

Licensing Act Sub-Committee - Record of Hearing held on Wednesday 16 June 2010 at 3.00pm

MEMBERS: Councillor SZANTO (Chairman); Councillors Mrs GOODALL and Mrs SALSBURY.

1 Declarations of Interest.

None were received.

2 Application for Temporary Event Notice – Kings Nightclub, 18-20 Langney Road.

The Chairman introduced members and officers present and detailed the procedure to be followed.

The Licensing Manager outlined the report regarding an Objection Notice submitted by Sussex Police under Section 104 of the Licensing Act 2003 in respect of two Temporary Event Notice (TEN) applications for Kings Nightclub. The application sought to extend the hours of operation on Sunday 27 June 2010 for the sale of alcohol, regulated entertainment and late night refreshment for an additional hour until 4.00am with a closure time of 4.30am.

The Sub-Committee was advised that if the police were satisfied that allowing the premises to be used in accordance with the TEN would undermine the crime and disorder licensing objective an objection notice must be given within 48 hours of receiving the temporary event notice.

Mr M Gillman addressed the Sub-Committee in support of the application. He advised the Sub-Committee that the premises was committed to providing a safe environment for its customers and to promoting the licensing objectives. In response to police concerns regarding the number of incidents at the premises an action plan had been agreed which set out measures to try and reduce the number of incidents. The club operated a low tolerance policy on customer behaviour and this may be a factor in the number of incidents recorded. A commitment had been made to provide regular refresher training for bar staff in relation to serving of alcohol to inebriated customers. A floor walker would be used to identify queuing customers who should be refused entry and inside to patrol the bar area to alert staff to customers who should not be served with alcohol.

A temporary event notice had been granted by a Sub-Committee for an event on 2 May 2010 ending at 4.00am. No problems had occurred and the TEN sought for the end of June was to trial a later closure time to test whether it was financially viable.

From 2.00am during the period of the TEN until close no further admissions would be permitted and a local taxi firm had been contacted to ensure transport would be available.

Inspector C Connaughton presented the case for the police objection. Reference was made to 51 incidents of crime and disorder at the premises which had occurred between 3 May 2009 and 2 May 2010 and had been attended by the police. A list which set out each incident in detail had been circulated to all parties present.

The Sub-Committee was advised that excess alcohol had been a factor in 39 of the arrests, in some cases the drunkenness so extreme that the offenders were too drunk to be processed.

It was considered that the premises was not actively promoting the prevention of crime and disorder licensing objective and that evidence existed that door staff had admitted customers who should have been refused entry due to their level of intoxication.

Following a comprehensive analysis of the incidents the police had placed the premises on an action plan which contained measures which, if undertaken by the premises manager and staff should have reduced the number of alcohol related incidents and arrests. The action plan which had been signed by Mr Gillman on 13 May 2010 was appended to the report. Inspector Connaughton stated that there had been insufficient time to prove the effectiveness or otherwise of the plan. A review meeting was scheduled to take place in the near future and the Licensing Officer had already advised Mr Gillman that currently the action plan was not achieving a reduction in the number of incidents and had discussed a number of measures which could be adopted to improve the current situation.

It was of concern that since a meeting held with Mr Gillman on 7 May 2010 there had been 13 incidents at the premises involving drunken customers. This was a marked increase in incidents compared with the same period last year (8 May to 7 June 2009).

The police raised concerns that with the onset of the summer season, an increased risk of alcohol related disorder and domestic violence linked to the World Cup and extra visitors to the town, police resources would be stretched. The high visible policing employed in the town centre at the weekends ended at 4.00am and any extra calls during the period of the TEN could impact on the police's ability to respond to emergency calls elsewhere in the town.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted and the further evidence presented at the meeting, the crime and disorder licensing objective and the Council's Statement of Licensing Policy.

Having taken into account all the relevant considerations the Sub-Committee announced the decision as follows.

RESOLVED: That a counter notice should be served for the reasons as set out in the attached appendix. The Temporary Event Notice was therefore refused and the event would not be permitted to proceed.

The meeting closed at 4.04p.m.

**G Szanto
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 16 June 2010

- Applicant: Mr Mike Gillman
- Premises: Kings Nightclub
18-20 Langney Road
Eastbourne
- Reasons for Hearing: Police objection to a Temporary Event Notice under the crime and disorder licensing objective.
- Parties in attendance: Applicant:
Mr M Gillman
- Responsible Authority - Sussex Police:
Inspector C Connaughton and Mrs C Wolfe (Licensing Officer).
- Licensing Authority:
Miss K Plympton (Licensing Manager) and Mr G Johnson (Regulatory and Litigation Lawyer).
- Decision made: That a counter notice should be served.
- Reasons for Decision: The Sub-Committee having given due weight to the evidence placed before it, as well as the regulations and guidance under the Licensing Act 2003, the Council's Licensing Policy and the crime and disorder licensing objective, agreed that a counter notice should be served.
- The Sub-Committee has weighed up the applicant's submissions alongside the representations made by Sussex Police. The Sub-Committee heard the evidence submitted by the police that indicated that despite the existence of an action plan which contained measures that if followed should reduce the number of alcohol related incidents and arrests, there had in fact been no reduction in incidents of crime and disorder involving drunkenness connected to customers from the premises. It was considered that until the action plan had been in place for a longer period it was difficult to assess any improvements arising from its implementation.
- It was considered that the granting of the TEN would be likely to exacerbate the already serious situation and would have an impact on the wider environmental problems in the town centre and police policy and resources.
- The objection from the police is therefore considered to be justified and the Sub-Committee agreed that a counter notice should be served to promote the crime and disorder licensing objective.

Date of Decision: 16 June 2010

Date decision notice issued: 18 June 2010

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

RIGHT OF APPEAL

Under the provisions of S.181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Sub-Committee, should you be aggrieved at the outcome.

However, in accordance with Schedule 5 Section 16(6) no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

Full details of all the rights of appeal can be found within Schedule 5 of the Act. If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.