

NORTHAMPTON BOROUGH COUNCIL

LICENSING AUTHORITY

NOTICE OF HEARING

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

Wednesday, 3 July 2013 at Time Not Specified

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

**Expedited Review:
The Academy
16-20 Gold Street
Northampton
NN1 1RS**

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.

Licensing Act 2003

Premises Licence

PL0775

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

The Academy

16-20 Gold Street, Northampton, NN1 1RS.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making 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
A. Performance of a play (Indoors)	Monday-Sunday	9:00am	Midnight
B. Exhibition of films (Indoors)	Monday-Sunday	9:00am	Midnight
C. Indoor sporting event	Monday-Sunday	9:00am	Midnight
D. Boxing or wrestling entertainment (Indoors)	Monday-Sunday	9:00am	Midnight
E. Performance of live music (Indoors)	Monday-Sunday	9:00am	4:30am
	New Years Eve	9:00am	6:00am
	Seasonal Variations: When British Summertime takes effect that the lost hour be restored to the licence		



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

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday-Sunday	9:00am	4:30am
	New Years Eve	9:00am	6:00am
	Seasonal Variations:		
	When British Summertime takes effect to restore the lost hour to the licence		
G. Performance of dance (Indoors)	Monday-Sunday	9:00am	4:30am
	New Years Eve	9:00am	6:00am
	Seasonal Variations:		
	When British Summertime takes effect to restore the lost hour to the licence.		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday-Sunday	9:00am	4:30am
	New Years Eve	9:00am	6:00am
	Seasonal Variations:		
	When British Summertime takes effect to restore the lost hour to the licence		
I. Provision of facilities for making music (Indoors)	Monday-Sunday	9:00am	4:30am
	New Years Eve	9:00am	6:00am
	Seasonal Variations:		
	When British Summertime takes effect that the lost hour be restored to the licence		
J. Provision of facilities for dancing (Indoors)	Monday-Sunday	9:00am	4:30am
	New Years Eve	9:00am	6:00am
	Seasonal Variations:		
	when British Summertime takes effect that the lost hour be restored to the licence		
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday-Sunday	9:00am	4:30am
	New Years Eve	9:00am	6:00am
	Seasonal Variations:		
	When British Summertime takes effect that the lost hour be restored to the licence.		
L. Late night refreshment (Indoors)	Monday-Sunday	9:00am	4:30am
	New Years Eve	9:00am	6:30am
	Non Standard Timings:		
	When British Summertime takes effect to restore the lost hour to the licence		
M. The sale by retail of alcohol for consumption ON the premises only	Monday-Sunday	9:00am	4:00am
	New Years Eve	9:00am	4:00am
	Seasonal Variations:		
	When British Summertime takes effect the hour lost as a result be restored to the licence		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Sunday	8:00am	5:00am
New Years Eve	8:00am	6:30am
Seasonal Variations:		
When British summertime changes, the lost hour is added to the Licence		

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 the premises only



Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Darien Foundation

161 Kettering Road, Northampton, NN1 4BS.

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

Robyn Sam Lisa Marie ADZAHOE

106 Fieldmill Road, Bellinge, Northampton, NN3 9AY.

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. PA2149

Issued by Northampton

ANNEXES

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.

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 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



ANNEXES continued ...

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 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.



ANNEXES continued ...

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 Objectives

Below are the additional steps that you have agreed to undertake to promote the four Licensing Objectives and which form a part of the operating schedule for these premises: -

There must be no admission or re-admission to the premises on any day after 03.00a.m.. This will not prevent a person from leaving the premises for a short period for the purposes of smoking tobacco.

On any day the premises remains open for licensable activities after 22.00 hours SIA registered security staff must be employed in the following ratios:

- 2 for the first 100 patrons
- an additional 2 for the next 200 patrons
- a further 1 for every additional 100 patrons or part thereafter

The management and staff will at all times comply fully with the Police and other Authorities

An incident log shall be maintained and be made available on request by an Authorised Officer

Crime prevention notices shall be posted at the request of the Police or an Authorised Officer

The Premises Licence Holder, Designated Premises 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 any door supervisor, showing their names and SIA license numbers. The Duty Manager, DPS or Premises Licence Holder shall at all times upon request by the Police provide a contact number for the door security. SIA registered door staff must wear high visibility jackets.

