

LICENSING PANEL

THURSDAY, 2 JUNE 2016

PRESENT:- Councillors John Haines, Vera Tomlinson and Nadine Watts.

1. Appointment of Chair

Resolved – That Councillor Vera Tomlinson be Chair of this meeting of the Panel.

(Councillor Tomlinson took the Chair.)

2. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

3. Consideration of an Objection Notice in respect of a Temporary Event Notice at 37-38 Fleet Street, Swindon SN1 1RE together with a copy of each relevant representation made and supporting documents

The Panel considered (a) a report of the Council's Licensing Manager setting out an application, by Wiltshire Constabulary, objecting to a temporary event notice for 37-38 Fleet Street, Swindon, for an event covering the period covering 20:00 hours on Friday 26th August 2016 until 06:00 on Saturday 27th August 2016, (b) information set out in the Licensing Manager's report, (c) the Council's procedure for licensing hearings, (d) oral and written representations received from Wiltshire Constabulary in support of their objection, (e) oral representations from the applicant, Mr Julian Hogan, in support of his application for a temporary event notice and written documentation tabled by him, (g) oral submissions from Mr O'Neill (assisting with the promotion of the proposed event) in support of the application, (h) questions and answers to officers, the applicant, Mr O'Neill and Wiltshire Constabulary, (i) the Licensing Act 2013 and the Secretary of State's Section 182 Guidance, and (j) the Council's Licensing Policy.

The Council's Licensing Manager introduced the report noting:

- 1. That the Temporary Event Notice application was for 37-38 Fleet Street.
- 2. That the Police had objected to the application and that their objection was set out in the agenda papers and supporting information had been tabled.
- 3. That Mr Julian Hogan was the applicant and had made several temporary event notice applications previously, although this being the first at this location.
- 4. The venue of 37-38 Fleet Street currently held a premises licence although this had not operated for some time.
- 5. The application was as set out in the agenda papers.
- 6. That the sale of alcohol and regulated entertainment was proposed from 20:00 hours on Friday 26th August 2016 until 06:00 on Saturday 27th August 2016 which was a Bank Holiday weekend.
- 7. That a copy of the current premises licence was attached to the Agenda papers and the Panel, if it were so minded, could attach any of those

conditions to the current notification.

- 8. That no new conditions could be introduced to the notification.

The oral submissions in support of the objection to the grant of a temporary event notice can be broadly summarised as follows:

- That the Police believed that the event as proposed would undermine the licensing objectives in respect of the Prevention of Public Nuisance and the Prevention of Crime and Disorder.
- That the Police had considered the application and had negotiated with the applicant to suitably amend the application but there had not been any agreement as to a revised application.
- Mr Hogan had held other events at Quasar, Havelock Square, Swindon, and the Police had concerns following those events as a result of drugs and legal highs found within the vicinity.
- The Police had concern about the knowledge and experience of the organisers and staff at these events.
- The organisers no longer had access to the script radio system as they hadn't paid the appropriate fee which meant that they had no direct access to the Police which could delay any police response.
- That the absence of a script radio would mean the venue would not have access to police intelligence as this was data protected as part of the script radio scheme.
- That the latest closing time for a venue on Fleet Street was 04:00 hours.
- There was a heightened risk of trouble given the location of the venue.
- The Police concerns related to the hours requested, numbers attending and location of the venue that was isolated in the night-time economy area.
- The requested maximum occupancy was at variance with the current premises licence.
- The police had concerns regarding the competency of the applicant to run the event proposed in that venue as it was a high risk area and a type and size of event that the applicant didn't have experience organising.
- If the event went ahead it could have a knock on effect on the police's ability to manage other venues.
- That there was an expectation that all training for venues and events within the Night Time Economy area would be maintained in a written form.
- Police concerns that the training provided might not be sufficient for an event in a high risk area.
- The responsibility of promoters, venue managers and owners within the Night time Economy Area when organising events to ensure they met the Licensing Objectives.

The oral submissions in support of the objection to the grant of a temporary event notice can be broadly summarised as follows:

- Mr O'Neill noted that Mr Hogan and he had run a number of successful events over the previous three years, gaining experience and forming relationships as they did so.
- That Mr Hogan and Mr O'Neill had run a variety of events and approximately 70 events in total.

- The last entry time of 01:00am for the event was intended to avoid people entry after being at other venues therefore preventing conflicts on the door.
- There would be four door staff employed (including one female), all would be experienced and SIA registered.
- Mr Hogan advised the Panel that he had written a policy to prevent Crime and Disorder at the event.
- The finish time of 06:00hours was based upon the conditions proposed for the licence and the staff he employed.
- All bar staff were aware of the Challenge 25 Policy and enforced it.
- The Police had not mentioned the script radio during discussions between the parties.
- When organising events in the past there had been close working with the Police and Security staff.
- The Security Staff had eight years' experience of working in Swindon and around the proposed venue and would encourage people leaving the event to be respectful of neighbours.
- The average age of people attending the event was expected to be around 30 years of age; the event was not being promoted to attract young drinkers.
- The event was being held at 37-38 Fleet Street because Quasar, Havelock Square, was closing.
- The capacity was based upon using both the ground and first floors of the venue although the bar would be situated on the ground floor.
- There had been no major incidents at events organised by the applicant in the past, including no ejections of attendees in the last three years, with the exception of one arrest.
- The event was based around 10-12 DJ's and a mixture of MC's and the running time was to allow for their sets.
- The type of the music provided was not otherwise available within the town.
- Persons under the age of 18 years of age were not admitted to events run by the applicant.
- Tickets were priced at £12 in advance and £15 on the door and had been advertised on a range of media and social media.
- People from outside of Swindon were expected to attend the event.
- There were other venues in the town with a 06:00 hour closing time.
- History had shown that by 06:00 hours there were usually only 30-40 attendees present and most of these were waiting for transport home.
- Mr Hogan would be present at the event.
- Mr Hogan had previously trained bar staff and would do so again prior to the event.
- There would be no drinks promotions as part of the event.
- It was anticipated that the bar would be closed at 05:00 hours.
- Previous events had been promoted by the applicant at the premises when they were owned and operated by Mr Rossi.
- That previous events promoted by the organisers had run until 06:00 hours.
- A policy tabled at the meeting to show the applicant was aware of his responsibilities and what was happening.
- That the conditions set out on page 19 of the Agenda papers were offered as part of a revised application.

