

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Friday, 16 August 2013

**COUNCILLORS PRESENT:** Councillor Malpas (Chair), Councillors Ford and Hibbert.

**OFFICERS:** Bill Edwards, Senior Licensing Officer.  
Mohammed Rahman, Solicitor.

**FOR THE APPLICANT:** Sergeant Mark Worthington and PC Dave Bryan  
(Northamptonshire Police).

**FOR THE REPRESENTORS:** Mr David Randle (Premise Licence Holder and DPS).  
Mr Johnny Simpson (Bar Manager and former DPS).

### 1. REVIEW: LOST, 8 ST PETER'S SQUARE, NN1 1PS

The Chair welcomed everyone to the meeting and introductions were made. Apologies were given for the late start of the meeting due to technical difficulties with the audio visual equipment which would be used to present CCTV footage during the meeting.

The Senior Licensing Officer outlined the purpose of the hearing, stating that on 27 June 2013 an application for a review of the premises licence for Lost, 8 St Peters Square, Northampton NN1 1PS was submitted by Northamptonshire Police on the grounds of the Prevention of Crime and Disorder and Public Safety. Notices of the review had been displayed as statutorily required. He detailed the procedure that would be used during the meeting.

#### Application for the Review

PC Bryan, before presenting the application for the review, stated that the Police would be requesting that under regulation 14(2) and 14(3) of the Licensing Act 2003 (Hearing) Regulations 2005 part of their presentation be made following the exclusion of the public. This request related to two pieces of CCTV footage relating to criminal investigations which would be shown to the Sub-Committee during the meeting. A further piece of CCTV footage was not the subject of criminal investigation and could be shown when the public were present at the meeting.

The Sub-Committee agreed to the request that two pieces of CCTV footage be shown after the public had been excluded from the meeting on the basis that it considered the public interest in doing so outweighed the public interest in the hearing, or that part of the hearing, taking place in public and in these circumstances a representative of the respondent would be treated as a member of the public.

PC Bryan stated that the review of the premises licence for Lost had been called by the police under the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety. He gave a brief overview of the premises, stating that Mr David Randle had been granted a premises licence for Lost on 24 November 2005 and had been named as the DPS for the premises. There had been changes to the DPS on the following dates:

19 April 2007 – Jonathan Barnes  
25 February 2008 – David Randle

16 July 2010 – Barry Hunt  
7 October 2011 – Jason Kelly  
10 December 2012 – Johnny Simpson

David Randle had remained as the Premises Licence Holder throughout all the changes of DPS. The premises had not been always been trading throughout this period, as Mr Randle would be able to confirm.

On 10 December 2012 a variation of the premises licence was made which allowed the premises to remain open until 5:00am Monday-Thursday and Sunday and 6:00am on Friday and Saturday. Additional conditions had been agreed between the Premises Licence Holder and Northamptonshire Police and applied to the premises licence that:

- No admissions to the premises be allowed after 03:00 hours;
- On Fridays and Saturdays from 23:00 hours until the close of business at least two SIA registered door supervisors be employed and perform the role of door supervisors at the premises;
- That a CCTV system be maintained and utilised at the premises recording 24 hours per day, with recordings kept for 28 days.

PC Bryan then detailed the reasons which had led to the application by the police for the review. He stated that the Northamptonshire Police Licensing Database had recorded on its system a total of 3 incidents at the premises from 2010 until the premises' trading hours had been extended and the DPS changed on 10 December 2010. From that date to June 2013 there had been 13 incidents at the premises. Approximately 80% of the information contained on the database was entered by Police Officers who had attended incidents at licensed premises. He then detailed the incidents and meetings with the Premises Licence Holder as set out below.