CCTV equipment shall be maintained that conforms to the provisions of the Data Protection Act 1988, the specification of which must be approved by the Police. Recording must be made until the premises ceases to be open to the public. Such recordings to be retained for 28 days. Sufficient members of staff must be trained in data retrieval so that such data can be made



ANNEXES continued ...

available on request by the Police at any reasonable time.

Written risk assessments must be maintained, monitored and regularly updated relating to health and safety, fire risk and any other legislation in relation to safety and welfare of members of the public and staff.

The Premises Licence Holder will ensure machinery and/or equipment associated with the running of the business does not cause noise or vibration. Emptying of bottles or skips and similar style activities will not take place between 22.30 and 08.00. No sound shall be allowed to emit from the premises as to cause nuisance to occupants of residential properties. If required to do so at any time by the Licensing Authority's Environmental Health Officer the Premises Licence holder must install a sound limiter, the type and setting of such limiter to be approved in advance by the Licensing Authority's EHO.

The premises to adopt a protocol of age verification whereby any person who does not appear to 25 years of age will be required to produce ID in the form of a passport, photographic driving licence, H.M. Forces I.D. card or an identification card displaying the 'PASS' Hologram logo. Relevant posters must be displayed. All staff must be trained in the age protocol and a record maintained.

A refusals book must be maintained and made available on request to an officer from a Responsible Authority.

Capacity to be limited to 592 persons including staff as per the Venue management Policy

In the case of any Temporary Event Notice submitted for the Premises, the operators of said Temporary Event Notice will carry on licensable activities adhering to the existing conditions within the Premises Licence.

Any changes to the venue management policy document to be notified to the Licensing Authority and Northants Police.

Solicitor to the Council





CERTIFICATE
Under section 53a(1)(b) of the Licensing Act 2003

I Paul Fell
am a Superintendent (or above) in Northamptonshire Police and hereby certify that in my
opinion the premises described below are associated with:

Serious crime

*Delete as appropriate

Premises Details:

(Include Business name, Postal address of the premises or if none – Ordnance Survey map reference or description)

The Academy,
16-20 Gold Street,

Town: Northampton

Post Code: NN1 1RS

**I am giving this certificate because I am of the opinion that other procedures under the
Licensing Act 2003 are inappropriate in this case because:**

(Give brief description of why other procedures such as standard review process are thought to be inappropriate eg
the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises
concerned etc)

**The standard Review Process is not considered appropriate as
Northamptonshire Police are of the belief that a period of suspension
of the Premises Licence is required pending the full Hearing in order
for the significant failures detailed in this certificate to be addressed
with the Premises Licence Holders.**

**On Saturday the 30th of June a DJ event involving Tim Westwood
took place at the premises. This attracted a large amount of interest
from young urban music fans. At approximately 02:00am a male was
ejected by Door Staff from the venue for reasons yet to be
ascertained at this time.**

**The male that has been ejected then confronted two other males
who are using the venues outside smoking area, at the front of the
premises. The Door Staff it appears do not intervene in this heated
situation. The ejected male then throws a punch at one of the two
males. At this stage the Door Staff seemingly allow the two males to
remove the barrier used to identify the smoking area and then chase
after the ejected male. At this stage a sustained assault takes place
in College Street whereby the ejected male suffers a cut to the face.**

**The medical opinion of the Doctor that treated this injury is that this
injury is likely to have been caused by a slash from a very sharp**

knife. The injured male needed in excess of 25 stitches to the face to repair this injury.

The information that I have at this time will tend to suggest that initial incident was very poorly managed by the management and door staff of The Academy and it is suggested that the Door Staff in actual fact directed the two males in the direction of the victim. This appears to be from an initial assessment of Borough CCTV system and will need to be confirmed as a part of the ongoing investigation.

After the victim has been assaulted he then begins to throw glass bottles in the direction of the venues entrance landing randomly in that area.

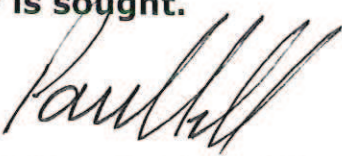
The Door Staff were spoken to by Police Officers attending the incident and were informed that no knives would be found within the venue, at which point a female patron approached the Officers and handed them a knife which she had found within the venue. It is not clear at this stage if this is the weapon used in this attack as this is still subject to investigation. At this point there is no evidence that the door staff sought to inform the Police, or did they administer first aid to the victim, who would have been bleeding profusely.

The Sergeant who spoke with the management stated that when asked about viewing the CCTV from inside the premises the manager stated that he wanted to go home. When the Sergeant asked for the recordings the manager stated that it would have to wait, when informed that it couldn't wait the manager was purported to state that he would only do it if the Police would provide the disc.

