

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING COMMITTEE

Tuesday, 21 January 2014

**PRESENT:** Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Conroy, Duncan, Eales, Ford, Hibbert, Mennell, Sargeant and Stone

### 1. APOLOGIES

Apologies were received from Councillor Wire DL.

### 2. MINUTES

The minutes of the meeting held on 10 December 2013 were agreed and signed by the Chair.

### 3. DEPUTATIONS / PUBLIC ADDRESSES

None.

### 4. DECLARATIONS OF INTEREST

Councillor Hibbert declared a personal, non-pecuniary interest in the Full Review of Mo Mo, 79-81 Abington Street, Northampton as he had attended a function at the premises during the last year.

Councillor Hill declared a personal, non-pecuniary interest in the Full Review of Mo Mo, 79-81 Abington Street, Northampton as he had attended a function at the premises in 2010 as the Mayor.

### 5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

### 6. STREET TRADING CONSENT

The Senior Licensing Officer informed the Committee of the results of the consultation regarding the proposed re-location of the existing street trading consent site on Gowerton Road, Brackmills, Northampton, which the Committee had agreed to advertise at its previous meeting, held on 10 December 2013. No objections had been received to the proposal and those consulted had recognised the advantages of the proposed new location. The original commencement date for the new of 1 February 2014 had been delayed by one month to comply with the statutory regulations.

### RESOLVED:

1. That the existing street trading consent site in Gowerton Road, Brackmills, Northampton be withdrawn in favour of the adoption of the new site nominated by the Senior Licensing Officer in agreement with Mr Chris Barker, Brackmills Industrial Estate Security Manager and the street trader, Mr Podolczak (as shown on the map appended to the officer's report), with a commencement date of 1 March 2014.
2. That authority be delegated to the officers to change the commencement date of the new consent site from 1 February 2014 to 1 March 2014 to comply with the statutory regulations.

## **7. FULL REVIEW OF MO MO, 79-81 ABINGTON STREET, NORTHAMPTON**

### **Presentation by the Licensing Officer**

The Senior Licensing Officer stated that an application had been received from PC Bryan of Northamptonshire Police on 30 December 2013 for a review of the premises licence for Mo Mo 79-81 Abington Street, Northampton following a stabbing incident which had taken place at the premises on 27 December 2013 which had been deemed serious on the ground of the Licensing Objective of the Prevention of Crime and Disorder. An expedited review had been held by the Licensing Sub-Committee on 31 December 2013, which had determined that the premises licence conditions should be modified so as to ensure that at least 50% of attendees are searched prior to entering the premises. A full review was required to be held within 28 days of the application for review.

The Senior Licensing Officer then explained the procedure for the review.

### **Presentation by the Applicant**

PC Bryan and Sergeant Worthington stated that two persons had been stabbed on 27 December 2013 at Mo Mo's. The victims had not co-operated with the Police, and were known to the Metropolitan Police, and there was no CCTV evidence of the incident so there was no prosecution to take forward. The incident had been serious but no one had been killed, although the outcome of the incident could have been much worse. Several of the conditions on the premises licence were unenforceable and the Police had met with the venue owner and Designated Premises Supervisor (DPS) to consider new conditions, which were circulated at the meeting. 99% of the conditions had been agreed with the venue owner and DPS and there was only one condition (no. 7, relating to the installation of a scanner to verify identification documents) which needed to be resolved. Pubwatch and the Police were prepared to offer match funding towards the cost of buying a scanner for any licensed premises which wished to purchase one. Other conditions, inter alia, related to improving the CCTV which was of poor quality, requesting that the Police receive a minimum 14 days' notice of private events so that promoters could be checked and not fly posting events as had happened in the past.

### **Questions to the Applicant from the Committee and the Respondents**

In answer to questions from the Committee PC Bryan and Sergeant Worthington stated that:

- Mo Mo was not very different from other licensed premises in the town centre. Installing an identification scanner would help the Police to identify who was actually in licensed premises and the Police would like to see scanners in all licensed premises.
- Many licensed premises now had conditions that were unenforceable as legislation and people's habits changed over time. The only way to change those conditions was through reviews of licensed premises, unless premises' owners voluntarily agreed to changes.
- The incident on 27 December 2013 had been at a private event organised by a promoter. Giving Police advance notice of promotions would allow checks to be undertaken on the promoter and the event and for a risk assessment to be undertaken by the Police, who could inform the venue owner of any issues arising. The identification scanner would assist the Police in knowing who was on the premises at the event. The scanner would not collect personal information.
- Females entering the premises could not be searched, other than their handbags, if there were no female door staff at the premises. It was noted that no female door

staff were employed and that there were very few females who wanted to be employed in that capacity.

