

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Wednesday, 24 July 2013

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

OFFICERS: Louise Faulkner – Senior Licensing Officer.
Mohammed Rahman, Solicitor

FOR THE APPLICANT: Sergeant Worthington (Northamptonshire Police)

FOR THE REPRESENTORS: Mr John Birch (representative for the Darien Foundation).
Mr Dean Cranstoun (The Academy).
Mr M Willey (Clearkut Leisure SIA Door Company).

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

The Chair welcomed everyone to the meeting and introductions were made.

The Senior Licensing Officer outlined the purpose of the hearing, stating that on 2 July 2013 an application for a Summary Review (Sec53A Licensing Act 2003) had been submitted by the Police in the grounds of serious crime and disorder following an incident that took place on 30 June 2013. A Summary Review had been held on 3 July 2013 when a suspension of the Premises Licence had been agreed, which would continue until a normal Licensing Review took place, which was the subject of this hearing.

During the period of the suspension members of the Darien Foundation had been in regular correspondence with the police to discuss the Venue Management Policy. A copy of the latest version of the Policy (version C), dated 21 July 2013 was then given to members of the Sub-Committee. Both the applicants and respondents would need to clarify if this was the final version of the Policy. Both parties had agreed that the terms in the Policy should not form part of the conditions on the Premises Licence.

The Senior Licensing Officer confirmed that the Darien Foundation had updated their licence in respect of the licence holder's address.

Application for the Review

Sergeant Worthington recapped the reasons for the Summary Review on 2 July 2013, which were that on 1 July 2013 at an event involving the DJ Tim Westwood, a customer had been ejected from the premises at approximately 2am and had subsequently been assaulted. Photographs of the assaulted person had been shown at the Summary Review. The review had been called because of the inaction of the doorstaff at the premises, which Sergeant Worthington suggested had facilitated the assault.

The Police had investigated the incident but this had been frustrating as the victim of the assault had not co-operated, had not spoken to the police and it was not known why he had been ejected from the premises. It had been suggested at the Summary Review that the incident had been linked to the theft of a watch. The owner of the watch had now had his

property returned and was also not co-operating with the police. It was suspected by the police that the theft and the assault were linked.

During the period of the suspension there had been good liaison with the Darien Foundation. It had been agreed that the smoking area be moved from the street area to within the curtilage of the premises, the CCTV would be repositioned to cover this area and the door, and the company providing the doorstaff had now been changed. Some additional conditions had been agreed with the Darien Foundation and would be included in the Venue Management Plan.

Sergeant Worthington stated that the police had been working positively with the respondents and hoped to come to a satisfactory conclusion with them.

Questions to the Applicant

In answer to questions from the Sub-Committee and the respondents, Sergeant Worthington stated that:

- No arrests had been made following the incident on 30 June 2013. No further information had been obtained regarding the knife which had been used for the assault and which had been given to the door staff, as stated at the Summary Review.
- The bottles which had been thrown during the incident had not originated from within the premises.

In answer to a question raised by the respondents the Senior Licensing Officer stated that S53A of the Licensing Act 2003 were the grounds for the application for the Summary Review, on the grounds of serious crime and disorder relating to the incident on 30 June 2013.

Representations by the Respondents

Mr Birch (representative for the Darien Foundation) stated that the address for the premises should be given as College Street, where the door and fire escape are located, rather than Gold Street.

Mr Birch stated that he had been surprised to receive the email with the application for a Summary Review as the operators of the premises had always co-operated with the police. He considered that the reference to an earlier performance by Tim Westwood at the premises on 30 March 2013 had only been included in the application to strengthen the grounds for a Summary Review. He stated that there was still a dispute over the source of the knife used in the incident on 30 June 2013, and he was disappointed by the lack of action by the door staff on the night of the incident. A review of the CCTV had confirmed that the door staff had not acted in a professional manner and had not taken appropriate action. He was also disappointed that the operators had not been able to provide the CCTV evidence requested by the police following the incident. Although the police had been able to view the CCTV pictures at the time they had not been able to download them at that point.

Mr Birch stated that the company providing door staff was being changed and security would now be provided by Clearkut SIA Leisure SIA Door Company, which had the highest credentials.

Mr Willey of Clearkut SIA Leisure SIA Door Company stated that he was an ex-police officer who also sat on the Crime and Disorder Reduction Panel. Clearkut had been in existence for six years and would have the responsibility of ensuring the licensing objectives were met in relation to the premises and of encouraging partnership working.

Mr Birch stated that Mr Dean Cranstoun had now completed a course for a Premises Licence certificate and would apply for a Personal Licence once a CRB check had been undertaken and would then become a DPS on the premises, as he was the operator of the premises. It was expected this would take approximately six weeks. Sergeant Worthington confirmed that this was an acceptable timescale. Mr Birch stressed that the change of DPS was not a criticism in any way of the current DPS, Ms Robyn Adzahow. Mr Cranstoun had also applied for SIA clearance in order to allow him to have more liason with the door staff at the premises.

