

## **Licensing Sub-Committee – 5 November 2013**

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Minutes of the meeting of the **Licensing Sub-Committee** held on **5 November 2013** when there were present:-

Cllr K H Hudson  
Cllr D J Sperring

Cllr I H Ward

### **OFFICERS PRESENT**

N Khan	- Principal Solicitor
J Fowler	- Licensing Officer
S Worthington	- Committee Administrator

### **140 APPOINTMENT OF CHAIRMAN**

Cllr K H Hudson was appointed Chairman of the Sub-Committee.

### **141 PROCEDURE FOR LICENSING HEARING**

The Sub-Committee noted the procedure to be followed during the hearing.

### **142 LICENSING APPLICATION – LICENSING ACT 2003**

#### **Skylark Hotel, Zero 6 Suite, Aviation Way, Southend-on-Sea, SS2 6UN**

The Sub-Committee considered an application for a temporary event notice made under section 100 of the Licensing Act 2003 with respect to a premises known as Skylark Hotel, Zero 6 Suite, Aviation Way, Southend-on-Sea, SS2 6UN. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from the Police.

The Council's Licensing Officer drew Members' attention to the fact that there was a discrepancy between the plans submitted by the, on pages 4.24 and 4.26 of the report. The plan submitted with the application, as detailed on page 4.24 shows two rooms, however, the premises licence is attached to a premises with only one room.

The applicant distributed additional documentation in support of his application relating to the control of numbers.

The applicant, in support of the application, advised that Zero 6 currently has a premises licence allowing events to run up to 3.00 am and emphasised that the premises has operated as a night club for approximately 40 years.

The applicant advised that when the application was made for a premises licence in 2012 planning permission had been obtained to make some alterations to the building. He stressed that these alterations were minor ones, including the demolition of an internal wall to convert the existing two rooms into one room. The works have not been carried out to date.

The applicant explained that, in respect of the planned temporary event, 480 tickets would be on sale allowing entry until 5.00 am and those with these tickets would be issued with wristbands. On the date of the event, the music would be turned off at 2.45 am and everyone would be asked to exit the club; those wearing wristbands would be allowed to re-enter the club, while all others would be expected to vacate the premises. He further stressed that it was unusual for there to be any more than 500 people in the club at any time.

In response to questions, the following points were noted:-

- Once 480 tickets allowing entry to the club until 5.00 am have been sold, the club will advertise the fact that the extended event is sold out and that tickets will only be available allowing entry until 3.00 am.
- The toilets shown on the plans are as they have always been; there is planning permission to replace the existing toilets with new ones on the other side, but this work has not yet been carried out.
- The application for a one-off extension in hours has been made primarily to ensure that crowds are dispersed gradually from the premises in a highly managed and safe manner. In addition, there would be 4 DJs working during that night and the extension in hours would be more appropriate for that number.
- Skylark Hotel was managing the event, but was using an external promoter, Life, to market the event for the applicant.
- A continuous count of people entering the venue would be made on the door via a clicker; if the number was in excess of 500 people at 2.00 am, the procedure of vacating the premises at 2.45 am would be instigated.
- The event would run from 10.00 pm to 5.00 am.
- The external promoter from Life had not dealt with temporary event notices in the past, but rather event promotion/marketing. This was the first occasion that the applicant had employed the services of Life to promote any of Skylark's events.

The Police advised that they were objecting to the application on the grounds of promoting the licensing objectives of public safety and the prevention of crime and disorder. A large music event had taken place recently in the county, which had resulted in someone's death; it was therefore vital that any events were properly managed.

Limited information had been available to the Police at the time of the application being made. It was only yesterday that the Police licensing officer had been able to obtain answers to key questions relating to the management of this event. This information had been provided by the event's security team, rather than by the applicant. The Police had received intelligence

relating to the advertising of the event via online forums. The Police were not satisfied that sufficient management measures were in place to safeguard people on site during the event.