It is also interesting that on the 30th of March 2013 at a similar "Tim Westwood" performance at the venue Police Officers reported dealing with minor public order issues when the venue closed that required careful management by the Police to prevent an escalation to a major public order situation.

The assault that took place on the 30th of June 2013, constitutes a serious crime as defined within the Licensing Act 2003 and for the above reasons a suspension of the Premises Licence for the Academy is sought.

Signed:


CU SUPV FCU
X0025

Date: 2nd July 2013



**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
UNDER SECTION 53A of the LICENSING ACT 2003**
(Premises associated with serious Crime or disorder)

Insert name & address of relevant Licensing Authority:
Northampton Borough Council, The Guildhall, Northampton, NN1 1DE

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 completed copy for your records.

I Police Constable 113 David Bryan
(on behalf of) the Chief Officer of Police for the Northamptonshire Police area
apply for the review of a premises licence under Section 53a of the Licensing Act 2003.

Part 1 – Premises Details:

Postal address of the premises (or if none – Ordnance Survey map reference or description)
The Academy,
16-20 Gold Street,
Town: Northampton
Post Code: NN1 1RS

Part 2 – Premises License details:

Name of Premises Licence holder (If known) The Darien Foundation
Premises Licence Number (If known) PL0775

Part 3 – Certificate under Section 53a(1)(b) of the Licensing Act 2003

(Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the Police Force for the police area above and that in his/her opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application

Please tick/check the box to confirm

Part 4 – Details of association of the above premises with serious crime, serious disorder or both: (Please read guidance note 2)

On Saturday the 30th of June a DJ event took place at the premises “Tim Westwood”, this attracted a large amount of interest from young urban music fans. At approximately 02:00am a male was ejected by Door Staff from the venue for reasons yet to be ascertained at this time. The male is allowed to confront two other males who are using the venues outside smoking area. The Door Staff do not intervene in this heated situation. The ejected male then throws a punch at one of the two males. At this stage the Door Staff seemingly allow the two males to remove the barrier used to identify the smoking area and then chase after the ejected male. At this stage a sustained assault takes place in College Street whereby the ejected male is slashed to the face with a very sharp knife (this is the Doctors opinion who treated the male), the male needs in excess of 25 stitches. The initial incident was very poorly managed and it is suggested that the Door Staff in actual fact directed the two males in the direction of the victim. After the victim has been assaulted he then begins to throw glass bottles in the direction of the venues entrance landing randomly in that area.

The Door Staff were spoken to by Police Officers attending the incident and were informed that no knives would be found within the venue, at which point a female patron approached the Officers and handed them a knife which she had found within the venue. At no point did the Door Staff seek to inform the Police, or did they administer first aid to the victim, who would have been bleeding profusely. The Sergeant who spoke with the management stated that when asked about viewing the CCTV the manager stated that he wanted to go home, when the Sergeant asked for the recording's the manager stated that it would have to wait, when informed that it couldn't wait the manager was purported to state that he would only do it if the Police would provide the disc.

It is also interesting that on the 30th of March 2013 "Tim Westwood" performed at the venue and Police Officers reported dealing with minor public order issues when the venue closed that required careful management by the Police to prevent an escalation to a major public order situation.

The assault that took place on the 30th of June 2013, constitutes a serious crime as defined within the Licensing Act 2003 and for the above reasons a suspension of the Premises Licence for the Academy is sought.

Part 4 Cont

Signature of Applicant  Capacity: Northamptonshire Police Licensing Officer	Date: 02.07.2013
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Contact details for matters concerning this application: Name: PC 113 D.Bryan Address: C/O Campbell Square Police Station, The Mounts, Northampton, NN1 3EL E-mail: david.bryan@northants.pnn.police.uk Telephone: 101 Ext 8634
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Notes for Guidance

1. A certificate of the kind mentioned in the form, must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder, or both.
Serious crime is defined by reference to Section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - 'Conduct that amounts to one or more criminal offences for which a person who has attained the age of 18 and has no previous convictions, could reasonably be expected to be sentenced to imprisonment for a term of three years or more'; or
 - 'Conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose;
 - **Serious disorder is not defined in legislation and so bears its ordinary English meaning.**
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

- Cinemas & Theatres
- Hotels, B&B's & Restaurants
- Others
- Pubs, Clubs & Bars
- Registered Members Clubs
- Sports Clubs
- Supermarkets, Shops & Off Licences
- Takeaways
- Village & Community Halls



