

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Wednesday, 3 July 2013

COUNCILLORS PRESENT: Councillor Hill (Chair) Councillors Hibbert and Ford.

OFFICERS: Louise Faulkner – Principal Licensing Officer
Mohammed Rahman, Solicitor

FOR THE APPLICANT: PC Bryan
Sergeant Worthington

FOR THE REPRESENTORS: Mr Birch
Mr Cranstoun

EXPEDITED REVIEW. THE ACADEMY, 16-20 GOLD STREET, NORTHAMPTON, NN1 1RS

The Chair welcomed everyone to the meeting.

The Senior Licensing Officer outlined the purpose of the expedited hearing and explained that on the 2nd July 2013 an application for a Summary Review (Sec53A Licensing Act 2003) had been submitted by the Police following an incident that took place on the 30th June 2013 which constituted a Serious Crime as defined within the Licensing Act 2013 (Section 81 of the Regulation of Investigatory Powers Act 2000). It was explained that Northamptonshire Police did not consider the standard Review Process as appropriate as they were of the belief that a period of suspension of the Premises Licence was required.

Application for the Expedited Review

PC Bryan stated that the grounds for expedited review was under the Licensing Objective of the Prevention of Crime and Disorder

He stated that on the 30th of June 2013 a DJ event had taken place on the premises, attracting a large number of music fans. It was explained that at approximately 2am a male was ejected from the club who had then confronted 2 other males who were outside, in the 'smoking area' of the club. It was noted that the reason for the male being ejected was unknown, but was being investigated by the Police. PC Bryan further explained that a heated debate had ensued involving the 3 males, of which the door staff did not intervene and seemingly allowed the 2 males to remove the barrier – which cordoned off the smoking area, to chase after the ejected male. A sustained assault took place in College Street, on the male, which resulted in a cut to the face, which was of the opinion of the Doctor treating the male, most likely to have been caused by a very sharp knife. The injury needed more than 25 stitches and at this point, a photograph of the injuries sustained in the attack was circulated to members of the Committee.

PC Bryan explained that the Police had been informed by the door staff that no knives would be found on the premises but subsequently a female patron approached the Officers and handed them a knife which had been found on the premises. It was noted that the Police were unable to clarify if the knife handed to them was the weapon as it would need to be forensically examined. It was noted that after the attack the door staff did not call the Police and nor did they attempt to administer first aid to the victim. PC Bryan commented that the Sergeant who spoke to the Management of the premises with regards to the CCTV was told

that he would have to wait for the CCTV recording. After being informed that the Police couldn't wait, the manager stated that it could only be done if the Police provided the disc. It was further noted that on the 30th March 2013 at a similar event Police had been involved in dealing with a number of minor public order issues.

PC Bryan reported that the incident was being regarded as a Serious Crime as defined by reference to Section 81 of the Regulation of Investigatory Powers Act 2000 and requested that a suspension of the Licence be granted in to allow the Police to examine the incident and to deal with the management of the premises to allow control levels to be put in place to prevent any further incidents in future. The Sub-Committee was informed that there had been an allegation of robbery which was possibly carried out by the victim of the assault, within the premises and therefore there was a need to investigate the allegation further.

In response to questions asked, members were informed that on the evening of the incident, 1 Sargeant and 14 constables would have been on patrol across the Town Centre. The police confirmed that CCTV footage had been released to them from the club and stated that there had been no call to the Police from the venue on the night as nothing had been logged on their system and the Town Centre CCTV operators had not been alerted to any specific incidents to allow them concentrate on the incident

Representations by the Respondent

The respondent's representative – Mr Birch, stated that the a suspension of the Licence was too harsh and noted that there had been no record of any communication with the club with regards to the incident referred to by the Police on the 30th March 2013. It was further explained the male ejected had appeared intoxicated and was being aggressive inside the premises and therefore the management had shown due diligence and had complied with the Licensing Objectives. It was explained that the Door Staff did not administer first aid as they had not witnessed the cut to the face that the victim had sustained. In response to the Police's concerns about the lack of recording facilities of the CCTV, it was explained that the manager had no memory stick or CD to burn the recordings on to as he had run out, but confirmed that he had complied with the request and the Police had obtained a copy shortly after the incident, the same night.