1. 28 December 2012: 03:00 hours – Police Officers attended the premises, called on the Publink Radio System by door staff who had detained a male on the floor. Police officers spoke to all persons involved and arrested a male for being drunk and disorderly. One of the door staff had a cut to his eye and stated that the arrested male had assaulted him before being detained. The door member did not wish to make a complaint of assault, stating that he was happy that the offender being taken away was punishment enough.
2. 6 January 2013: 04:00 hours - a male called the police stating that he had been assaulted by members of door staff at the premises after being asked to leave the premises after door staff believed him to be a drug dealer. The male had left the premises carrying a bottle, which door staff had gone over to the male to retrieve. The male became aggressive and allegedly threatened to break the bottle over the head of the door staff member. The door staff member then punched the male to the face claiming self defence. The door staff member had been spoken to by the police and had accepted a Community Resolution, which was an acceptance of guilt in respect of assaulting the male. PC Bryan suggested that the Sub-Committee could place whatever weight it wished on the fact that the door staff member had accepted a Community Resolution when he claimed to be acting in self-defence.
3. 19 January 2013: 02:30 hours - a male stated that he was shoved by door staff, as he believed his friend was unlawfully ejected from the premises. The Police had no further details of the incident.
4. 26 January 2013: 03:45 hours – a male who had fallen asleep on the premises was ejected but was able to slip back into the premises via the smoking area. Door staff removed him from the premises and the male claimed that he had been

- assaulted but no visible injuries were seen on him by Police Officers.
5. 7 February 2013: 22:45 hours – a female fell from the upper balcony in the premises after climbing over the balcony. Police officers on arrival stated that the premises were thick with smoke from a machine, with near zero visibility and dangerous. A request from Police Officers to turn off the music and the smoke machine had to be reinforced before it was complied with.
  6. 23 February 2013: 02:30 hours - two females were assaulted outside the premises by a male, as was a male who intervened. It was alleged by the victims that the door staff stood and watched the incident. PC Bryan stated that the Sub-Committee could allocate whatever weight it wished to this incident.
  7. 24 February 2013: two Police officers dealing with a separate incident in St Peter's Way car park assisted door staff who were struggling to eject a female from Lost. The female was compliant with police but claimed she had been assaulted by door staff who carried her off the premises. The Police Officer advised door staff on the removal of customers and received an "anti-police" response. The door supervisor refused to show his SIA badge to the Police Officers, stating that the premises were closed and he did not have to wear it but had stated that the incident had started twenty minutes earlier when the premises had been open. This incident had been reported by the Police Officers to the former DPS who was embarrassed and said he would take the matter further.
  8. 7 March 2013 – further to the incident at (7) above PC Bryan and Sergeant Worthington met the Premises Licence Holder and the former DPS to raise their concerns regarding the attitude of the door staff, to point out that door staff needed to wear their badges and that their behaviour reflected on the premises
  9. 29 March 2013: 03:06 hours - a drunken male was ejected from the premises, became threatening towards his friends and was restrained on the floor by door staff.
  10. 20 April 2012: 01:20 hours – a male was behaving in an aggressive manner after leaving the outside area of the premises. He received a Section 27 Directive to leave the locality but breached it twenty minutes later and was arrested.
  11. 20 April 2013: 04:25 hours – an argument took place between two females within the smoking area of the premises and one of the females was arrested for Common Assault.
  12. 3 May 2013: 01:50 hours - a male was detained inside the premises for possession of a Class A drug by door staff, resisted arrest and assaulted Police Officers whilst being arrested.
  13. 5 May 2013: 03:30 hours – a female was ejected from the premises by door staff for violent behaviour and then challenged door staff. She had left the locality prior to the police arriving. PC Bryan stated that information regarding incidents was gathered from the forms Police Officers completed in attending incidents and from Northampton Borough Council CCTV cameras if the people concerned had left the premises.
  14. 15 May 2013: 02:55 hours – two females attacked another female on the premises' dance floor and smashed a window of the premises. The offending females were arrested.
  15. 18 May 2013: 03:45 hours – a female who left the premises to talk to a friend was not allowed to re-enter the premises. This led to a series of 3-5 spitting incidents between the female and the door staff. The CCTV showed the female being punched in the face by the door staff member. PC Bryan indicated that he would be showing the CCTV footage to the Sub-Committee later in the meeting.
  16. 25 May 2013:  
01:40 hours – a female had an argument with an ex-partner in the smoking area of the premises. The ex-partner was ejected from the premises but

returned to the smoking area to shout abuse and spit at the female.

01:50 hours – door staff detained a male for making threats to a female and the male was arrested for being drunk in a public place.

02:30 hours – Police Officers identified pushing, shoving and shouting at the premises location. A fight had taken place between door staff and an unknown group.

03:10 hours – a member of the door staff was assaulted on the premises.

17.9 June 2013:

05:00 hours (approx.) – a male in a white shirt, who appeared to be with the door staff, assaulted another male. The door staff assaulted the other male and left him in an alley where the male in the white shirt continued the assault.