NORTHAMPTON
BOROUGH COUNCIL

Map

Name: Lodes Fuldover
Date: 2nd July 2013
Scale: 1:1250
Date: Lending
Expedited Summary Review

Title

The Academy 16-20 Gold Street

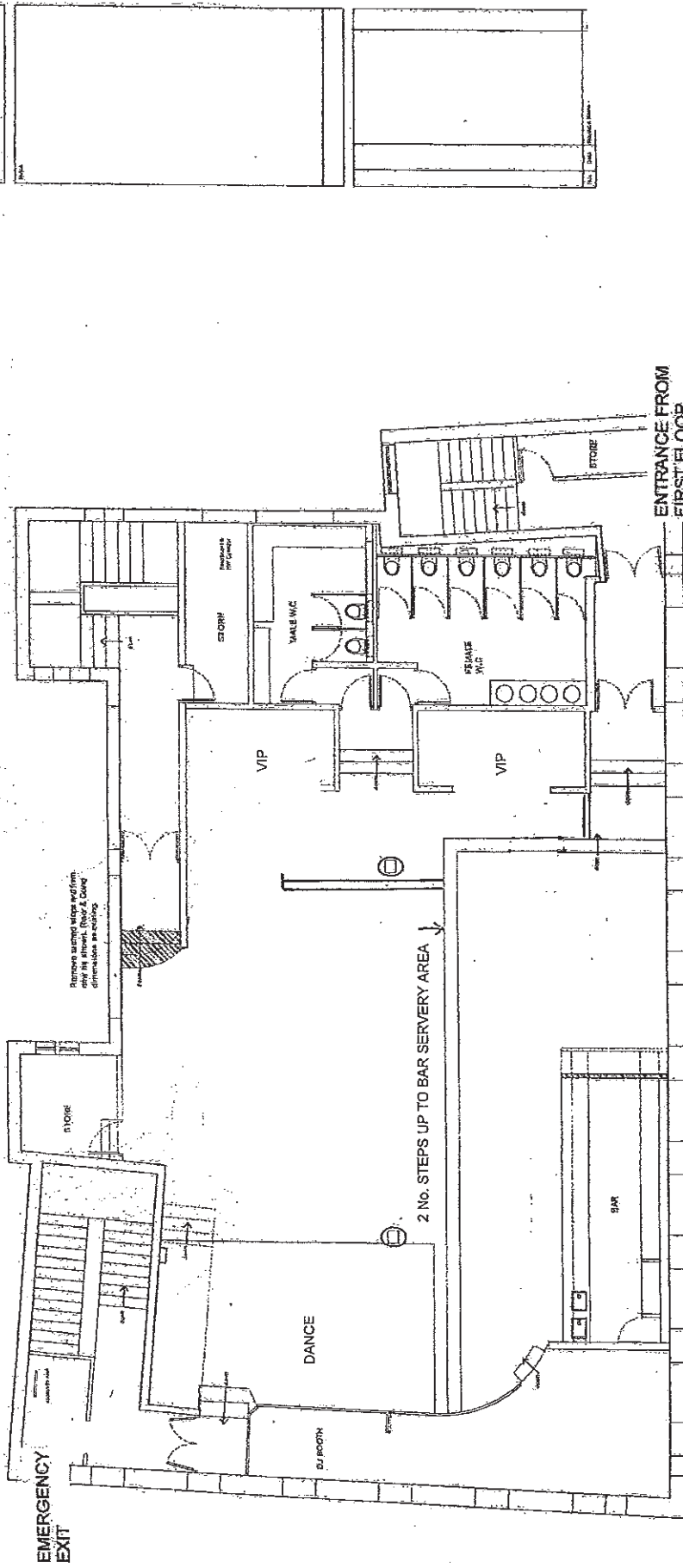
Produced from the 2008 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019565

THE ACADEMY
 16-20 GOLD STREET
 NORTHAMPTON
 NN1 1RS

1:100 @ A3
 SECOND FLOOR

FIRE SAFETY EQUIPMENT AS DETAILED IN THE WRITTEN FIRE RISK ASSESSMENT
 REQUIRED AND MAINTAINED UNDER THE PROVISIONS OF THE REGULATORY
 REFORM (FIRESAFETY) ORDER 2005 NOW DISAPPLIED FROM THE LICENSING ACT