It was explained that on high profile nights, such as the event held on the 30th June 2013, the venue operated a 2 tier security system, whereby patrons are checked twice by Door Staff. It was reported that the knife that had been handed to the Officer from the patron was a cake knife that had been left over at the venue and was the possession of the venue. It was confirmed that following the assault, the victim had been throwing glass bottles at the premises, but these bottles had not been obtained from the venue as glass drinks containers were not permitted to be taken outside the venue.

In response to questions asked, the Sub-Committee were informed that there were 9 door staff working the premises on the night involved and that they had responded to the bottle throwing by ushering the patrons inside from the smoking area, to ensure their safety. In response to further questions, it was noted that the door staff were responsible for keeping the smokers safe: it was further noted that the door staff were not equipped with public radios but that further consideration would be given to the provision of them.

Referring to the Venue Management Policy of the Academy which had been circulated earlier, the Manager confirmed that in compliance with the document, a trained member of Staff would be able to operate the CCTV system and would be on duty at all times the venue was open. It was noted that there were dedicated CCTV operators on the premises but that they had not been SIA trained. It was also noted that through Pubwatch meetings,

the management would let 'Pubwatch' members know of any incidents but that this would not have taken place directly after the incident reported as the Police would be made aware. In respect of high profile events, it was explained that there would be an increase in door staff and 2 tier searches carried out prior to the admission of patrons. It was reported that whilst a sweep of the venue had been undertaken prior to the event being held, the knife had not been discovered.

Summing Up by the Respondents

The respondent's representative – Mr Birch explained that the Sub Committee needed to consider the track record of the premises and noted that they had been in the 'green light' category where no incidents had been recorded by the police. He asked that the Licence not be suspended and reported that within the possible 28 days of suspension, the venue only had 4 events that carried out licensable activities which would be:

- a) A 'Ladies Night' (6th July 2013)
- b) Reggae night (featuring 'Aswad') on the first floor of the premises (15th July 2013)
- c) Birthday Party (adults only) 19th July 2013
- d) 16th Birthday Party (20th July 2013)

He requested that should a suspension be deemed as necessary, that the dates of the 4 events be excluded from the suspension as they would be highly unlikely to be a cause for concern. He further commented that a suspension of the premises license was not a power that should be used as a first response.

It was explained that the management would happily engage with the Police and would discuss the relocation of the smoking area, join the Pubwatch radio scheme and if necessary, change the Designated Premises Supervisor. It was noted that new Door Staff had been contracted to work the door at the venue and reiterated that there had been no incidents at the venue prior to the 30th June 2013.

Summing Up by the Applicants

PC Bryan commented that expedited reviews were used infrequently by the Police but had been used in this instance due to the severity of the incident that had taken place. He commented that the Police had used their powers appropriately and accordingly. It was noted that the Police had sought guidance on the incident referred to on the 30th March, but a decision had been made that it did not warrant police contacting the premises. He noted that the Licensing Objective – Prevention of Crime and Disorder had not been upheld and reported that there was a need to consider public safety and therefore a suspension of the license was deemed suitable and an appropriate course of action for the Sub- Committee. He further reported that a 28 day suspension would also allow for the investigation to continue and would allow for any further evidence of breaches of the Licensing Objective to be discovered.

There being no further questions, the Sub Committee adjourned at 3.03pm to make a decision. The Solicitor was called for advice.

The Determination

Having considered the Expedited Review of the Premises Licence for The Academy Nightclub, 16 – 20 Gold Street, Northampton, which was applied for by the Northamptonshire Police. The Sub-Committee heard the representations put forward from the Police and took into consideration the submissions from Mr Birch and Mr Cranstoun on behalf of the Darien Foundation. The incident was considered sufficiently serious to justify

the police's decision to make the application.

Due to the seriousness of this matter, in particular the serious injury to an individual, which had taken place with the use of a weapon – a knife, the Sub Committee strongly considered all the options available to them in relation to the Premises Licence.

The Sub-Committee concluded that in order to promote and uphold the Licensing Objectives, the only viable course of action was to suspend the Premises License. This would be an Interim Step, which would take effect immediately.

Due to the severity of the incident reported, the serious injury to a person, suspension was deemed appropriate and proportionate and would uphold the Licensing Objectives, in particular Prevention of Crime and Disorder and Public Safety. The Sub Committee suggested that the Darien Foundation Managers and staff use the time to work with the police and comply with their requests to assist with the investigations.

The Suspension would continue until a normal Licensing Review takes place, which would be within 28 days of the date of the application from the Police, when the matter will be re-visited.

The meeting concluded at 3.49pm