05:40 hours (approx.) – the same male in the white shirt “taunted” a female. Door staff appeared to join in. The female slapped the member of the door staff and was punched and kicked in the stomach by the member of the door staff. PC Bryan stated that although the female slapped the member of the door staff first the response was disproportionate.

PC Bryan stated that both incidents were captured on CCTV and would be shown to the Sub-Committee in private as to show them publicly would compromise the police investigation of the incidents.

18. PC Bryan stated that the police had grave concerns regarding the general management of the premises and the increase in the regularity of incidents since the trading hours for Lost were extended in December 2012. Some of the incidents were neutral in respect of door staff members but PC Bryan had spoken about concerns in this area to the Premises Licence Holder at a Pubwatch meeting in February 2013, particularly in relation to people being allowed back into the premises after 03:00. PC Bryan stated that the Premises Licence Holder needed to reinforce this issue with door staff.

19. 4 May 2013: 03:30 hours – a plain clothed Police Officer observed 5-6 people entering the premises between 03:00 and 03:50 hours by moving the barriers around the smoking area which door staff regularly left unattended.

20. 7 May 2013 (referred to as 7 March 2013 in the meeting papers but amended to 7 May at the meeting) – a further meeting was arranged by the police, at which the DPS was present, to discuss issues around the door staff and admittance of persons after 03:00 hours.

21. 25 June 2013 – PC Bryan reported that he received an email from a concerned Police Officer, which was circulated at the meeting, expressing concern regarding the general operation of Lost and that CCTV from the premises was never available when requested and did not cover the entrance to the premises. The Police Officer expressed concerns regarding a male who had been detained on the premises by door staff (who did not have the authority to do so) and issues surrounding the detainment which the door staff said was because they found two packages of drugs on the floor near the male. In arresting the male a Police Officer had been bitten and the male admitted biting someone as he had been fighting for breath and panicking as the door staff held him on the floor. No CCTV footage of the incident had been available from the premises. PC Bryan advised the Sub-Committee to give whatever weight they wished to this incident.

PC Bryan stated that Northamptonshire Police did not consider the operation of the premises was currently promoting the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety. The police, if the Sub-Committee were minded to go down the route of conditions, had a number of conditions they wished the Sub-Committee to consider in respect of the premises and these would be raised during the summing up by the applicant.

## Questions to the Applicant

In answer to questions from the Sub-Committee and the respondents, PC Bryan stated that:

- The Northamptonshire Police Licensing Database consisted of information provided on report forms by Police Officers who attended incidents. Sometimes Police Officers had to be reminded to complete report forms for inclusion on the database.
- The police had not had any grounds to object to the variation of hours for the premises granted on 10 December 2012 as there had been very few incidents at the premises at that time. The number of incidents had escalated since the extension of hours at the premises.
- No one was present at the meeting to represent the door staff.
- PC Bryan had no further information to hand in respect of the female arrested on 20 April 2013. The database stated that she had been arrested for Common Assault.
- There was no further information on the source of the bottle which a male had when leaving the premises on 6 January 2013. Conditions on the premises licence stated that no bottles should be given to customers or taken off the premises. PC Bryan circulated a page placed on Facebook by the management of Lost showing images of customers drinking from bottles at the premises. PC Bryan also referred to a meeting held with the Premises Licence Holder and DPS (Johnny Simpson) at the premises on 20 July 2013, where customers had been observed drinking from bottles at the bar, with no glasses in sight. This had led to a Closure Notice being served on the premises for breach of condition under Section 19 of the Criminal Justice and Police Act 2001. This required the breach to be rectified within seven days of the notice or the police could apply to the Magistrates' Court for a closure order for the premises.
- The police had not seen any female door staff at the premises on their visits but it was not a condition of the licence that there should be. There were few female door staff generally in the trade as few females were attracted to this sort of work.
- The condition to prevent admission after 03:00 hours was to prevent "pub hopping", where people left one licensed premises when it closed and sought to move on to other licensed premises which were still open. When the police did not have grounds to object to a licence application they sought to negotiate a condition regarding no admission after a set time to prevent conflict between groups moving between licensed premises and had found this effective.

PC Bryan then showed the Sub-Committee and the respondents the CCTV footage on 18 May 2013.

