

Licensing Sub-Committee - 12 March 2015

Minutes of the meeting of the **Licensing Sub-Committee** held on **12 March 2015**
when there were present:-

Cllr Mrs J E McPherson
Cllr D Merrick

Cllr Mrs G A Lucas-Gill

OFFICERS PRESENT

A Law	- Assistant Director, Legal Services
J Fowler	- Licensing Officer
S Worthington	- Committee Administrator

ALSO ATTENDING

J Appleby	- Essex Police
M Buckley	- Essex Police
J Flynn	- Essex Police
S Greener	- Essex Police
A Stavrinides	- Travelforce Ltd

7 APPOINTMENT OF CHAIRMAN

Cllr Mrs J E McPherson was appointed Chairman of the Sub-Committee.

8 PROCEDURE FOR LICENSING HEARING

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

9 LICENSING APPLICATION – LICENSING ACT 2003

Hotel, Hotel Bar and Reception, Skylark Hotel, Aviation Way, Southend-on-Sea

The Sub-Committee considered an application for a premises licence made under section 17 of the Licensing Act 2003 with respect to a premises known as Skylark Hotel, Aviation Way, Southend-on-Sea and specifically relating to the hotel, hotel bar and reception areas. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representation received from the Police.

The applicant asked the Sub-Committee to consider adjourning the hearing on the grounds that the Police evidence contained a misrepresentation, that there were anomalies and comparatives in respect of the current premises licence that were disproportionate and in order to arrange a site visit to the premises.

The Sub-Committee retired from the Chamber to consider the request for an adjournment. The request was refused as the Sub-Committee considered that the Police evidence was publicly available at this hearing and any alleged

misrepresentations could be addressed during the course of the hearing during which time the applicant would have ample opportunity to ask questions of the Police. In addition, the Sub-Committee considered that any anomalies in respect of the current premises licence had been picked up at a very late stage in the process; furthermore, this was a separate matter from the new applications for determination at this hearing. The Sub-Committee also considered that the request for a site visit should have been made at a much earlier stage, particularly given that this hearing has already been adjourned once.

The applicant asked for documents in support of his applications to be admitted as evidence during the course of the hearing. The Sub-Committee advised that these documents would not be admitted, given their late submission and the fact that the hearing has been scheduled for some weeks, and adjourned once. The applicant had been given every opportunity to submit papers in a timely manner. The Police would need to be given time to consider the contents, which would lead to a further adjournment, which was not in the public interest.

The applicant, in support of his application for a premises licence, emphasised that he was a longstanding and experienced business man, with expertise in buying failing businesses and making them viable. This he had done with respect to the Skylark Hotel, in which he had made substantial investment and turned the business around.

The applicant stated that there was a substantial gap in understanding between the Police and himself. The business had operated under five separate premises licences when he first took it on, however, he was advised to convert these into a single premises licence. He believes that the premises licence should be split up. The current premises licence was the subject of a recent review, the result of which he was currently appealing against.

He emphasised that it was important that each of the three applications be considered separately on their own merits. He had not had an opportunity to discuss the applications with the Police in advance of this hearing.

The current premises licence allows licensable activity from 0900 – 0100 hours. It would, however, be beneficial for this to be extended to 0200 hours as a precautionary measure; it would be useful to offer any guests drinks in the Astro Bar once they have departed from events that have ended in the function suites.

The Astro Bar currently serves hotel guests after 0200 hours; there have been no problems associated with cross-contamination of other premises users. The business would struggle to provide drinks for hotel guests by room service only after 0200 hours; it would be preferable for drinks to be served in the Astro Bar and either drunk there or in the reception area. Hotel guests are easily identified by staff.

The applicant stressed that the condition on the current premises licence relating to the retention of a minimum of 20 covers in the Astro Bar/Restaurant was unworkable for the business as there was not a restaurant trade at the premises; this restriction served no useful purpose.

The following responses from the applicant to questions were noted:-

- No discussion took place with the Police in respect of the proposed increase in licensing hours to 0200 hours.
- The applicant prompted a meeting with the Police in early February as he felt that there was some resistance to his applications. He considered that the meeting, formally minuted by the Police, while not containing any factual inaccuracies, were constructed for use at today's hearing. The Police requested an adjournment of the previously arranged hearing, on receipt of the applicant's response to the minutes of that meeting, which he accommodated.
- The required 20 covers are laid out all the time in the Astro Bar/Restaurant, as per the licence condition. The only exceptions to this have been when hosting a wedding fayre, an exhibition and a large corporate event, which required tables to be moved out.
- It would not be a problem to remove the provision for indoor boxing events from the scope of the premises licence for the hotel/hotel bar/restaurant and reception area.
- The proposed increase in licensing hours up to 0200 hours is to cover any potential in breaches of conditions, in the event of any events overrunning. He would, however, be prepared to remove this additional hour from the application, if necessary.
- The applicant has gained five years' experience of running events; he employs staff to assist him and also trains himself and his staff. He has no formal event management qualifications; he has practical experience, however. He has recently enrolled on an event management course by correspondence.
- There are no fridge facilities in the hotel rooms for guests to help themselves to drinks, due to the costs and administrative effort required for such a facility.
- It was perfectly acceptable to use the word 'reasonable' in the conditions that the applicant had proposed for this premises application. If there was concern around any potential uncertainty/ambiguity, the applicant would be willing to put a more prescriptive form of words in its place.