Questions and answers received to the Police and applicant in respect of the

following issues:

- Confirmation that CCTV at the premises was operational.
- The layout of the premises and the differing view of them received from the applicant, Police and Licensing Authority. The applicant believed the Premises had been converted back to the layout of the nightclub whilst the Licensing Authority had received no notification of any alterations.
- Confirmation that neither applicant was a qualified Personal Licence holder and therefore never acted as a Designated Premises Supervisor although they were considering becoming one.
- Why Risk Assessments and Training had not been discussed with the Police.
- The use of two door staff to monitor the door and two would also patrol the premises.
- The refusal of entry of ticket holders after 01:00 hours, drunk and aggressive members of the public.

Resolved – Having carefully considered all representations of the objection and evidence from Wiltshire Constabulary and submissions on behalf of the applicant the Panel decided to issue a counter notice against the temporary event notice as it was not satisfied that Licensing Objectives in respect of the Prevention of Crime and Disorder and the Prevention of Public Nuisance would be undermined if the temporary event notice was to proceed.

Reasons

1. The Panel heard evidence from the Police that the premises to be used for the event under the temporary event notice was considered to be high risk. Police evidence pointed to the fact that the high volume of incidents in the area continued into the early hours even after the premises at 37-38 Fleet Street ceased trading.
2. The Panel noted the applicant's general successful record of running previous events but took into account Police concerns that the change of event heightened the risks associated with the proposed promotion given the applicant relative inexperience in promoting high risk events.
3. The Panel took into account Police evidence that the event would be isolated from normal support mechanisms due to the location of the premises and the fact that the door staff, although experienced, would not have access to a script radio with the support and intelligence this offered. Indeed the Panel heard evidence from the applicant that Quasar's previous access to the script radio system was obtained by purchasing a radio from premises that was closing, and were unaware of the subscription required to participate in the scheme.
4. The Panel received written documentation from the applicant regarding his policies and practices but the Panel received no detailed information on how such policies would be operated or as the detail contained therein. Given the high risk location of the event the Panel found this concerning.
5. The Panel received a copy of a letter from the Wiltshire Fire and Rescue Service dated 4th October 2011 supporting his proposed maximum occupancy level however the Panel disregarded this letter because the applicant in evidence to the Panel confirmed that the interior layout had changed on at least two occasions since the

letter was written. Indeed, the maximum occupancy figure on the current Premises Licence was 120 persons.

6. The Panel heard evidence from the applicant that the interior of venue had been changed from that used when the venue was used for lap-dancing to its former layout as a nightclub. The Panel heard evidence from both the Police and the Council's Licensing Manager that no notification of any such changes had been made to them and that no variation of the Premises Licence (with accompanying plans) had been submitted to the Licensing Authority. The Police also advised the Panel that they believed the smoking area to the rear of the premises had been sealed to prevent access from the exterior of the premises property line. Without confirmation of the layout of the Premises, or up-to-date plans the Panel could not satisfy itself (a) as to the suitability of the premises for the event, (b) neither could the Panel condition a maximum occupancy figure, (c) that there was a valid fire risk assessment in place, and (c) that the premises were covered by a valid Premises Licence.

7. The Panel noted that training to bar staff was undertaken by Mr Hogan and it was noted that neither he, nor Mr O'Neill currently held a Premises Licence. The Panel considered that this was insufficient given the high risk location being proposed. In addition there was no evidence presented to the Panel as to the content of previous training or that it had been undertaken by specific staff.

8. The Panel given the high risk location was concerned that an adequate Health and Safety Assessment or an adequate Risk Assessment had been provided to the Police, Licensing Authority or the Panel. This was considered necessary given the location, times requested and the fact that people would be travelling from out of town to the event (and therefore unknown to the organisers).

9. The Organisers gave evidence as to a last entry time of 01:00 hours for the event, regardless of whether the individuals had tickets for the event, but provided no detail as to how they would disperse anyone seeking admittance after this time.

10. The tabled policy documentation was not considered to be tailored to the event in question and appeared to be a summary of ideas rather than detailed policies.

11. The Panel considered the option of adding conditions from the existing premises to the application but was not convinced that given the issues raised by the Police and information provided by the applicant that this would not undermine the Licensing Objectives, and in particular, the Prevention of Crime and Disorder and Prevention of Public Nuisance Licensing Objective.

12. Given the lack of detailed and specific information regarding the running and security of the event in a high risk area the Panel could not be assured that the Licensing Objectives would not be undermined.

The Chair reminded both parties that they had the right of appeal to the Magistrates Court against this decision and that any such appeal should be made within 21 days of the receipt of the written determination and no later than five days before the scheduled event.