PC Bryan then showed CCTV footage of the two incidents on 9 June 2013 to the Sub-Committee and the Solicitor only as they related to on-going police investigations. All other parties left the room for this period. The respondents had been asked if they were in agreement with this course of action and confirmed that they were. All parties other than the Sub-Committee, the Solicitor and the police left the Council Chamber whilst this footage was shown between 11.32 and 11.40am.

Upon the Sub-Committee resuming in open session, PC Bryan confirmed that since the door company used by the premises had been dismissed on 28 June 2013 there had been four incidents at the premises.

## Representations by the Respondents

Mr David Randle referred to the period 2010 onwards contained in the Northamptonshire

Police Licensing Database. He stated that the premises had been closed between 28 May and August 2011 and had re-opened on 1 September 2011 as a bar with a restaurant. The premises had closed again in December 2011 as a result of bankruptcy. The premises re-opened as Lost in December 2012. During the period 2010 to December 2012 the premises had been closed for a total of 15 months.

Mr Randle then referred to the incidents contained in the police representations as below:

1. 28 December 2012 – police time was saved as a result of the member of the door staff not wishing action to be taken against the offending male for assault.
2. 6 January 2013 – a new company, Bridgewater, had just been taken on to provide door staff. The former DPS had spoken to the Area Manager of the company and a number of door staff had been dismissed following this incident.
3. 19 January 2013 – the police stated that they had no further details regarding the incident. Mr Randle was therefore unable to comment on the incident.
4. 26 January 2013 – indicated the door staff removing someone trying to enter the premises after 03:00am.
5. 7 February 2013 – bar staff refused to serve a female and friend and asked them to leave. The female asked to use the toilet but ran upstairs and climbed over the balcony. In doing so she broke cables which damaged the lighting and the smoke machine. Management had tried to have the cables repaired but Mr Randle stated the police had prevented them from doing by sealing off the area with crime scene tape. Mr Randle stated that he believed the female had mental health issues.
6. 23 February 2013 – the assault happened in St Peter's Way car park, not in the premises.
7. 24 February 2013 – Mr Randle stated that the female involved in the incident was known to him and was a manager of nearby premises. The former DPS had been very embarrassed by the behaviour of the member of door staff who had spoken to the police. The DPS had spoken to the female and the member of door staff and the issue had been cleared up. The member of door staff had been dismissed, finishing his last shift on 9 June 2013.
8. 29 March 2013 – this incident was neutral in respect of the door staff, who had followed the correct procedures in ejecting the male.
9. 20 April 2013 01:20 hours – the incident occurred after the male had left the premises and took place in St Peter's Way car park.
10. 3 May 2013 – the door staff did the correct thing in detaining the male, who resisted arrest by Police Officers.
11. 5 May 2013 – the door staff ejected a female due to her behaviour on the premises.
12. 15 May 2013 – the former DPS called the police who arrested the two females and charged them with causing criminal damage. Mr Randle believed they were currently awaiting trial.
13. 18 May 2013 – the female had left the premises and been told there was no re-entry after 03:00 hours. Mr Randle had checked the door staff log and the incident had not been recorded as shown on the CCTV footage. Neither he nor the former DPS had been aware of the severity of the incident until they had observed the CCTV footage. The company providing door staff and the door staff member involved had both been dismissed.
14. 9 June 2013 - Mr Randle stated that he had been unaware of these incidents until he had received the papers for this meeting. The members of door staff involved had been identified from the CCTV footage and been dismissed. No information about the incident had been recorded in their logs. Mr Randle was helping the police in their investigation of the incident.
15. 25 May 2013:

01:50 hours – the door staff member was doing his job correctly.

02:30 hours – the papers did not say where the incident occurred. Mr Randle assumed it was in the parking area. There was nothing recorded in the door staff log.

03:10 hours – the DPS (Johnny Simpson) had said that a member of the door staff had been assaulted for not letting males into the premises after 03:00 hours.

Mr Randle stated that that after the grave concerns raised by the police at the meeting with PC Bryan in February 2013 he had spoken to the former DPS and door staff about the need to enforce the condition about no entry after 03:00 hours.

16. March/April 2013 – Mr Randle had made a point of being at the door at 03:00 hours to check that the no entry condition was being upheld. He had kept a close eye on the door staff and asked the DPS to pay more attention to the door staff at 03:00 hours.

17. 11 June 2013 – Mr Randle had attended a Pubwatch meeting with the former DPS and afterwards had thought that everything was satisfactory with the premises.