Ms J Flynn, in presenting the Police representation to the application, emphasised that the Police met with the premises licence holder in early February in order for him to explain the rationale behind the application. It was made clear that notes would be taken of the meeting. During the course of the meeting several issues arose that gave the Police cause for concern, including:-

- The proposed extension of hours to 0200 hours, with an additional hour for Bank Holidays, which appears excessive.
- The Astro Bar, which serves the hotel, cannot be isolated from the main reception area. Guests, potentially booking in with children, could be in the same area as those attending a function, including over 18 functions.
- When hotel patrons and their guests want drinks after 0100 hours they are served drinks in the Astro Bar and can take these to sit in the reception area. However, guests leaving functions in the function suites may see this and also want to purchase drinks; this could lead to public disorder issues. Drinks should therefore be served to hotel guests after 0100 hours in their hotel rooms or in a separate area away from reception/function suites.
- The various activities taking place in the Astro Bar, function suites and the reception area lead to cross contamination with hotel guests/attendees of functions and disturbance to hotel guests.
- The current licence condition relating to the retention of a minimum of 3 covers in the Astro Bar has already been breached on 3 occasions.
- The conditions proposed by the premises licence holder are based around a set of policies agreed in advance with the Licensing Authority and the Police. However, the premises licence holder has stated that final copies of the policies would be retained by him; he has said that there may be the possibility of him making minor amendments to the policies. It is, however, vital that the premises, Police and Licensing Authority always work according to identical copies of policies; any amendments should be agreed by all parties in advance of the policies being altered, otherwise the process is flawed.
- It would be difficult to work according to training policies, which prescribe requirements for training records, Challenge 25 training, etc when the premise licence holder could amend such policies without notifying the Responsible Authorities.
- It is normal practice for a refusals book to be kept behind each bar. The practice of keeping the refusals book locked in the centrally located office, with notes made by staff transferred to the refusals book at the end of trading concerned the Police. Often notes were kept on single pieces of paper, which could easily be lost; refusals/incidents should be recorded in

a book at the time of the event, not later on. No till prompts were available. An incidents log book should also be kept in the bars and should be available for inspection. It is a condition of the current premises licence that refusals books should be kept in the bar, thus the condition is currently being breached.

- Boxing-related events should take place in the function rooms. However, if the Astro Bar is used to service the function rooms there is an increased risk of cross contamination of hotel guests with those attending such events.
- Although hotel guests could be moved to a different hotel room if disturbed by events taking place below them, they would have to use the stairs by the Astro Bar to gain access to their hotel rooms.
- If hotel guests want late night refreshments after 0100 hours they can approach reception staff for these, thus the request for an extension of hours to 0200 hours is unclear.
- The capacity of the Astro Bar was a cause for concern, given that furniture has clearly been moved out of there on occasions to accommodate larger functions.
- There is no designated smoking area for customers; customers go outside the front of the premises to smoke, which can lead to the potential of cross contamination of customers with hotel guests outside.
- The Astro Bar is used for customers attending events in the function suites prior to the start of the events. However, the premises do not keep any guest lists for functions, other than table plans for sit down meals. This increases the risk of cross contamination of customers with hotel guests, and during over 18s events; the Police were concerned that this area could not be managed adequately to prevent such cross contamination.
- The Police conducted a licensing check of the premises on the evening of 28 February 2015 under operation Venison. Police were concerned by some of the answers to questions given by staff during that visit and the inability of staff to answer some standard questions. A 15th birthday party was taking place at the premises and there was no personal licence holder or DPS present on site. There was only one refusals book for the Astro Bar which had just one entry in it, relating to 8 February. The only training records staff were able to provide were those relating to Challenge 25 training; no drugs training records were provided. Staff did not know where the noise calibration log was, referred to in condition 28 of the licence. Similarly, staff were unable to provide the Police with documents required by conditions 30, 42 and 52. Police also did not see any educational materials on display in public areas as required by condition 36 of the current licence; one poster was seen in the office, to which there was no public access.

There were only two reception staff and two bar staff present while the 15th birthday party with around 80 people attending was underway.

Mr Appleby advised that operation Venison licensing visits such as the one made to the Skylark Hotel had a prescribed format with premises staff asked a set of pre-set questions relating to the premises licence; and staff were unable to answer some of the questions asked. The Police had concerns about the promotion of the licensing objectives in the context of the premises' ability to manage potential cross contamination of hotel guests, including children, with the attendees of events, such as boxing events and over 18s events in the function suites in the hotel reception/Astro Bar areas.