- If an identification scanner were installed at the premises admission could potentially be refused to anyone not carrying any form of identification.
- The cost of an identification scanner was £4,000, with the Police and Pubwatch being prepared to contribute £1,000 each towards the cost at any premises installing a scanner. The rental cost was £300 per month. There was a subscription cost of £100 per month in either case.
- No knife had been found following the incident on 27 December 2013 but medical evidence indicated that the wounds were consistent with those which would have been caused by a knife.
- The Police did not know how many door staff had been on duty on 27 December 2013 but it was noted this had been stated as five at the Sub-Committee meeting on 31 December 2013 and management had named the door staff on duty on the night.
- The CCTV at the premises was black and white and the light sensitivity was very poor. CCTV cameras could be installed over the hand basins in the toilets at the premises, where the incident took place, and it was not known if these were in situ or not.

There were no questions from the respondents.

### **Presentation by the Respondents**

Mr Moore (venue owner) and Mr Frackowiak (DPS) stated that the premises did not create problems on a day to day basis, and fewer problems than equivalent bars in the town centre. The incident was a very serious one and had arisen at a one off event. The promoter of the event had hired the premises five or six times previously but no longer used them. Outside promoters would no longer be allowed to hire the premises. The management had turned away a number of people who had wanted to promote events at the premises. There was a certain aspect of control lost by the management when an event was organised by a promoter.

The respondents had no difficulties with the majority of the proposed conditions but raised the following issues:

- Management expected customers to be smart and well dressed and that the door and bar staff should be the same. Requiring door staff to wear high visibility vests would spoil that image.
- The CCTV at the premises had been improved and now had a hard drive. This was already in the process of being upgraded before the incident took place. The Committee were invited to visit the premises to see it in action.
- The searching of customers was considered to be unnecessary on a day to day basis in that large groups of males were refused admission to the premises, and a search spoiled an evening out for some people. Management were aware of the seriousness of the incident which had occurred on 27 December 2013, however.
- Although the introduction of an identification scanner would assist the Police it would affect trade and many customers could be lost. Customers might also enter the premises earlier in the day, before the scanner was being used. Management would not have any issues with installing a scanner if they had to be provided in all licensed premises and not just Mo Mo.

Mr Moore and Mr Frackowiak stated that toilet checks were now being carried out by staff every five minutes (previously every thirty minutes), Mo Mo had a good reputation and there had been no trouble whatsoever prior to the incident which led to the review. They would

not want to search well-dressed customers as they entered the premises. They stated that the incident had arisen due to the event and the type of customers the promoter attracted and would not happen again. Management would concentrate on improving the premises and the offer available to customers.

### **Questions to the Respondents from the Committee and the Applicant**

In answer to questions from the Committee and the applicant Mr Moore and Mr Frackowiak stated that:

- The incident on 27 December 2013 had arisen in the toilets and had been spotted by a member of staff checking the toilets. The incident could have resulted from something which might have happened earlier in the evening. There could have been a full body search and a metal detector present on the night but they were not present. It is a “bit insulting” to search people just because they are attending licensed premises.
- The venue had lost in excess of £20,000 by not using outside promoters but would rather lose money than have a similar incident occur again.
- The proposed conditions would improve the premises but they should also be fair to the management.
- The premises had a strict door policy, not allowing in large groups of males. Management did not consider they could practically do more than that. Door staff had been trained in admissions policy and the intention was that people would come into the premises to enjoy themselves.
- Management had not received any further information from the Police following the incident and it was noted that the Police had not been able to gather any further intelligence.
- The Police had not previously raised as an issue regarding the poor quality of the CCTV footage at the premises when they had viewed disks. Copies of footage had been given to the Police following the incident on 27 December 2013. There appeared to be no reason why CCTV cameras could not be placed to cover the hand basins in the toilets. It was not known if the cameras complied with the provisions of the Data Protection Act but management had not received any complaints.
- The incident had occurred very quickly on 27 December 2013 and management had responded very quickly. They did not believe that anything could have been done to prevent the incident taking place. It was stated that only one person had been stabbed and the second person had been cut on the shoulder.
- Management believed that people should not be able to spoil a night out for everyone else by their actions.
- The Police stated that management had been initially unable to provide CCTV footage of an incident in July 2013 when requested by the Police due to problems with the CCTV when it had been upgraded and an engineer had been brought in to correct the problem. It was noted that this issue had not been mentioned at the initial review stage or in the Police presentation above.
- There are sixteen digital CCTV cameras on the premises, producing a massive amount of data, which is very time consuming to sift through. Footage is kept for 28 days and three staff are trained in the use of the cameras. One member of staff able to download footage is always present when the premises are open. The cameras can pick up images in the dark and door staff can be identified on the footage by their shoulder badges.
- The Police had been provided with a memory stick which contained footage on the night of the incident, from 20:00 hours until thirty minutes after closing time, which covered the time of the incident. Sergeant Worthington said he did not have footage other than between 21:00 and 01:00 hours but that the case officer might have further

footage.