The Police made particular reference to condition 24 of the premises licence, detailed on page 4.16 of the report, and stressed that the impression they have received, given that a lot of the information they have requested has been provided by external promoters, is that the event is not being run by the actual venue but by an external promotions company. They further stated that the actual event was not being advertised on the venue's own website, but rather by the external promoters. The Police were seeking reassurance that measures would be put in place by the applicant to ensure that the event would be run safely and correctly to protect the safe environment of the hotel patrons; there could potentially be children on site at the time of the event. They were concerned that they had still not received any documents from the applicant with respect to risk assessments relating to the proposed event.

In response to questions, the Police advised that:-

- The letter from the applicant sent on 29 October 2013 did not make any mention of the necessary risk assessments; it only referred to condition 24 of the premises licence.
- The Police had received an email from the external promoters on Friday containing the summary document relating to the control of numbers during the period from 3.00 am to 5.00 am, but there was insufficient detail within this to satisfy risk assessment requirements.
- For any music events a full risk assessment should always be conducted for each individual event; no formal documentation has yet been provided to the Police to satisfy this requirement.
- Zero 6 was not a member of any B.O.B.B. (behave or be banned) scheme.
- The Police did not know whether those likely to attend the event lived locally or were coming into the district for the event.
- This kind of event could impact on children potentially staying at the hotel by way of noise, given that the music tended to have a lot of bass. There could also be a risk to children if people in attendance were under the influence of recreational drugs. It was therefore vital that the Police were satisfied that arrangements were in place to separate hotel residents from the venue/event. Insufficient information had, however, been provided to the Police for this to be the case.

The Police concluded by reiterating the importance of ensuring safe events within the district. Given the lack of appropriate risk assessments they were concerned that the licensing objectives were not being properly promoted. In the past the Police have worked alongside the venue to ensure that the

objectives were being properly addressed; this, however, has not been the case on this occasion.

The applicant concluded by stating that there had clearly been a breakdown in communication. He emphasised that he had the same objective as the Police, ie, to promote the licensing objectives. He stressed that the Skylark Hotel had all the necessary risk assessments in place with respect to the operation of Zero 6 until 3.00 am and the Police have been provided with supplementary information to deal with risks associated with the additional two hours until 5.00 am. He did not consider that the event in question was any different to events regularly run at Zero 6; the application was for a small extension in hours.

He expressed disappointment that the Police had not telephoned him directly to ask for the necessary information. He was more than happy to work with the Police, but their communication with him with respect to this application has not been straightforward. He reiterated his commitment to running a safe event.

The Sub-Committee retired from the Chamber with the Legal and Member Services officers to consider the decision, returning for its announcement.

Having given careful consideration to the officer's report and all the evidence presented at the hearing, including the applicant's submission during the hearing of an additional summary document regarding the control of numbers, the Sub-Committee considered it essential that the application, albeit for a temporary event, should promote and not compromise any of the licensing objectives. The Sub-Committee believed that events of this nature had the potential to cause major issues in terms of nuisance, crime, safety and harm to children. It was therefore critical that these considerations were fully assessed, recorded and discussed with the appropriate authorities, including the Police. The Sub-Committee felt that, although some attempt had been made by the applicant to address such issues, these were late in the day and significantly lacking in detail.

Furthermore, it was emphasised that condition 24 of the premises licence had not been adhered to, as an external promoter had been used without proper notification to the Police, in accordance with that condition. There was, in addition, an irregularity with respect to the area subject to the temporary event notice and the premises licence. It was clear that the premises plan, as submitted, showed the existence of one open area, whereas what actually existed was the same area divided into two with an internal wall. This was not in accordance with the existing premises licence.

The Sub-Committee were also mindful of the fact that a risk assessment that comprehensively addressed the proper management of the proposed event had not been submitted to the appropriate authorities, which has meant that the Police were unable to understand the full nature of the event, its organisers, potential risks and the means of controlling those risks. The Sub-

Committee accordingly deemed it appropriate to refuse the application. A counter notice would thus be served.

The applicant was furthermore advised to engage more fully with the appropriate authorities, including the Police, to provide mutual assistance in terms of promoting the licensing objectives and to resolve the current anomaly relating to the premises plans with the local authority.

### **Resolved**

That the temporary event notice be refused and that a counter notice be served. (HES)

The meeting commenced at 10.00 am and closed at 11.55 am.

Chairman .....

Date .....

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