

Licensing Act Sub-Committee - Record of Hearing held on Monday 26 April 2010 at 6.00pm

MEMBERS: Councillor THOMPSON (Chairman); Councillors GOODYEAR and Miss WOODALL.

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. A revised report had been circulated to all parties at the meeting. The application sought to extend the hours of operation from 0300 hours to 0500 hours on Sunday 2 May 2010.

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.

Inspector C Connaughton presented the case for the police objection. Reference was made to 54 incidents of crime and disorder at the premises which had occurred between 3 May and 17 April 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 the 46 arrests made for a wide range of offences recorded. Reference was made to a Home Office Research Study on violence in the night-time economy and that the peak time for violent offending is week-end nights located in and around pubs and clubs with a substantial proportion of the violence involving people who had been drinking.

Inspector Connaughton stated that door staff at the premises conducted their duties in a satisfactory manner in relation to ejections and the detaining of offenders. It was acknowledged that door staff co-operated with Sussex Police in relation to incidents but concerns remained that door staff were not diligent enough in refusing entry to the premises to customers who were already inebriated. There was also strong irrefutable evidence that customers were consistently being served with alcohol beyond the point where they should be refused service, resulting in drunkenness.

It was considered that the premises was not actively promoting the prevention of crime and disorder licensing objective due to the unacceptably

high level of drink related offences emanating from the premises which were a significant contributor to alcohol related public place violent crime in Eastbourne.

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.

It was acknowledged that the number of incidents recorded was of concern. Some had occurred when door staff had been in the process of removing customers from the premises. He stated that positive feedback had been received from officers attending incidents at the premises and that the professionalism of door staff had been commended. Reference was made to the training regime for staff and that a strict photo proof of age policy was in place supporting the Challenge 21 objectives. The premises had also been one of the first to cease using glass containers. He challenged the evidence that bar staff were serving consistently customers with alcohol beyond the point where they should be refused service, thereby resulting in drunkenness.

The premises operated a dispersal strategy to encourage gradual dispersal of patrons during the last part of trading and a local taxi firm had been contacted to ensure transport would be available. From 2.00am during the period of the TEN until close no further admissions would be permitted.

Reference was made to the Statement of Intent which set out the operational procedures to be adopted in the management and operation of Kings, including the provision of additional door supervisors, the good working practices in place and its areas of responsibility which had taken into account the potential impact the venue may have on the community.

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 not be served for the reasons as set out in the attached appendix. The Temporary Event Notice was therefore approved and the event allowed to proceed.

The meeting closed at 7.30p.m.

**M Thompson
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 26 April 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, Inspector V Johnson and Mrs C Wolfe (Licensing Officer).
- Licensing Authority:
Miss K Plympton (Licensing Manager)
Miss V Simpson (Lawyer to the Council)
- Decision made: That a counter notice should not 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 not be served.
- The Sub-Committee has weighed up the applicant's submissions alongside the representations made by Sussex Police and on balance were satisfied with the submissions made in support of the application and the measures offered within the Statement of Intent to promote the crime and disorder licensing objective and that sufficient measures had been put in place to address the Police objection and promote the licensing objectives.
- Date of Decision: 26 April 2010
- Date decision notice issued: 27 April 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.