



Lewes District Council

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 **Monday, 17 October 2016** at 6.00pm

Present:

Councillor P Gander (Chair on election)
Councillors J Harrison-Hicks and I Linington

Officers Present:

Z Downton, Committee Officer
S Lindsey, Licensing Officer
M Wilkinson, Housing & Regulatory Lawyer

Applicant's Representatives Attending:

J Irving, Head of Licensing & Public Safety, Sussex Police
P Savill, Barrister
Police Sergeant Vokins, East Sussex Licensing Team, Sussex Police

Representors:

Councillor S Bell CBE, Office of Maria Caulfield MP
Councillor S Gauntlett, Lewes District Council

In Attendance:

J Adams, Senior Environmental Health Officer
E Hele, Principal Environmental Health Officer – Public Health and Licensing
Police Constable Rush, East Sussex Licensing Team, Sussex Police
C Wolfe, Safer East Sussex Team, Sussex Police

Also present:

3 members of the public and 1 member of the press

	Minutes	Action
1	Election of Chair of the Sub-Committee <u>Resolved:</u> 1.1 That Councillor Gander be elected Chair of the Sub-Committee for this meeting.	

2 Apology for Absence/Declaration of Substitute Members

An apology for absence had been received from Councillor Sam Adeniji. Councillor Harrison-Hicks declared that she was substituting for Councillor Adeniji.

3 Review of Premises Licence following Summary Review Notice in relation to Trek Nightclub, Blatchington Road, Seaford

The Chair of the Sub-Committee welcomed all parties to the hearing. Those attending introduced themselves and the procedure to be followed was read out to all parties present.

The Sub-Committee considered Report No 140/16 to review the Premises Licence, following a Summary Review Notice, in relation to Trek Nightclub, Blatchington Road, Seaford.

The Licensing Officer presented the Report to the Sub-Committee.

The Licensing Officer read out, under paragraphs 1.5.2 and 1.5.3 of the Report, that Sussex Police had served the Council with a Summary Review Application accompanied by a Superintendents' Certificate and supporting witness statements, set out at Appendices 2 and 3 respectively on 20 September 2016 requesting an interim step to suspend the Premises Licence issued to the Trek Nightclub, Seaford on the grounds that the premises was directly associated with serious crime and serious disorder. On 22 September 2016, a meeting of the Licensing Sub-Committee was convened and it resolved that the Premises Licence of the Trek Nightclub be suspended, commencing at 12.00noon on 23 September 2016, pending a full review hearing.

Sussex Police had supplied further information in support of their review, as set out in Appendix 5 on pages 58 – 217 of the Agenda.

The Licensing Officer explained that she had received two written representations, one from Councillor Stephen Gauntlett (Lewes District Council) on behalf of two residents, and another from Councillor Steve Bell acting for Maria Caulfield MP on behalf of 29 families. They were considered relevant and not vexatious or frivolous. Copies of the representations were set out in Appendices 6 and 7 of the Report. The Licensing Officer had also received one representation from the Council's Environmental Health department, as set out under Appendix 8.

The Licensing Officer highlighted that the Licence Holder had surrendered the Premises Licence on 6 October 2016. She explained that the Sub-Committee should consider the necessity to take any relevant steps and determine the interim decision to suspend the Licence. Where the licensing authority considered that action under its statutory powers was necessary, those steps were set out under section 8.4 of the Report.

The members of the Sub-Committee and all parties present confirmed that they had no questions to ask the Licensing Officer regarding the Report.

The Sub-Committee invited Mr Savill, Barrister, to present the case on behalf of Sussex Police. Mr Savill outlined that the Police had gained evidence that licensable activities at the premises had undermined the licensing objectives. He explained that there had been a catalogue of incidents involving extreme levels of intoxication and violence causing nuisance and disorder to residents. The Police felt the management of the premises was failing to stop the problems arising. Mr Savill highlighted that the Police were not there to run people's premises for them, but the number of incidents at the Trek Nightclub had been a drain on Police resources as it had spent a disproportionate amount of time policing there. Mr Savill informed the Sub-Committee that the Police had evidence that the premises management were instructing staff not to call or involve the Police when an incident happened. This, he explained, was an example of the irresponsible approach to the licensable activities. The Police's case was that incidents that undermined the licensing objectives had continued to occur at the premises, notwithstanding frequent Police intervention. Mr Savill informed the Sub-Committee that the test was not whether it was necessary to take any steps but whether it was appropriate to take any steps; this change was acknowledged by the Sub-Committee. On behalf of the Police, Mr Savill requested the Sub-Committee revoke the Premises Licence.

The Sub-Committee confirmed it had no questions to ask Mr Savill.