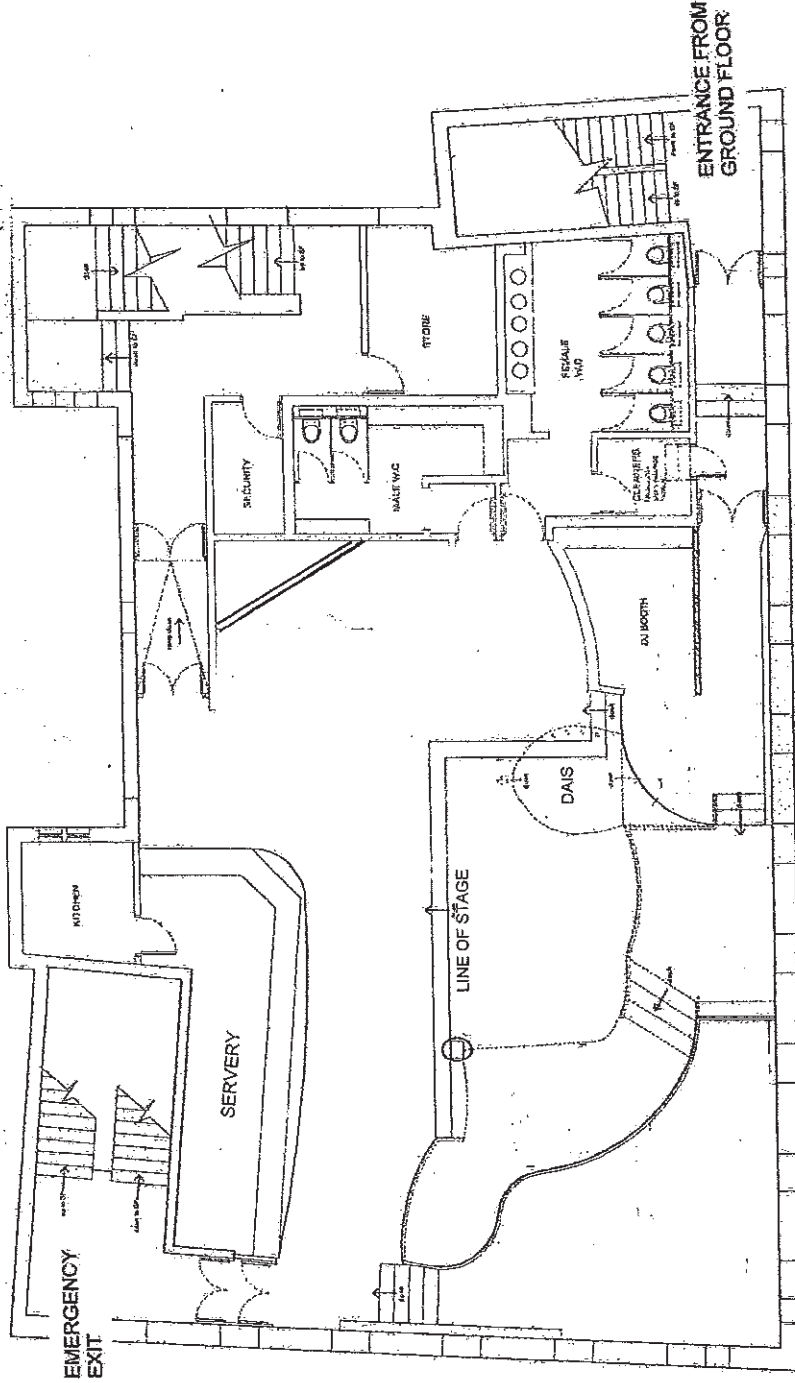
ALL LICENSABLE ACTIVITIES
 APPLICABLE TO ALL PUBLIC AREAS
 (OTHER THAN WCs)



THE ACADEMY
 16-20 GOLD STREET
 NORTHAMPTON
 NN1 1RS

1:100 @ A3
 FIRST FLOOR

ALL LICENSABLE ACTIVITIES
 APPLICABLE TO ALL PUBLIC AREAS
 (OTHER THAN WCs)