Mr Birch stated that the Venue Management Policy Revision C, 21 July 2013 submitted to the Sub-Committee earlier in the meeting was a work in progress and not yet finalised. This was agreed by Sergeant Worthington. Mr Birch then listed the actions to be taken as part of the Venue Management Policy:

- As far as possible people would be prevented from smoking outside the premises, using a courtyard within the curtilage of the premises, and doorstaff would prevent customers exiting on to College Street;
- The premises would join Pubwatch, as there had been a delay in notifying the police of the incident on 30 June 2013. Mr Birch stated that as Pubwatch is a voluntary organisation this could not form a condition on the Premises Licence;
- Better co-operation would be given to the police, especially in relation to urban events held at the premises. It was suggested that as there was no agreed definition of urban events this should not be added as a condition to the Premises Licence. An Event Promotion Risk Assessment was passed to the Senior Licensing Officer by Mr Birch;
- There would be improved search powers for doorstaff, although there was some dispute about the source of the knife used in the incident on 30 June 2013;
- The CCTV had been repositioned and now covered the smoking area and staff would wear body cameras

Mr Birch suggested four additional conditions arising from a meeting between the police and the respondents on 12 July 2013 as set out below:

1. The intervention of door supervisors to remove a customer must be recorded as barred or ejected in the exclusion / banning log. entry refusals and reasons must be recorded for refusal of entry or refusal of service
2. 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. recordings must be made until the premises cease to be open to the public, such recordings to be retained for 30 days. Sufficient members of staff must be trained in data retrieval so that such data can be made available on request by the police at any reasonable time. camera locations/positions must be approved by Northamptonshire Police and include the designated routes for ejecting customers, the outside frontages and the smoking area'

3. Deletion of the existing condition 'capacity will be limited to 592 persons including staff as per venue management policy' and replace with the following condition 'the maximum capacity of the premises will be limited to 550 persons, including staff or any other maximum number resulting from consultation between the premises licence holder and Northamptonshire Fire and Rescue Service'
4. All products are to be served or decanted into polycarbonate glasses/cups. this condition will not apply to champagne or wine served in bottles in the VIP area(s)

Sergeant Worthington confirmed that he was happy with the proposed conditions and a copy was given to the members of the Sub-Committee.

Mr Birch asked the Sub-Committee to agree that the conditions be included in the final Venue Management Plan rather than on the Premises Licence as this made it quicker and more convenient to amend the conditions, although this would require the approval of the police.

Mr Birch referred to the premises' policy on Class C recreational drugs found on the premises, which was to confiscate them and place them in a safe through a letterbox device. Only the police would have a key to the safe and would then dispose of the drugs.

Mr Birch stated that there would be three Personal Licence holders and at least one would be on the premises when they were in operation.

Mr Cranstoun stated the premises were not used as a night club but for hosting events and for hire. Workshops were run in the premises in the daytime.

Mr Birch thanked Sergeant Worthington and PC Bryan for the time they had given working with the respondents in dealing with the issues which had been raised. The review had triggered some positive action.

Mr Birch stated that there had been no wilful transgression by the management of the premises regarding the incident on 30 June 2013 and that the doorstaff had not behaved professionally that night. He considered that the suspension arising from the Summary Review had been harsh, particularly as there was no right of appeal, and had a financial impact on the premises. It had given an opportunity to review the management of the premises, however.

Questions to the Respondents

There were no questions.

Summing Up by the Applicant

Sergeant Worthington stated that the police had asked for Mr Cranstoun to be made a DPS as he was responsible for running the premises. The police had worked with the respondents who had responded responsibly.

Summing Up by the Respondents

Mr Birch stated the decision to make Mr Cranstoun a DPS was no reflection on the current DPS, who had carried out a good job.

There being no further questions, the Sub Committee adjourned at 2.35pm to make a decision. The Solicitor was called for advice.

The Determination

The Sub-Committee considered the Review of the Premises Licence for The Academy Nightclub, 16 – 20 Gold Street, Northampton, which followed on from an application for an Expedited Review by the Northamptonshire Police on 2 July 2013.

On 3 July 2013, the Sub-Committee determined that the Licence for the Academy be suspended until this Review hearing.

The Sub-Committee heard the representations put forward from the Police and Mr Birch on behalf of the Premises Licence Holders.

The Sub-Committee were very impressed and wished to commend both parties for clearly working very hard to resolve matters and move forward. The Sub-Committee also noted Mr Cranstoun's efforts in attending the various courses and taking action to better the management of the premises. The Sub-Committee expected Mr Cranstoun to be named as the Designated Premises Supervisor within 8 weeks of the date of this meeting.

The Sub-Committee noted that the Darien Foundation had now contracted "Clearkut Security Limited" and trusted this would now prevent any future issues in relation to door staff not acting in an appropriate manner.

The Sub-Committee thanked Mr Birch for suggesting amendments and additional conditions to the Premises Licence, and after considering the four conditions suggested, would like these conditions placed onto the premises licence.

However, the Sub-Committee had some comments which the Darien Foundation were requested to take on board in relation to these conditions:

Condition 1 – the Sub-Committee expected that when a customer was barred or ejected, the door staff, through a Pubwatch radio link or similar, inform other premises within the vicinity, about the ejected/barred customer, as soon as practicable.

Condition 2 – the Sub-Committee suggested that when there were high profile events, the Darien Foundation ensured that a member of staff was monitoring the CCTV throughout the course of the event. The Sub-Committee recalled from the hearing on 3 July 2013, that Mr Cranstoun suggested this was something the Darien Foundation did as a matter of course, therefore the Sub-Committee would ask that this practice continues.

Condition 4 – the Sub-Committee asked that the Darien Foundation and its staff remain vigilant when bottles of wine and champagne were are sold and served on the premises. Whilst the Sub-Committee understood that drinks such as these were better served in glass bottles, they were mindful that damage was still possible with these vessels

The Sub-Committee amended one further part of the licence. The Sub-Committee did not agree that the Venue Management Policy as a whole should form part of the Premises Licence, but would like to amend the last condition of the premises licence to read:

"Any changes to the venue management policy document to be notified to the Licensing

Authority and Northants Police within 14 days of the change being made.”

The Sub-Committee felt that all the changes to the conditions would assist in upholding and promoting the Licensing Objective of the Prevention of Crime and Disorder.

Should any party not be satisfied with the outcome of this hearing, then they have 21 days to apply to the Magistrates Court.

The meeting concluded at 3:31 pm