

## Licensing Sub - Committee

**Minutes** of a meeting of the **Licensing Sub - Committee** held in the **Ditchling and Telscombe Rooms, Southover House, Southover Road, Lewes** on **Wednesday, 28 April 2015 at 14:00pm**

**Present:**

Councillor J Stockdale (Chair on election)  
 Councillors P Gander and J M Harrison-Hicks

**Officers Present:**

Ms R Brittle, Committee Officer  
 Mr A Couper, Lawyer  
 Ms S Lindsey, Licensing Officer

**Applicant Attending:**

Mr Martin Thomas, Applicant

**Representor attending the meeting and who spoke against the Application:**

Police Sergeant Vokins, Sussex Police, Alcohol Harm Reduction Unit  
 Anthony Masters, Sussex Police, Alcohol Harm Reduction Unit

Minutes	Action
<p><b>1 Election of Chair</b></p> <p><u>Resolved:</u></p> <p><b>1.1</b> That Councillor Stockdale be elected Chair of the Committee for this meeting.</p>	
<p><b>2 Declarations of Interest</b></p> <p><b>2.1</b> Councillor Stockdale declared that he had a declarable personal interest but not a prejudicial one in agenda item 3 (Application for Temporary Event Notice at 7 Phoenix Place, Lewes, BN7 2QJ)</p> <p>He had agreed with the lawyer prior to the meeting that the acquaintanceship he had with the partner of the applicant did not amount to a close association.</p>	
<p><b>3 Application for a Temporary Event Notice at 7 Phoenix Place, Lewes BN7 2QJ</b></p> <p>The Chair of the Committee welcomed all parties to the hearing. Those who attended introduced themselves. The Committee considered Report No. 62/15 presented by the Licensing Officer to determine whether the</p>	

Application for a Temporary Event Notice (TEN) should be approved.

The Licensing Officer began by explaining that a TEN was a process of notifying the Local Authority and the Police of licensable activities to be carried out at premises often those that, as here did not have a premises licence or a club premises certificate. The Licensing Officer went further to explain that only the Police or Environmental Health could object to a TEN on the grounds that the licensing objectives would be undermined.

The Licensing Officer informed the Committee that the TEN received was for an event to be held from 16 May to 17 May 2015, it included steps proposed by the Applicant to ensure public safety, following an incident on 4 April 2015, where a man had been stabbed. She confirmed that the objection from the Police had been received on 23 April 2015. The Licensing Officer informed the Committee that, 7 Phoenix Place (also known as Zu Studios) was situated in the Phoenix Industrial Estate in Lewes, and that it was a community arts centre used by various groups. Types of events had included talks, workshops, yoga, an annual Phoenix Festival, and evening music nights that had been covered by TENs. Events had been held since 2011 and since then 12 events per year, covered by TENs, had taken place. The Environmental Health Department had confirmed that there had been no noise issues reported since 2008.

Concluding her presentation of the Report, the Licensing Officer clarified that there was no section in the Council's Licensing Policy that referred to TENs. If a relevant objection had been made by the Police and no compromise had been reached between the parties, a hearing had to be held and the only options available to the Committee was to either to support or reject the objection, with no further stipulations attached.

The Chair invited the Representor to make their representations. The Police Sergeant began by highlighting that the TEN notification made by the Applicant listed the event as a fundraiser and that the only difference from previous Applications was that the event had been shortened by one hour, from 4:00am to 3:00am.

The Sergeant then moved on to explain the events of 4 April 2015 where Police had been called to Zu Studios following a report of someone being stabbed. He explained that when the officers had arrived, the crime scene had not been secured and that the victim had received three wounds to his stomach, chest and arm. The Sergeant also explained that assault was graded into levels of severity, and that the level of injury inflicted to the victim had been enough to be covered by Grievous Bodily Harm. He explained it was a repeated and planned attack.

The Police Sergeant acknowledged that Mr Thomas had suggested some steps to improve the events, but that the Police were hesitant to accept them. Firstly the Applicant had stated that there would be two registered doorman for the event. The Sergeant explained that details needed to be provided about the doormen as they would have had to be registered with

the Security Industry Authority (SIA). He further informed the Committee that the Police recommended the ratio of doormen to attendees was 1:100 with the application stating there was 240 attendees, as such, the Police would have expected there to be at least three doormen. In reference to the Applicant stating that there were an additional 10 stewards on duty throughout the premises, the Sergeant explained that stewards would not be able to provide a frontline role and that they should only be employed for ushering and helping customers.

