

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Tuesday, 31 December 2013

- COUNCILLORS PRESENT:** Councillors Malpas (Chair) Hill and Duncan
- OFFICERS:** Mr Edwards – NBC Senior Licensing Officer  
Mr Kassam – LGSS Solicitor
- FOR THE APPLICANT:** PC Bryan (Northamptonshire Police)  
SGT Worthington (Northamptonshire Police)
- FOR THE REPRESENTORS:** Mr Frackowiak (Designated Premises Supervisor)  
Mr Mackay (Proactive Pubs)  
Mr Hall (Security Provider)  
Mr Moore (Venue Owner)  
Mr Lawrence (Business Partner)

### 1. WELCOMES

The Chair welcomed everyone to the hearing and explained the procedure that would be followed

### 2. DECLARATIONS OF INTEREST

There were none.

### 3. EXCLUSION OF PUBLIC AND PRESS

**RESOLVED:** That the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such act.”

### 4. EXPEDITED REVIEW - MOMO - 79-81 ABINGTON STREET

The Senior Licensing Officer outlined the purpose of the hearing and explained that on the 30<sup>th</sup> December 2013 an application had been received by the Northampton Borough Council Licensing Department for an expedited review of the Premises Licence in respect of MoMo's, 79-81 Abington Street, Northampton.

The application had been submitted by PC Bryan representing Northamptonshire Police and related to an incident that occurred at the premises on 27<sup>th</sup> December 2013. The incident was deemed serious and the application for a review had been submitted on the ground of the Prevention of crime and disorder, one of the Licensing Objectives contained within the Licensing Act 2003.

### The Determination

The Sub-Committee reconvened at 11.25am.

Having regard to the Licensing Act 2003 and the guidance there under; the Council's Licensing policy statement and the representations made, the following decision was reached:

The Committee decided that the following interim steps were appropriate and necessary for the promotion of the Licensing Objective of the Prevention of Crime and Disorder

- 1) The Premises Licence Conditions be modified so as to ensure at least 50% of attendees at the premises are searched prior to entering the premises

It was recommended that the premises owners considered employing a female to conduct random searches on females where appropriate.

The Committee received legal advice in terms of:

- 1) The legal test to be applied for such matters
- 2) The options available to the Sub-Committee
- 3) The statutory provisions under section 53a Licensing Act 2003

The reasons for the Committee decision were:

- 1) The incident was a one off
- 2) The operation of the premises in the 12 months prior to this expedited review were not untypical of other premises within the locality
- 3) The event at which the incident took place was a private event.
- 4) The victims were from outside the locality and from London
- 5) The Voluntary steps that the premises management will undertake to obviate a recurrence of such incidents
- 6) That no further private events will take place at MoMo's

A full review would take place within 28 days from 30 December 2013 to a date which will be notified in accordance with statute and regulations.

The meeting concluded at 11.26am