

**NORTHAMPTON BOROUGH COUNCIL**

**LICENSING ACT 2003**

**LICENSING SUB COMMITTEE**

A Meeting of the Licensing Sub-Committee will be held at  
The Council Chamber, St. Giles Square, Northampton, NN1 1DE  
on Thursday, 17 April 2014 at 9:30 am

**D Kennedy**  
**Chief Executive**

**AGENDA**

- 1. WELCOMES**
- 2. DECLARATIONS OF INTEREST**
- 3. PREMISES LICENCE REVIEW - ELYSIUM, HORSESHOE STREET, NORTHAMPTON**
- 4. EXCLUSION OF PUBLIC AND PRESS**

The Chair to move:

“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.”

**SUPPLEMENTARY AGENDA**

Exempted Under Schedule 12A of the Local Government Act 1972

Para No:-

## 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, Democratic Services Officer etc)
- **Declarations of Interest by Councillors**
- **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

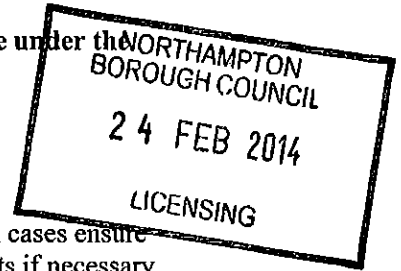
In all other cases, the Sub-committee delivers its decision and reasons for its decision within five working days beginning with the day on which the hearing was held.

**If you require any further information regarding this meeting please contact Democratic Services on 01604 837722 or [democraticservices@northampton.gov](mailto:democraticservices@northampton.gov)**

# Agenda Item 3

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**



## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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 copy of the completed form for your records.

**I Constable 113 D. Bryan**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Elysium 63, Horseshoe Street	
<b>Post town</b> Northampton	<b>Post code (if known)</b> NN1 1RA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Simon R A Thomson Ms Cheryl S Stanford-Forbes
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<b>Number of premises licence or club premises certificate (if known)</b> PLO427
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### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address <b>Police Constable 113 D.Bryan Campbell Square Police Stn The Upper Mounts Northampton NN1 3EL</b>
Telephone number (if any) <b>101 EXT 343409</b>
E-mail address (optional) <b>david.bryan@northants.pnn.police.uk</b>

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 2)**

I act on behalf of the Chief Officer of Police for Northamptonshire, Mr Lee. I have been delegated to act on the Chief Constable's behalf with regard to representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.

Northamptonshire Police call for the Review of "Elysium" situated in Horseshoe Street Northampton on grounds relevant to the Prevention of Crime and Disorder and Public Safety licensing objectives.

This nightclub has a license to remain open to 05.00am Monday to Saturday with licensable activity ceasing at 04.00am. On Sundays these hours are reduced to 03.00am and 02.00am respectively.

Northamptonshire Police will say that due to the late opening hours of this establishment the crime and disorder and public safety licensing objectives are being undermined. We will show 17 incidents of violence occurring after 03.00am in, or directly associated with, these premises.

**Please provide as much information as possible to support the application (please read guidance note 3)**

To add some context and history, in the summer of 2012 it was noticed by Police that there were incidents occurring in the early hours of the morning.

On 14th August 2012 a meeting was held with the DPS – Hamid Delbari and Maurice Young & Liam Warren of MySec (the security company) to discuss these and the result of that was that the numbers of security personnel would be increased, mainly on pay weekends.

**05.00 hrs 2nd September 2012** – there was a large fight inside and spilling outside the club, this involved the use of bottles and several people were injured. As a result of this incident, which was particularly serious, and the previous incidents Northamptonshire Police did consider an expedited review of the premises license at that time, but instead due to the positive working relationship we had with the club decided that there was another way of achieving the same result and on 5th September had a meeting with Mr Delbari and the security operators to discuss the incident and remedies that could be introduced to prevent a recurrence. The details of the incidents and resultant measures are detailed in the letter from Sergeant Worthington to the club dated 6th September 2012. It would appear the advice was heeded for a short time as there were no recorded incidents at the club until December that year.

There then follows the following incidents:

**1. 04.00 16th Dec 2012.**

Male on the dance floor is punched several times to the head causing a bleeding wound

**2. 06.39 1st Jan 2013**

A group of 5 heavily intoxicated males were ejected from the club and refused to leave throwing a bottle at the front door causing it to smash.

**3. 03.32 25th Jan 2013**

There was a report of an assault outside the venue. A male was identified to police as being responsible, however no formal complaint was made

**4. 02.55 17th Feb 2013**

A person was assaulted by being punched in the head

**5. 02.00 21st Feb 2013**

Alleged sexual touching of a female in the garden area

**6. 03.26 21st Mar 2013**

Report of a fight involving 6 or 7 people.

**7. 05.11 10th May 2013**

Following a student night at the club large numbers of attendees at that event congregates in Gold Street and fights break out we have CCTV footage of this incident. A meeting with management & security followed this incident

**8. 05.04 18th May 2013**

Male injured inside the club – he was semi-conscious. Whilst ambulance crew are attending this male at 5.28 a second male is assaulted sustaining a fractured nose.

**9. 04.35 8th Jun 2013**

Doorstaff call police as 2 females are fighting. Arrests result.

**10. 02.19 30 Jun 2013**

Doorstaff refuse entry to violent drunk male

**11. 03.00 4th Aug 2013**

Male punched to the face in smoking area. Suffers a cut to cheek which bleeds profusely

**12. 05.05 17th Aug 2013**

Security staff had detained a male who had damaged the toilets

**13. 03.59 24th Aug 2013**

Disturbance between 2 groups of males believed to be from London threatening violence to each other

**14. 04.50 3rd Nov 2013**

Persons punched in the face by one of a group of 3 males required hospital treatment

**15. 05.00 30th Nov 2013**

Person punched in the face then kicked when fell to the floor.