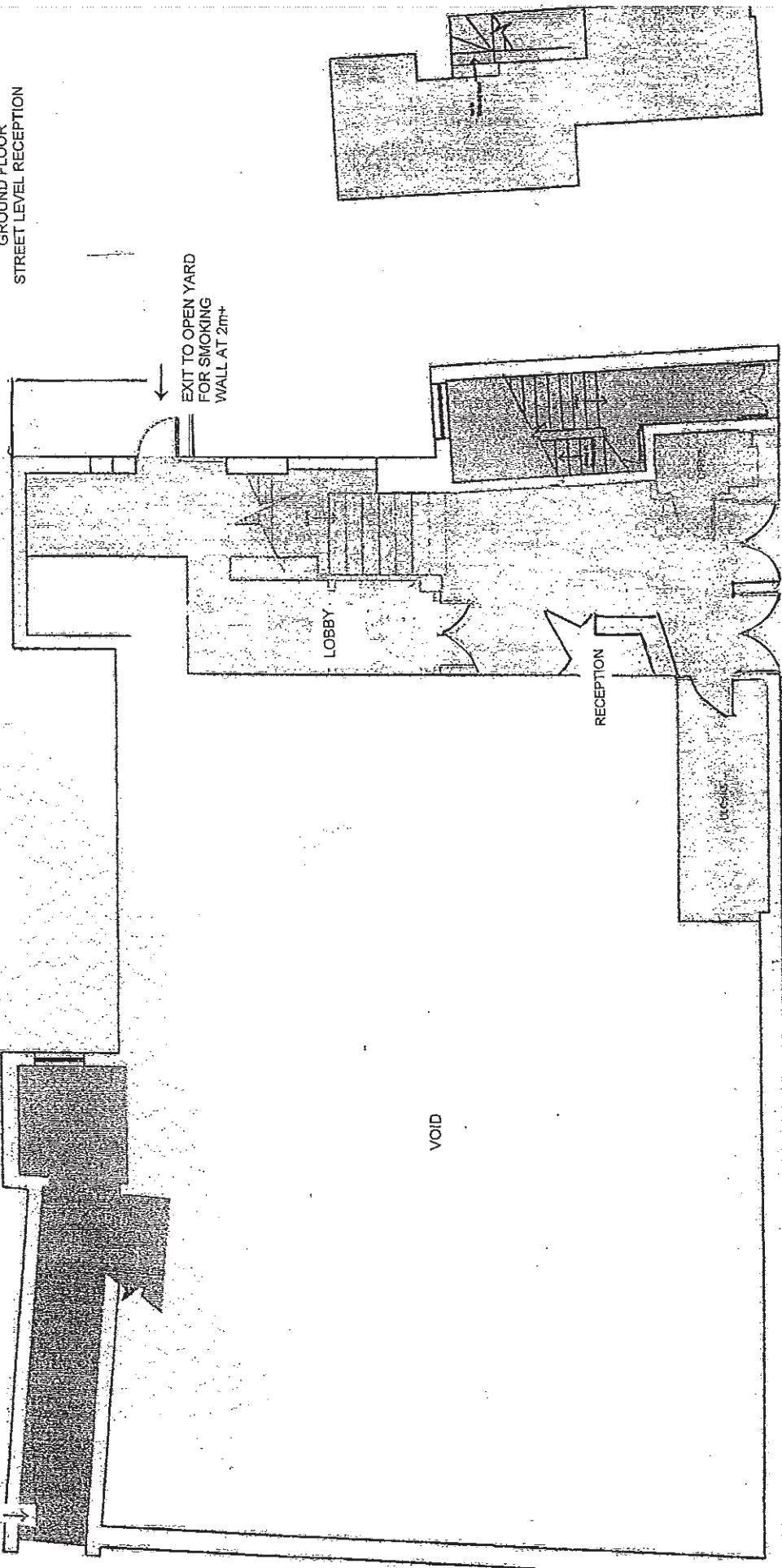
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FIRE SAFETY EQUIPMENT AS DETAILED IN THE WRITTEN FIRE RISK ASSESSMENT
 REQUIRED AND MAINTAINED UNDER THE PROVISIONS OF THE REGULATORY
 REFORM (FIRESAFETY) ORDER 2005 NOW DISAPPLIED FROM THE LICENSING ACT

THE ACADEMY
16-20 GOLD STREET
NORTHAMPTON
NN1 1RS

1:100 @ A3
GROUND FLOOR
STREET LEVEL RECEPTION

EXIT
GOLD
STREET



EXIT
MAIN ENTRANCE
COLLEGE STREET

FIRE SAFETY EQUIPMENT AS DETAILED IN THE WRITTEN FIRE RISK ASSESSMENT
REQUIRED AND MAINTAINED UNDER THE PROVISIONS OF THE REGULATORY
REFORM (FIRESAFETY) ORDER 2005 NOW DISAPPLIED FROM THE LICENSING ACT