Ms Jean Irving, Head of Licensing & Public Safety, Sussex Police spoke to explain the process undertaken by the Police, from meeting with residents and deciding to take action against the Premises, up to serving the Summary Review Notice to the Council on 20 September 2016, having collated all its evidence. Ms Irving explained that the Police refuted the claim made by the Licence Holder, Mrs Newton-Turner, that they had waited until she was out of the country on holiday to serve notice to the Council. Ms Irving concluded that the Trek Nightclub had been run irresponsibly and the Police's stance remained unchanged in that it wished the Sub-Committee to revoke the Premises Licence.

Sergeant Vokins, Sussex Police addressed the Sub-Committee to provide further information about the Licence Holder. Sergeant Vokins described Mrs Newton-Turner as defensive, argumentative and wishing to shift the blame on to the Police. Sergeant Vokins informed the Sub-Committee that there was a clear pattern of incidents occurring frequently at 'kicking-out' time when the nightclub closed and customers were leaving. He explained that failure to call the Police to report some incidents was unacceptable.

The Sub-Committee invited Councillor Steve Bell, representing Maria Caulfield MP, to give evidence on behalf of local residents. Councillor Bell drew the Sub-Committee's attention to the various concerns raised by residents, as set out within his letter of representation shown under Appendix 7 on page 224 of the Agenda and letters from local residents, as

set out on pages 226 - 285. Councillor Bell highlighted that it was deeply saddening to hear the experiences of the residents. He informed the Sub-Committee that since the suspension of the Licence, he had been contacted by residents who had expressed that their lives had been changed significantly for the better. On behalf of the residents, Councillor Bell confirmed that he and they were fully in support of the Police's request to revoke the Premises Licence.

The Sub-Committee invited Councillor Stephen Gauntlett, Ward Councillor, Lewes District Council, who had made a representation, to present the case on behalf of local residents. Councillor Gauntlett explained to the Sub-Committee that the Licensing Officer had made him aware of the incident that took place at the premises on 11 September 2016. He had then, in his capacity as Ward Councillor, begun to contact local residents inviting them to put forward any issues or concerns. He was unaware at that time of Councillor Bell's similar involvement. Councillor Gauntlett explained that two residents had expressed a wish for him to make representations on their behalf. Copies of the residents' letters were set out at Appendix 6 on pages 218 – 223 of the Agenda.

The Senior Environmental Health Officer confirmed to the Sub-Committee that she had nothing further to add to the Environmental Health representation that she had previously submitted, as set out in Appendix 8 of the Report.

The Chair explained to all parties present that the Licence Holder, Mrs Newton-Turner had indicated that she would not be attending or be represented at the Hearing, and had made no written representations for consideration by the Sub-Committee.

The Sub-Committee withdrew to consider the evidence. The decision was delivered as follows:

Resolved:

"The Hearing concerned a review of the Premises Licence of the Trek Nightclub.

In discharging its functions, the Sub-Committee considered the promotion of the four licensing objectives, the Council's own Licensing Policy, the Home Office guidance and the rules of natural justice. The Sub-Committee considered the review application and associated documents from Sussex Police and their oral representations made at the Hearing. Due regard was also given to the written and oral representations made by Councillor Gauntlett on behalf of two residents, the written and oral representations of Councillor Steve Bell acting for Maria Caulfield MP on behalf of 29 households and the written representations of the Council's Senior Environmental Health Officer. In its deliberations the Sub-Committee considered whether it was appropriate to take any of the steps as outlined in paragraph 8.4 of the Report and if it was what the appropriate step or

steps should be.

Decision

The Sub-Committee has resolved to revoke the Licence.

Further, the interim measure of suspension, taken at the expedited Hearing on 22 September 2016, continues (with immediate effect) until this decision comes into effect.

Reasons for decision

The Sub-Committee believes that the revocation of the Licence is the only appropriate course of action. The Sub-Committee took into account the recent serious incidents of crime and disorder and the history of incidents of crime and disorder at the premises. In addition the Sub-Committee considered the representations of the Police and those living in the locality in regard to issues of public safety, prevention of public nuisance and the protection of children from harm and considered that no other measure would address the immediate problems and in particular deal with the likelihood of further incidents in the locality.

The revocation decision taken at this Hearing will not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, the time the appeal is disposed of. However the interim step of suspension will remain in force over these periods.

The Licensing Act provides a right of appeal to the Magistrates Court in respect of an application for a review of a premises licence. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates Court within a period of 21 days beginning on the date the appellant was notified in writing of the decision of the Licensing Sub-Committee.

This decision will be provided in writing to all parties.”

The meeting ended at 7.06pm

P Gander
Chair