**16. 05.00 1st Dec 2013**

As a group leave the club a male is assaulted and receives facial and head injuries amounting to Actual Bodily Harm

**17. 05.30 22nd Dec 2013**

Person gets into an argument inside the club and is pushed over

**18. 06.26 22nd Dec 2013**

Male assaulted inside the club

**19. 04.16 30th Jan 2014**

Female assaulted by male who drags her across the dance floor by her hair.

**20. 04.52 1st Feb 2014**

5-6 person fighting inside the club, parties separated by door staff and ejected into street where fight continues resulting in male being stamped on in the head and Grievous Bodily Harm injuries.

The investigation of the incident on 1<sup>st</sup> Feb 2014 implied that at the time it occurred licensable activity was occurring inside the club (outside the permitted hours), and due to this and Police concerns in respect of how the premises was being managed, plain clothed Police Officers were deployed within the premises on **Friday the 8<sup>th</sup> and Saturday the 9<sup>th</sup> of February 2014**, on both occasions the officers were able to purchase alcohol after 04:00am and regulated entertainment was still taking place (supporting statements can be provided). No Temporary Event Notice was in place on either of these dates to cover this extension of licensable activity

**21. 02.35 20<sup>th</sup> Feb 2014**

Report from a member of the Public that he saw a firearm inside the club, Police respond with armed officers attending, however no firearm was located.

As can be seen from the above catalogue of incidents, all bar 4 occurred after 03.00hrs.



As a result of the above report and the fact that we have attempted to work with the club to address the issues without success we now feel that the premises license needs to be brought to the attention of the licensing Committee. We ask that the Licensing committee take the view that the later opening hours of this club do not promote the licensing objectives especially those of Crime & disorder and Public Safety and in fact undermine those objectives, so we invite you to reduce the trading hours as follows:

All licensable activity to cease at 03.00 and the premises closed to the public at 03.30 hours.

We also invite the committee to review the current conditions applied to this license and add the following conditions:

1. SIA registered door staff will be deployed from 22:00hrs on Friday and Saturday or any other night when the premises is open when special events are being hosted or promoters are using the premises, in the minimum ratio of 2 for the first 100 customers and 1 for every 100 customers thereafter. All members of doorstaff employed anywhere in the premises will wear a high-vis garment (jacket/vest/tabard).
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 a camera sighted so that it covers the point of entry 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 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 or such longer period as required
  - Readily available for examination by a Police officer or authorised Officer
4. The installation of an identification scanner which verifies the validity and authenticity of any ID document presented and cross references to established data sets. All customers entering the premises will be required to have their ID validated by this device (irrespective of age). Information of persons present on any date or dates will be provided to the police upon reasonable request. Notices will be displayed at the point of entry that this is a condition of entry.

5. 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 & 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
6. Notices will be displayed at the exits requesting customers to leave the premises quietly and to respect the neighbours when using the outside areas.
7. 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.
8. No drinks will be served in glass vessels

If the committee has the view that a reduction in trading hours is not appropriate in these circumstances, then we would ask that the below condition is also added to the license:

9. 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)

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

*[Handwritten Signature]*

Date

*21 FEBRUARY 2014*

Capacity

*NORTHAMPTON FIRE POLICE LICENSING OFFICER*

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

## 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

**Elysium Nightclub**

63 Horseshoe Street, Northampton, Northamptonshire, NN1 1RA.

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for 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
E. Performance of live music (Indoors)	Monday-Saturday	10:00am	4:00am
	Sunday	Noon	2:00am
F. Playing of recorded music (Indoors & Outdoors)	Monday-Saturday	10:00am	4:00am
	Sunday	Noon	2:00am
G. Performance of dance (Indoors)	Monday-Saturday	10:00am	4:00am
	Sunday	Noon	2:00am
I. Provision of facilities for making music (Indoors)	Monday-Saturday	10:00am	4:00am
	Sunday	Noon	2:00am
J. Provision of facilities for dancing (Indoors)	Monday-Saturday	10:00am	4:00am
	Sunday	10:00am	2:00am
L. Late night refreshment (Indoors)	Monday-Saturday	11:00pm	4:00am
	Sunday	11:00pm	2:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday-Saturday	10:00am	4:00am
	Sunday	Noon	2:00am



**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday-Saturday	10:00am	5:00am
Sunday	Noon	3:00am

**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 and OFF the premises

Part 2

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

Simon A R Thomson	Elysium, 63b Horseshoe Street, Northampton, NN1 1RA. Telephone 01604 785272 or 01604 604488
Cheryl S Stanford-Forbes	Elysium, 63b Horseshoe Street, Northampton, NN1 1RA. Telephone 01604 604488 or 01604 785272

**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**

Hamid DELABARI	6 Muncaster Gardens, East Hunsbury, Northampton, Northamptonshire, NN4 0XH. Telephone 01604 604488 or 01604 700754
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**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. PA0404	Issued by Northampton
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**ANNEXES**

**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.

**Police Conditions**

1 The operator in order to secure the integrity of the licensing objective the prevention of crime & disorder shall ensure that bottles, glasses and other open containers are not taken from the premise unless the practise is specifically authorised by the premise license.



ANNEXES continued ...

- 2 To co-operate fully with any agency to ensure that the promotion of the four licensing objectives is actively supported by the use of crime prevention notices and similar.
- 3 To prevent incidents of crime and disorder an expectation prevails that the operators of premises and their staff will at all reasonable times co-operate fully with the Police and other enforcement agencies and take steps to ensure that members of their staff understand the importance of the responsibility they hold.

### 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.

Solicitor to the Council