18. 4 May 2013 – Mr Randle stated that he had been unaware of the incident until he had read about it in the papers for the meeting. He stated that improvements had been made to the smoking areas, with two sets of barriers with a 3m gap between. There were also barriers at the entrance to the premises now.

19. 25 June 2013 – the police had raised concerns about the CCTV at the premises and Mr Randle stated that there had been some problems with the system in the past. The system had been upgraded and now covered the dance floor and doors. The door staff on duty had body cameras. A policy document had been produced that had information on the CCTV.

Mr Randle stated that the times the premises were open were not the issue in respect of the incidents in the papers. The incidents had related to door staff issues. He stated that the premises did not become busy until 23:00 and 01:00 hours. If restrictions were placed on the opening times the premises would fail as they had in 2011.

The closure notice on 20 July 2013 had been served because of the breach of the condition banning bottles being given to customers. Mr Randle stated that because it could take a while for drinks to settle in glasses when poured from bottles customers had sometimes taken bottles away from the bar to finish pouring the drinks themselves.

Mr Randle had become the DPS again on 28 July 2013 and his first action had been to change bottles for cans. No bottles were now left unattended at the bar. He had spoken to PC Bryan about the conditions on the premises licence and he thought the wording could now be changed to refer to the new arrangements.

## **Questions to the Respondents**

In answer to questions from the Sub-Committee and the applicant, Mr Randle stated that:

- One of the door staff who had been dismissed, Andy Simpson, was not related to the former DPS and now Bar Manager, Johnny Simpson.
- All door staff had received first aid training.
- Door staff were not expected to become involved in incidents outside the premises, such as St Peter's Way car park.
- The police would have been called on the Publink Radio System to the incidents detailed in the papers and they usually responded quickly.

- The former door staff company, Bridgegate Protection Service had been dismissed and door staff were now provided in-house. There might be one or two door staff still employed who had previously worked for Bridgegate but they had not been involved in the incidents detailed by the police. One of those door staff had previously been the area manager for one of the companies no longer used by the premises. The Police expressed some reservations that some previous door staff would continue to be employed at the premises. Door security was now totally under the control of the premises management. All door staff were self-employed. Three companies had previously provided door security at Lost at different times.
- CCTV could be monitored in the office on the first floor of the premises and had a zoom capability. Images were retained for 28 days and copies of footage could be burned.
- Mr Randle stated that he had not seen the Facebook photographs of customers drinking from bottles in the premises until they had been shown earlier in the meeting.
- Mr Randle stated that the Licensing Objectives were the Prevention of Crime and Disorder and Public Safety and could not name any more.
- Mr Randle stated that he had been in trade for thirty years, ran five licensed premises in Northampton and Norwich and was a member of the British Institute of Innkeeping.
- Barriers had now been erected between the entrance to the premises and St Peter's Walk, plus two sets of barriers with a gap at the smoking area. The landlord who owned the shopping area, Pat Pensions, had been told of the intention to place the barriers.
- Mr Randle confirmed that after the Pubwatch meeting held in February 2013 when he approached PC Bryan to ask how Lost was performing PC Bryan stated that the situation was worse than it had been.
- Mr Randle confirmed that he had received a letter from PC Bryan, which was passed to the Sub-Committee to read, following a Pubwatch meeting in June stating that in light of the CCTV footage received by the police the police considered they had no option other than to seek a review of the premises licence. Mr Randle had had conversations with PC Bryan before PC Bryan went on holiday and prior to this meeting.
- The police had recommended that Mr Johnny Simpson be removed as DPS and there be a change in the management of the premises. The premises had fallen into the red zone of the "traffic light" system for licensed premises. The management decided that Mr Simpson should become the Bar Manager, working under Mr Randle until the premises moved into the green zone. Mr Randle would work in the premises each weekend and had been checking the doors of the premises at 03:00 hours since the Pubwatch meeting. Should Mr Randle not be present, Mr Johnny Simpson or one other manager would be present or a member of staff could be seconded from one of Mr Randle's other licensed premises. Mr Randle and Mr Simpson were the only Personal Licence Holders at Lost.
- Mr Randle stated that the head door supervisor would be in charge of resolving specific issues, as set out in the policy booklet produced for the premises. He was unable to say who the head door supervisor would be at this time and it would depend who was on duty at the time. He expected to be able to provide names and put the policy into place at weekend of 17/18 August 2013. All door staff would be under the direct control of the duty manager and would be required to sign in with their full name, address and SIA badge number, the status of which would be checked regularly.
- Mr Randle stated that he was not aware that the former DPS had told him of the door supervisor's refusal to show the police his SIA badge on 7 February 2013.
- He stated that in relation to a door staff member wearing a photocopy of his SIA licence he understood the man had left his badge at home and this was only for that



evening. PC Bryan stated that the legislation required door staff to wear their badge and not a photocopy.