The Sergeant explained that in the application it stated that staff had been “encouraged” to obtain first aid training, but the Police would have expected first aid training to be mandatory. The Sergeant informed the Committee that the stabbing incident occurred inside the property, not at the door, so he queried why the Applicant had suggested putting one CCTV camera on the door and no CCTV inside the premises. He also explained that those involved with the incident on 4 April 2015 had gained access through a door at the back of the property; he queried why the Applicant had not planned for CCTV to be placed at the back of the property. On the night of the incident it had been noted by Officers on the scene that there had been 150-200 people inside the premises, with many of those being intoxicated. The Sergeant went further and explained that it was an offence to serve someone alcohol while drunk. He also informed the Committee that the knife had been handled by at least two people and that partygoers had still been walking around the crime scene when the Police arrived. The Sergeant questioned why people had still been drinking after the incident and why there had been no control over the scene.

In conclusion the Sergeant explained that the Police had worked closely with Licensees to uphold the licensing objectives, and while the potential steps on the application had been acknowledged, they could not be enforced. The Sergeant queried the adequacy of the proposed changes considering that the licensing objectives had been undermined in weeks previously.

The Councillors asked if the suspect had come to the event with a knife, and if so would the attack not have happened in any case, and that the location had been immaterial. The Sergeant responded that the knife had been on the premises, which raised questions as to where and how had the knife been stored, and why could people who were intoxicated access it. The Councillors asked the Sergeant if there had been any other reports received by the Police, relating to Zu Studios. The Sergeant provided an overview of other incidents at the premises including, theft of mobile phones, money, car keys and excessive noise. The Applicant commented that he had not been aware of the majority of the incidents listed.

The Committee queried who the beneficiary of the fundraiser had been. The Applicant confirmed that the events had been to raise money to keep Zu Studios open. He described the centre as a community space, and that a variety of events had taken place, that it was a valued part of the community

and without the TEN events the centre would not be able to continue.

The Applicant was then invited to outline his case. He began by explaining that the incident of the 4 April 2015 was unique and that he had been focused on the victim and that the time between the incident and the emergency services arriving had been short. The Applicant stated that although people had been, on some level, intoxicated, he felt there was only one person at the event who was noticeably drunk. He considered the level of intoxication described by the Police as an exaggeration. The Applicant stated that the majority of people at the event knew and liked each other, that those involved had brought their issues to the event. He explained that he wanted to make Zu Studios as safe as possible, and that he recognised that he needed more doormen. He concluded that he was very happy to oblige with what was advised by the Police in relation to the CCTV requirements.

The Sergeant then put his questions to the Applicant. He queried how much experience the Applicant had and whether events held at Zu Studios had always been under TENs. The Applicant confirmed he had ten years' experience hosting private parties and events under TENs.

The Applicant then responded to questions put to him that there had been one event in 2015 and twelve in 2014, that there were no personal licence holders on the premises and that he had not known the licensing objectives. The Sergeant queried how many bars were at the events and who had been in charge. The Applicant confirmed there was one bar, and that he had managed it. He confirmed there were 15-20 people working at the events. The Applicant confirmed that there was a pool of volunteers who were highly intelligent, and who regularly worked at the events.

The Sergeant asked if he had known any other licensing policies in terms of verifying age. The Applicant confirmed he didn't. The Sergeant asked if he had heard of Challenge 25, which is the scheme that if someone attempting to buy alcohol looked under 25 should be asked for identification, the Applicant said he hadn't. The Applicant was then asked if he thought that being totally intoxicated/incapacitated was what drunk meant. He confirmed he didn't. The Sergeant then stated that he, the Applicant, had not known about all the reports to the Police mentioned earlier in the meeting, and that it was a fair comment that the Applicant was not aware of everything that happened at Zu Studios.

The Councillors queried how many people had a first aid certificate, the Applicant confirmed it was thirty. The Councillors then queried if, when the incident occurred the bar had been shut. The Applicant confirmed that the bar had not been shut, and that his first objective had been to call the emergency services.

The Committee retired at 15:20pm

**The** Committee returned at 15:26pm

The Sergeant stated that some people had become excessively drunk at the events and that those people would have had to walk through the area after the event. The scene had been compromised and witnesses had dispersed on the night. The Sergeant stated the premises had become a late night venue and that not enough had been put in place in light of such a serious event.

The Committee retired at 15:45pm

The Committee returned at 15:55pm

The Committee's decision in respect of the application was delivered as follows;

**Resolved:**

- 3.1** "We accept the Police Objection that the Crime and Disorder Licensing Objective would be undermined if the event detailed in this TEN were to go ahead. We therefore uphold the Police Objection and intend to serve a counter notice which will prohibit the event for 16 - 17 May 2015. We are pleased to see the Applicant is trying to cooperate with the Police requirements. We encourage the Applicant to work with the police to meet the necessary standards for a late opening venue before applying for another TEN on similar basis"

The meeting ended at 16:00pm

J Stockdale  
Chair