiency from Article 17(1)

The fire alarm system is inadequately maintained.

Suggested Remedy

The fire alarm is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing the testing of fire warning systems, including weekly tests and the periodic maintenance by a competent person.

Deficiency from Article 17(1)

The emergency lighting is inadequately maintained.

Suggested Remedy

The emergency lighting is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing the testing of emergency lighting, including monthly tests and the annual maintenance by a competent person.

TRAINING

Deficiency from Article 21(2)

The safety training provided to employees is inadequate.

Suggested Remedy:

The responsible person must ensure that the safety training provided -

- a) includes suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises,
- b) be repeated regularly,
- c) be adapted to take account of any new or changed risks to the safety of employees concerned,
- d) be provided in a manner appropriate to the risk identified by the risk assessment and
- e) take place during working hours.

**NOTES TO ACCOMPANY ENFORCEMENT NOTICE
SERVED UNDER ARTICLE 30 OF
THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

- 1 Application to premises. The Regulatory Reform (Fire Safety) Order 2005, subject to paragraphs 6 (1) (a) to (g) below, applies to any premises.
- 2 The Order does not apply in relation to:-
 - (a) domestic premises;
Note: Where the premises are, or consist of, a house in multiple occupation this Order applies in relation to those parts of the premises which are not domestic premises;
 - (b) an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995;
 - (c) a ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
 - (d) fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings;
 - (e) an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 or a vehicle exempted from duty under that Act;
 - (f) a mine within the meaning of section 180 of the Mines and Quarries Act 1954, other than any building on the surface at a mine, and
 - (g) a borehole site to which the Borehole Sites and Regulations 1995 apply.
- 3 You may appeal (under Article 35 of the Order) against an enforcement notice served (under Article 30 of the Order). The appeal is made, within 21 days from the day on which the notice is served, to the magistrates' court for the area in which your premises is situated and may be brought on the grounds that you think that:-
 - (a) the service of an enforcement notice was based on an error of fact;
 - (b) the service of the enforcement notice was wrong in law, and
 - (c) the Fire and Rescue Authority erred in the exercise of their discretion in serving the enforcement notice.

Without prejudice to the breadth of the grounds of appeal set out in paragraphs (a) to (c) above, examples of situations in which an appeal may lie are where:-

 - (a) You dispute any of the facts in the notice which detail the steps which have to be taken in order to comply any provision of the Order.
 - (b) You think that an unreasonable time period has been set for the taking of the steps set out in the notice.
- 4 The Fire and Rescue Authority may grant, at their discretion, an extension (or further extension) of time specified for the steps to be taken if an appeal against the notice is not pending. Application for an extension of time should be addressed to:- The Chief Officer Northamptonshire Fire and Rescue Service, Moulton Way, Northampton, NN3 6XJ.

- 5 Failure to comply with any requirement imposed by an enforcement notice served under Article 30 of the Order within the time specified in the notice (or such further time as the Fire and Rescue Authority may, at their discretion, grant) is a criminal offence under Article 32(d) of the Order. A person guilty of such an offence shall be liable,
- (a) on summary conviction to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.
- 6 In any proceedings for an offence referred to above, where the commission by any person of an offence under the Order, is due to the act or default of some other person, that person is guilty of the offence, and a person may be charged with and convicted of the offence whether or not proceedings are taken against the first mentioned person.
- 7 Nothing in the Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of an employee or person nominated to implement measures for fire-fighting and procedures for serious and imminent danger and for danger areas, and appointed to assist him/her in undertaking such preventive and protective measures as necessary.
- 8 Subject to Note 9, in any proceedings for an offence under the Order, except for a failure to comply with Articles 8 (1) (Duty to take general fire precautions) or 12 (Elimination or reduction of risks from dangerous substances), it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of such an offence.
- 9 If you are the responsible person you are under an obligation to comply with the provisions of the Order or of any regulations made under it. If you have failed to comply and you and the Fire and Rescue Authority cannot agree on the measures which are necessary to remedy the failures(s). Under Article 36 of the Order you and the Fire and Rescue Authority may agree to refer the question, as to what measures are necessary to remedy the failure(s), to the Secretary of State for a determination.
- 10 It should be noted that in order to satisfy the Environment and Safety Information Act 1988 the Fire and Rescue Authority is obliged to enter details of any enforcement notice into a register to which the public have access. If you feel that any such entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the Authority within a period of fourteen days following the service of the notice.
- 11 To assist with administration procedures, it would be helpful if you could quote the reference number (at the top of this notice) when dealing with the Fire and Rescue Authority.

STANDARD TERMS AND DEFINITIONS

FIRE RESISTING (FIRE RESISTANCE): The ability of a component or construction of a building to satisfy, for a stated period of time, some or all of the appropriate criteria specified in the relevant British Standard.

INTUMESCENT SEALS: A strip of material placed along the door edges (excluding the bottom edge), or frame, that will react to heat by expanding to form a seal to the passage of hot gases and flame.

SMOKE SEAL: A flexible strip of material (often used in conjunction with an intumescent strip) placed along the door edges or frame to limit the spread of cold smoke during the early stages of a fire.