- Mr Randle stated that there were no records of his meetings with the former DPS and door staff following his meetings with the police.
- Mr Randle stated that in some cases people who had been drinking before they arrived at the premises did not appear intoxicated. It was later in the night when their intoxication became apparent. The door staff would take action if needed. He had spoken to the door staff to make sure they were aware of the regulations on the expectations in respect of dealing with drunken behaviour and all the bar staff had signed to say they were aware of the regulations.
- There were now nine CCTV cameras in the premises, covering all areas, and one or two more to be added in week commencing 19 August 2013. The person in charge of the bar had the Publink radio. There was two way radio contact between the door and bar and door staff could monitor the bar from the door.
- With regard to the male allowed to enter the premises after 03:00 hours in the incidents on 9 June 2013 Mr Randle thought the male was connected to the bar staff.
- Mr Randle stated that many of the issues relating to the premises had resulted from poor management of the door security company. He confirmed that he aware the company undertook their functions on behalf of the premises and that their actions reflected on the premises.
- Mr Randle confirmed that he was aware of the police condition not to sell drinks in bottles prior to the service of the closure notice. He stated that bottles had been sold and that customers had been taking half full bottles away from the bar. PC Bryan referred to a meeting at the premises on 20 July 2013 at about 23:30 hours when approximately twelve customers had been drinking from bottles at the bar with no glasses in sight.

Questions were then asked of Mr Simpson by the Police.

- Mr Simpson stated that he was aware of the Licensing Objectives but failed to list them correctly. He stated that the Objectives described their purpose in each case.
- Mr Simpson stated his understanding of drunkenness in relation to intoxication.

### **Summing Up by the Applicant**

Mr Randle stated that he had received the review papers on 28 June 2013 the following had been put into place at the premises:

- CCTV had been upgraded, new cameras purchased and door staff wore body cameras;
- All door staff involved in incidents in the review papers no longer worked at the premises;
- All door staff signed a register on starting work, giving their name, date of birth and SIA number. The numbers were checked to ensure that they were still valid;
- SIA licences have to be worn at the premises;
- Klearcut Security had undertaken a study of the premises and produced a policy document which would be used to revise policies and plans;
- There was now a new policy in respect of drugs;

Mr Randle stated that the majority of incidents at the premises were not related to the times of operation but had related to two particular door staff. He stated that the times were not relevant and the incidents could have happened at any time of day or night.

He hoped that the Sub-Committee would be satisfied with the action taken.

### **Summing Up by the Respondents**

PC Bryan stated under s182 Guidance of the Licensing Act, on page 11 on point 2.7, that a Premises Licence Holder should run a premises competently and to ensure the competency of the management and door staff.

Under Section 12.2 of the Northampton Borough Council's Licensing Policy the Licensing Authority may take account of any non-compliance with statutory requirements that may highlight that the management of a premises is not competent to meet the Licensing Objectives.

PC Bryan stated that there was a strong case for revocation of the premises licence for Lost as the people were still involved with the premises who were believed to have generated the problems which led to the review being called. He asked the Sub-Committee to give serious consideration to this action.

If the Sub-committee did not wish to revoke of the premises licence PC Bryan suggested some conditions which the Sub-Committee might wish to consider attaching to the licence, in addition to the existing conditions, as set out below:

