

## **LICENSING SUB-COMMITTEE**

**Monday, 16 July 2012**

**PRESENT:** Councillor Malpas (Chair); Councillor (Deputy Chair); Councillors Eales and Strachan  
**OFFICERS** Mohammed Rahman (NBC Solicitor)  
Louise Faulkner (Senior Licensing Officer)

### **1. TEMPORARY EVENT NOTICE THE WELCOME/MOTOWN 1-5 UPPER HARDING STREET NORTHAMPTON**

The Chair introduced the Members of the Sub Committee and welcomed everyone to the hearing.

The Senior Licensing Officer outlined the purpose of the hearing for the Temporary Event Notice for the Welcome/ Motown, 1-5 Upper Harding Street Northampton. The applicant was Mary Simpson and the event was a graduation party from 12 noon on 20<sup>th</sup> July to 3.00am on 22<sup>nd</sup> July 2012. It was stated that it was unclear from the application as to whether the event would be continuous throughout that time period.

At the time the applicant was the Designated Premises Supervisor, but notification had since been received that she had been removed from that position.

The Senior Licensing Officer informed the Committee that objection notices had been received from the Police who were supported by the Fire Service.

It was noted that the applicant was informed of the objection and that she had been given the opportunity to attend the hearing but was not present. The applicant had been notified by telephone that there would be a need for a hearing and had also been sent papers on 12<sup>th</sup> and 13<sup>th</sup> July 2012 by first class mail. The applicant would therefore not be able to respond to any questions from either the Sub Committee or the objectors.

The Sub Committee were satisfied that there had been good service and were happy for the hearing to proceed.

#### **Application for a Temporary Event Notice**

There being no applicant, or representative, in attendance there was no further presentation of the application and no opportunities to ask questions of the applicant.

#### **Representations by the Objectors**

Mr Ian Grieves, of the Northamptonshire Fire and Rescue Service tabled a copy of a statement made in relation to the premises. The summary of which was as follows:-

Mr Grieves had visited the premises with a colleague, on 7<sup>th</sup> September 2011 where he met

Mr Malik Said and asked for a demonstration that the fire alarm was regularly tested. Mr Malik Said was unable to provide that evidence. Following on from that there was a further meeting on the following day. At that meeting it was confirmed that the premises were on lease from the Wellington Pub Company to Mr Malik Said and Mary Simpson. Information was provided on making the premises safe from fire.

On 3 January 2012 a further meeting took place with Mr Malik Said. This related to the lack of fire safety precautions at the premises. There was no fire risk assessment, emergency plan, fire alarm testing records, emergency lighting testing records or staff training records. On 11 January 2012 the enforcement notice was served personally and the deficiencies and rights of appeal.

On 26 January 2012 a further meeting took place concerning the first and second floors of the premises, not relating to the licensed part the premises.

On 16 May 2012 a visit was made to check whether the enforcement notice issued in January had been complied with. At this meeting there were still a number of deficiencies. During this visit, which was during opening hours, a locked rear exit door was discovered. It was pointed out to Mr Malik Said that even with the door open the maximum occupancy would be 220, with it locked it was 110. It was explained that Mr Malik Said had failed to discharge the enforcement notice and there was no evidence that he was effectively managing fire safety at the premises.

Mr Malik Said made further contacted with Mr Grieves on 19 June 2012 and stated that he was appointing a fire specialist to do the required work. At this point the Fire Service had requested the review of the premises.

Mr Grieves then stated that he had received a phone call from Mr Malik Said on Tuesday 10 July to say that he had completed the work. An appointment had been made to visit the premises on Tuesday 17<sup>th</sup> July.

PC Bryan stated that his reasons for objecting to the application were as follows: -

1. The premises was currently under review, there being several safety concerns that he considered had still to be resolved.
2. A variation of hours for the premises had been refused on 25<sup>th</sup> June 2012.

He did not consider that the outstanding issues had been resolved and that it would reflect badly if the application were granted when these problems had not been resolved.

It was clarified by the Senior Licensing Officer that there was a hearing for an application to vary the premises licence on 25<sup>th</sup> June 2012, and the Sub Committee at that hearing refused the application. He also confirmed that he had received notification from the freeholders and the Premises Licence holder of the Property that proceedings were being taken to remove the current leaseholders from the property due to issues with the way they run the premises.

### **Questions to the Objectors**

To PC Bryan

The Sub Committee asked if there had been any more incidents with the premises since the variation had been refused, and whether he was aware as to why the pub company (Wellington Pub Company) had removed the Designated Premises Supervisor.

PC Bryan replied that he had not been aware of any further matters being reported. He stated that he had been present in a meeting that had included the Wellington pub company's area manager, who had expressed concerns over the way the premises were being run .

The Sub Committee asked for clarification regarding the role of Mr Mlaik Said

It was confirmed by the Senior Licensing Officer that she had received an application for a new Designated Premises Supervisor that morning.

In response to a question the Sub Committee were advised that there had been six Temporary Event Notices, which was not considered an excessive amount.

#### **Summing up by the Objector.**

Overall the objectors felt that there had not been any material improvement in the management of the premises since the determination of the variation on 25<sup>th</sup> June.

#### **The Determination**

The Sub-Committee considered the Temporary Event Notice Application made by Mr Malik Said and Mrs Mary Simpson to hold a 39 hour Graduation Party at The Welcome/Motown.

The Sub Committee felt that it was disappointing that the applicants did not attend, but were satisfied that they had sufficient notification of the hearing.

The Sub Committee heard from PC Bryan of Northamptonshire Police, and his objections to this application on the Grounds of Prevention of Crime and Disorder and Public Nuisance. Mr Ian Greaves of Northamptonshire Fire Service supported this. They also heard from the Northampton Borough Councils Licensing Team with regards a very recent application.

The Sub Committee were very concerned that it was less than 3 weeks ago that a previous application had been made to vary the premises licence to the hours that were being requested in this application. This had met with a lot of objection and on the grounds of those objections, a Licensing Sub Committee refused the application.

The Sub Committee felt that it was relevant to take into account the information about the recent application for the variation, although it is a separate matter, due to the proximity in time and nature of the current application.

The Sub-Committee decided to refuse this application.

The reasons for the decision were concern over the management structure of the business

and the way the premise was being run. It was evident to the Sub Committee that the applicant had made the current application to circumvent the fact they had their variation application rejected recently, as this application is virtually identical to the previous one.

The Sub Committee, stated that Public Safety was extremely important. It was felt that they could not risk allowing events to take place, which would put peoples lives at risk. They did not consider that the application upheld the objective of Public Safety.

The meeting concluded at 10:50 am