SELF-CLOSING DEVICE: A device which is capable of closing the door from any angle and against any latch fitted to the door. Rising butt hinges are not considered to be satisfactory devices.

AUTOMATIC DOOR RELEASE: A device, linked to (or operated by the sound of) the fire alarm system, that when fitted to a fire resisting self closing door, enables it to be held open during normal working conditions.

EMERGENCY ESCAPE LIGHTING: That part of the emergency lighting system provided for use when the electricity supply to the normal lighting fails so as to ensure that the means of escape can be safely and effectively used at all times.

RISK ASSESSMENT: An organised appraisal of your activities and premises to enable you to identify potential fire hazards, and to decide who (including employees and visitors) might be in danger in the event of fire, and their location. You will then evaluate the risks arising from the hazards and decide whether the existing fire precautions are adequate, or whether more needs to be done. It will be necessary for you to record your significant findings (if you have five or more employees), and to review and revise when necessary.

Ian Grieve

From: Ian Grieve
Sent: 14 May 2012 07:52
To: jools1234@hotmail.co.uk
Subject: Atlantix Bar and Club 94 Bridge Street Northampton

For Juliet Drummond

Dear Juliet,

Following our meeting at the request of PC David Bryan from Northamptonshire Police on 29 March 2012, I have been telephoning you on 07874 264694 without success.

On this date we discussed our concerns of the occupancy of the premises with a planned events at the premises. These were the Tall Paul and Pigpipe events. This was due to you letting the club to a person to run it in your absence. He had taken on the events for Atmosphere, which had recently closed. Our concerns were the numbers of people that were potentially going to be in your premises. Atmosphere had an occupancy of 650.

I asked about the fire risk assessment for the premises and the associated documentation. You stated that since your partner Chris has left you were unaware of this. I said that I would contact you with a view to conducting a fire safety inspection of the premises.

I have now met your new Partner in business Mr Cyril Ebulubu on Friday 11 May 2012 and there are a number of concerns about fire safety in the premises. Due to the deficiencies I am looking to issue an enforcement notice for these deficiencies and would like to meet with you please.

Please contact me as soon as you can to arrange a time and date we can meet.

Regards
Ian Grieve
Fire Protection Officer

Northamptonshire Fire And Rescue Service
Walker House
3 Pondwood Close
Moulton Park
Northampton
NN3 6RT

Tel – 01604 797104
Fax – 01604 797140
Email – igrieve@northantsfire.org.uk



Police Constable David Bryan
Licensing Officer
Northamptonshire Police
Fish Street
Northampton

Please ask for: Ian Grieve
Tel: 01604 797104
Our Ref: 00100738
Your Ref:
Date: 29 May 2012

If you have any difficulty in obtaining the above
telephone number please ring (01604) 797000 or
email enquiries@northantsfire.org.uk.

FPS22

Dear Sir

Licensing Act 2003
Atlantix Bar and Club 94 Bridge Street Northampton NN1 1PD

Please find a statement of evidence from Fire Protection Officer Ian Grieve and supporting evidence in respect of the objection to a 'TENS' application in June 2012 for the above premises on the grounds of Public Safety.

Any enquires concerning these matters may be addressed to the inspector named at the address below.

Yours faithfully

Fire Protection Officer

Philip Bayliss

From: Bryan David [david.bryan@northants.pnn.police.uk]
Sent: 14 June 2012 12:59
To: Philip Bayliss; Louise Faulkner; igrieve@northantsfire.org.uk
Subject: Review Flux, Northampton.

Dear Mr Bayliss,

I act on behalf of the Chief Officer of Police Mr Lee, in relation to the Review application made by Mr Grieve on behalf of Northants Fire Service I too would like to make representation's.

I was with Mr Grieve when we conducted a joint visit at the premises at the end of March 2012, I was concerned by the management of the premises and the apparent lack of knowledge surrounding a proposed event to held there, not only would this event have attracted more patrons that the premises can cater for, it was also advertised as concluding at 04:00am the premises is only licensed until 03:00am.

In addition Northants Police with the support of Northants Fire Service objected to a T.E.N. at the premises for Saturday the 9th of June 2012, this was upheld at a hearing before the Licensing Sub Committee. Police Officers visited the premises at 03:20am to find music still being played and customers still on the premises, although the premises should close at 03:00am.

It would be more appropriate to make representations at a Review Hearing rather than a prosecution under these circumstances.