- When outside promoters hired the premises for an event the promoters sold the tickets and kept the money from the sales whilst the premises made money from the bar sales.
- There are normally three or four door staff on duty when the premises are open but there were five on the night of 27 December 2013 as the event was being held on two floors.

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

Sergeant Worthington stated that the proposed conditions were considered to be appropriate in relating to the promotion of the Licensing Objectives. Time limits could be placed in relation to conditions 6 (searches) and 7 (identification scanner). He asked the Committee to place the conditions on the premises.

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

Mr Moore stated that he appreciated the incident was very serious but considered that Mo Mo was being judged on the incident that happened and not on a day to day basis. Private events had now been stopped at the premises. There had been no serious incidents at the premises before this event. Management were looking at further action which could be taken at the premises over the next few weeks.

**The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 by reference to paragraph 1 of Schedule 12A to such Act.**

**The Motion was Carried.**

**All parties then left the room at 7:17pm, with the Solicitor and the Democratic Services Officer being asked to remain, as the Committee deliberated its decision.**

All parties returned to the meeting at 7:54pm.

The Committee then gave its decision to all parties, as set out below

### **RESOLVED:**

That having regard to the Licensing Act 2003 and the guidance thereunder; the Council's Licensing policy statement and the representations made and evidence heard, the following decision was reached:

That all existing Premises Licence conditions aside from mandatory conditions be removed in relation to Mo Mo, 79-81 Abington Street, Northampton and be replaced with the following conditions which were deemed appropriate for the promotion of the Licensing Objectives:

### **Prevention of Crime and Disorder**

1. SIA registered door staff will be deployed from 22:00hrs when the premises is open with a minimum ratio of 2 for the first 100 customers and 1 for every 100 customers thereafter. All members of doorstaff employed at the point of entry will wear their ID on a distinguishing armband.
2. A CCTV System which conforms to the provisions of the Data Protection Act 1998 is

installed within the premises. The system will cover all public areas. There will be cameras sighted in areas which include coverage of the point of entry and the entrance to toilets and images are of sufficient quality to afford facial identification of persons entering the premises. The CCTV system will record all images from 30 minutes before the public are admitted to 30 minutes after the last customer leaves. Images will be retained for at least 28 days. At all times the premises are open to the Public a suitably trained member of staff will be available to provide copies of the recorded footage on suitable media (compact disc/USB stick - to be supplied by the premises) to a Police Officer or authorised officer, at reasonable request.

3. The premises has a zero tolerance drugs policy. Any persons found to be using/dealing controlled drugs within the premises or its environs will be ejected and consideration will be made to calling the police.
4. Risk areas for drugs to be identified, documented and included in door staff patrol plan. This to be reviewed at 3 monthly intervals
5. The Designated Premises Supervisor or duty manager will maintain a register indicating the name of person in charge of the management of the premises, door supervisors working including first and last names and full 16 digit SIA numbers, who are present when the public are admitted. Further the register will contain detail regarding any incident relevant to the four licensing objectives. This register shall be produced immediately on the request of an authorised officer.

Any register required under this condition will be:

- Accurate and up to date
  - Bound and consecutively numbered
  - Retained in a safe place on the premises for a minimum of 12 months after the date of the last entry
  - Readily available for examination by a Police officer or authorised Officer.
6. At least 1 in 4 people entering the premises in any 15 minute period after 22:00hrs will be subject to a pat down/pocket and/or handbag search. Notices will be displayed at the point of entry that this is a condition of entry.
  7. No admissions to the premises after 03.00hrs when the premises is open to the public for licensable activity. (with the exception of staff members who are employed and on duty at the premises)
  8. The DPS will inform the Police Licensing Officer at least 14 days before any promoter is to use the premises. The following details will be supplied:
    - The full name, date of birth and home address of the promoter (including any 'stage names')
    - The date and times the event is to take place
    - Anticipated numbers attending
    - Details of how and where the event is to be advertised
    - Any additional security measures identified

## **Public Safety**

9. Staff will be trained in health & safety and all other legislation relevant to their role. Records of this training will be kept.

## **Prevention of Public Nuisance**

10. Doors and windows will be closed except for access to and egress from the premises, during regulated entertainment.
11. Notices will be displayed at the exits requesting customers to leave the premises quietly and to respect the neighbours when using the outside areas.
12. No events at the premises will be advertised upon any street furniture or building (other than the premises itself), unless specifically authorised by the local authority or owner of the building to which the advertisement is attached.

## **Protection of Children from Harm**

13. A challenge 21 policy will be employed where anyone who appears to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification that they are over 18. The only type of identification that will be accepted is a passport; photo driving licence, military ID card or PASS accredited identification.
14. Staff will be trained in this policy and records will be kept.
15. Persons under 18 years of age will only be admitted to the premises when they are accompanied by an adult.

All parties have 21 days following receipt of this notice to appeal to the Magistrates Court.

The meeting concluded at 7:59 pm