1. A reduction in hours for trading and all licensable activities to 02:00am, with a 30 minute 'drinking up period' prior to close of business.
2. That all Door Supervisors (which can be named at the Hearing) are no longer employed in any capacity at the premises.
3. That all door staff at the premises shall wear high visibility jackets or shirts including T-shirts or polo shirts when working at the premises in the capacity of a Door Supervisor, inside and outside of the premises.
4. That Body Worn Video either a 'chest' mounted camera or a head camera be worn by at least two Door Supervisors when working at the venue. One to cover the inside of the venue and one to cover the outside of the venue. Recording will be made available to Police Officers on reasonable request and recordings must be kept for 28 days.
5. Door Supervisors at the venue must sign into a register before the commencement of their shift. The details must include their 16 digit S.I.A. licence number, their full name and their date of birth.
6. That a member of door staff will be positioned within the smoking area of the premises from 10:00pm until close of business.
7. That all Door Supervisors employed at the premises wear their S.I.A. licence in a high visibility armband.
8. That there be a removal of the current Designated Premises Supervisor.
9. That a Personal Licence Holder be present and working at the premises from 10:00pm when the premises are open to the public.
10. That a CCTV camera be fitted at the premises that covers the front door area of the premises and that recordings be kept for 28 days. In addition that these recordings are available to Police Officers on reasonable request.
11. That there be a period of suspension of the Premises Licence in order for the Premises Licence Holder to make arrangements to implement the proposed conditions

PC Bryan stated that most of the incidents at the premises occurred after 02:00am, that two of the door staff who had been involved in the incidents had been dismissed but many of the

other door staff who had stood around watching the incidents were still employed at the premises. The Premises Licence Holder had purchase a body worn camera for the door staff but the police would like have another body worn camera there. A monitor had also been installed so that the door staff could see what was happening in the bar. The DPS had also been transferred from Mr Johnny Simpson to Mr David Randle.

The Police stated that there were still management issues regarding the premises and asked that if the Sub-Committee go down the route of conditions they should consider that there be a suspension of the premises licence for the Premises Licence Holder to “get his house in order.”

There being no further questions, the Sub Committee adjourned at 1.00pm to make a decision. The Solicitor was called for advice.

### **The Determination**

The Sub-Committee re-convened at 2.50pm.

The Sub-Committee attended to hear a Review Application of a Premises Licence for LOST, 8 St Peters Square, Northampton, which was called in by Northamptonshire Police.

The Sub Committee took into account all representations from the Police, and Mr Randle in relation to the premises and considered all the written, verbal and visual representations.

The Sub-Committee noted that there had been a catalogue of incidents presented by the police, and appreciated that some of these were not at the fault of the management of the business, but the majority of these were down to the running of the business and the staff it employed.

Mr Randle had made efforts to make sure the premises were run in a way which would bring it back into the Green in the Traffic Light system.

However, the incidents which were in the control of the Premises Licence Holder and his staff left the Sub-Committee very disappointed. On reading the papers, and viewing the CCTV footage, the Sub-Committee were appalled at what had taken place at these premises.

Clearly the Sub-Committee had to make a decision as to what was to happen with this premises licence and took on board a suggestion of putting extra conditions on the licence. However, there were already agreed conditions on the licence which had not been complied with, so the Sub-Committee are not convinced that any new conditions would be complied with either.

A number of things concerned the Sub-Committee about these premises, including:

- Although the door staff who were directly involved in incidents of assault were no longer employed by the Premises Licence Holder, he was still employing at least two door supervisors who are linked with those involved in the incidents.
- Not all incidents which took place were recorded correctly by the staff of the premises.
- The door staff were not proactive in the matters to prevent incidents from occurring, therefore not preventing crime and disorder.
- Since the serving of the review papers, further incidents had been recorded.

- One of the agreed conditions was in relation to bottles not being on the premises, yet it was clear from Social Media sites that the DPS at the time, had uploaded photographs recently of customers holding and drinking from bottles in the club. This was a clear example of no respect for the licensing objectives.
- The Sub-Committee were very concerned that the Premises Licence Holder could not name the “Head Door Supervisor” which their own policy refers to.
- The Sub-Committee were also concerned that the ex DPS, Mr Johnny Simpson, had been removed as the DPS, but it was very clear that he was still heavily involved in the day to day running of the business.
- The Sub-Committee were also concerned that neither the ex DPS, Johnny Simpson who was now the named manager, nor the new DPS Mr Randle, could answer questions on the basic principles of the Licensing laws.

All of these things gave the Sub-Committee reason to believe that the licensing objectives, in particular the Prevention of Crime and Disorder and Public Safety had not been upheld, and the Sub-Committee did not have confidence they would be upheld in the future if kept under the same management.

The Sub Committee had a duty to ensure that members of the public were kept in a safe environment, and decided the most appropriate action was to revoke the premises licence.

All parties had the right to appeal this decision to the Magistrates Courts if they felt that this was necessary within 21 days.

The meeting concluded at 2:56 pm