Regards

David Bryan Constable 113 | Licensing Officer | Northamptonshire Police

☎ Telephone 101 Ext 8634 | 📠 Facsimile 01604 632645 |

✉ Email david.bryan@northants.police.uk

📍 Address First Floor, 14 Fish Street, Northampton. NN1 2AA

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Licensing Act 2003
Premises Licence

PL0376

LOCAL AUTHORITY



Licensing Section
 The Guildhall
 St Giles Square
 NORTHAMPTON
 NN1 1DE

Part 1 - Premises Details

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

Flux

94 Bridge Street, Northampton, NN1 1PD.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or 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
E. Performance of live music (Indoors)	Monday-Thursday	10:00am	2:00am
	Friday-Saturday	Noon	3:00am
	Sunday	Noon	1:30am
	Non Standard Timings:		
	End of permitted hours 31st December to start of permitted hours on 1st January Sundays preceding a Bank Holiday to 04:00		
F. Playing of recorded music (Indoors)	Monday-Thursday	10:00am	2:00am
	Friday-Saturday	Noon	3:00am
	Sunday	Noon	1:30am
	Non Standard Timings:		
	End of permitted hours 31st December to start of permitted hours on 1st January Sundays preceding a Bank Holiday to 04:00		
J. Provision of facilities for dancing (Indoors)	Monday-Thursday	10:00am	2:00am
	Friday-Saturday	Noon	3:00am
	Sunday	Noon	1:30am
	Non Standard Timings:		
	End of permitted hours 31st December to start of permitted hours on 1st January Sundays preceding a Bank Holiday to 04:00		



Licensing Act 2003 Premises Licence

PL0376

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

Activity (and Area if applicable)	Description	Time From	Time To
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday-Thursday	10:00am	2:00am
	Friday-Saturday	Noon	3:00am
	Sunday	Noon	1:30am
	Non Standard Timings:		
	End of permitted hours 31st December to start of permitted hours on 1st January Sundays preceding a Bank Holiday to 04:00		
L. Late night refreshment (Indoors)	Monday-Thursday	11:00am	2:00am
	Friday-Saturday	11:00pm	3:00am
	Sunday	11:00pm	1:30am
	Non Standard Timings:		
	End of permitted hours 31st December to start of permitted hours on 1st January Sundays preceding a Bank Holiday to 04:00		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday-Thursday	10:00am	2:00am
	End of permitted hours 31st December to start of permitted hours on 1st January Sundays preceding a Bank Holiday to 04:00		
	Friday-Saturday	10:00am	3:00am
	Sunday	Noon	12:30am
	Non Standard Timings:		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Thursday	10:00am	2:30am
Friday-Saturday	10:00am	3:00am
Sunday	Noon	1:30am
Non Standard Timings:		
End of permitted hours 31st December to start of permitted hours on 1st January Sundays preceding a Bank Holiday to 04:00		

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

Juliet Samantha Drummond
jools1234@hotmail.co.uk

144 Cheveral Avenue, Coventry, CV6 3WB.

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

Juliet Samantha DRUMMOND

144 Cheveral Avenue, Coventry, CV6 3WB.



Licensing Act 2003
Premises Licence

PL0376

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. CV209001249

Issued by Coventry

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

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.

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.

POLICE CONDITIONS

1. The operator of the premises shall provide, based on the risk assessment to ensure compliance with the four licensing objectives, CCTV equipment which conforms to the provisions of the Data Protection Act 1988 and meets the requirements and expectations of the Licensing Authority and Police and recording must be made until the premises cease to be open to the public and retained for a period of one calendar month.
2. The operator shall ensure that in order to secure the integrity of the licensing objectives namely the prevention of crime and disorder, public safety and the prevention of public nuisance the operator maintains a link and actively supports the provision of the Northampton Pubwatch Scheme.
3. The operator shall ensure that the premises has sufficient SIA registered security staff and control measures relevant to the risk presented in relation to the four licensing objectives.
4. The operator of the premises, designated supervisor or duty manager shall maintain a register indicating the name of the person in charge of the management of the premises, numbers of staff, performers (where appropriate) and door supervisors and/or security staff, where appropriate, including names and SIA licence numbers of SIA registered door supervisors and/or security staff who are present when the public are present.

Further, the register will contain details regarding any incident relevant to the four licensing objectives. This shall be produced immediately on the request of an authorised officer.



ANNEXES continued ...

5. The operator of the premises shall ensure that bottles, glasses and other open containers are not taken from the premises unless this practice is specifically authorised by the premises licence.

6. No customers carrying open or sealed glasses, bottles or other vessels shall be admitted to the premises or allowed to leave at any time that the premises are open to the public.

7. At peak times and critical times that is when the licensing objectives namely the prevention of crime and disorder and/or public safety is or likely to be compromised, any capacity limit is maintained so as to be conducive to the keeping of good order at the premises.

8. The operator of the premises shall co-operate fully with any agency to ensure that the promotion of the licensing objectives is actively supported by the use of crime prevention notices and the similar.

9. The operator of the premises has a positive responsibility to monitor incidents relevant to the licensing objectives and must introduce and actively implement control measures which are necessary to prevent offences of drunkenness and disorder being occasioned.

10. To prevent incidents of crime and disorder an expectation prevails that the operators of the premises and their staff will at all reasonable times co-operate fully with the police and other enforcement agencies and shall take steps to ensure that members of their staff understand the importance of the responsibility they hold.

11. The door supervisors licenced under the provisions of the SIA when employed on the entrance of the premises wear high visibility jackets, this is for enhanced public safety and door supervisors can be identified as a point of contact should the police attend any incidents at the premises.

12. No drinks after 23:00 hrs are to be served in glass with the exception of wines served by table service to patrons who are having a seated table meal.

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

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

ANNEXES continued ...

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 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

ANNEXES continued ...

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