The following responses from the Police to questions were noted:-

- The Police have not been able to establish definite links between events in the function suites and crime incidents as the premises licence holder has failed to provide copies of event booking forms to the Police. However, there was a party in one of the function suites on 26 October 2014 that resulted in an argument that escalated to the reception area. Attendees were aggressive when the function ended and this resulted in staff contacting the Police to ask for assistance. On 1 March 2015 there was an incident involving guests smoking cannabis at the hotel.
- Staff present during the licensing visit on 28 February 2015 were provided with feedback by the Police; written confirmation will also be sent to the premises licence holder in due course.
- The DPS should be in place to consent to the sale of alcohol; consent can be given verbally, but it is good practice to have this in writing.
- The Police would expect there to be sufficient qualified staff to manage events, such as the 15th birthday party with 80 attendees; the Purple Guide may give premises further guidance. The hotel/Astro Bar should conduct risk assessments for events such as this in order to gauge the appropriate number of qualified staff that should be on duty.
- The Astro Bar was originally set up to be the dining area for hotel guests; as such a minimum number of covers are required to maintain its primary function.

All parties agreed that all evidence relating to the additional two premises licence applications should be heard before determination of all three applications.

The Sub-Committee was mindful of the fact that the applicant held a meeting with the Police in advance of this hearing in order to discuss this application in more detail.

However, the Sub-Committee gave particular weight to evidence presented by the Police relating to the new conditions proposed by the applicant which had not been agreed by them. The Sub-Committee also took into account the Police's statement that they had lost all confidence in the applicant to adequately manage any of the licensable areas. Additionally, the Sub-Committee considered the Police's assertion that the applicant was given every opportunity to show himself willing to work with the Police in order to promote the licensing objectives, but had failed to do so.

The Sub-Committee was particularly concerned about the following issues:-

1. Cross-contamination of customers using the hotel, the hotel bar, function rooms and Zero 6 raised particular concerns in respect of the licensing objectives relating to the protection of children from harm, public safety and crime and disorder. The hotel provides accommodation for families, including families with children; the Sub-Committee did not consider that the reception/hotel bar area was suitable for use with the function suites due to the lack of appropriate control of these areas to prevent cross-contamination of hotel guests and members of the public. The Sub-Committee considered that the lack of management control at the point of booking of the function suites, e.g., obtaining detailed guest lists for functions, further increased the risks associated with cross-contamination.
2. The proposed extension of operating hours. The applicant stated that this would serve a practical purpose for the business to allow flexibility to serve customers and avoid the need for temporary event notice applications. The Sub-Committee raised concerns that the applicant did not understand the purpose of having a terminal hour and did not demonstrate his competence and experience in managing the operating hours, as stipulated by the current premises licence.
3. The conditions proposed by the applicant are not fit for purpose and do not promote the four licensing objectives. Particular concerns were raised with regard to the proposed condition 11 (under 18s/mixed events) whereby the policies could be amended unilaterally by the applicant without consultation with the Police or Licensing Authority.
4. The applicant appeared to have been in breach of conditions relating to the current premises licence.

Resolved

That the application be refused. (ADLS)

10 LICENSING APPLICATION – LICENSING ACT 2003

Function Suites, Skylark Hotel, Aviation Way, Southend-on-Sea

The Sub-Committee considered an application for a premises licence made under section 17 of the Licensing Act 2003 with respect to a premises known

as Skylark Hotel, Aviation Way, Southend-on-Sea and specifically relating to the function suites. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representation received from the Police.

The applicant, in support of his application for a premises licence for the function suites, outlined the general usage of the various function suites. The Pegasus Suite was traditionally the main hotel restaurant, but the premises no longer had a restaurant trade and the Pegasus was popular now for family events, weddings, birthday parties and social events. Lysander Suite was used for social events, parties, corporate events, conferences and business meetings. Lincoln Suite was a smaller room, popular for corporate events, training events and small social events. Harvard Suite is used as a board room for small business meetings for up to 15-20 people and can also be used as a break away room for the larger suites. The Viking Suite is smaller meeting room that accommodates 8-10 people and can be popular for private parties.

The range of events held in the suites range from corporate events, family events, including weddings, wakes, birthday parties, afternoon ladies' gatherings, afternoon birthday parties for young children, as well as birthday parties for 18+ year olds. Events also varied in terms of the premises providing catering, attendees self catering their events and catering for ethnic minority events.

The applicant emphasised that, typically, most of the family events held in the function suites had some under 18 attendees. The premises have developed expertise in running such events, which are all risk assessed as bookings are received. If events are more complex, written risk assessments are done, according to circumstances. Extra measures are taken for under 18 events, with someone assigned to maintain the safety of children, which can sometimes include employing a door supervisor; there is always a door supervisor for 18th or 21st birthday parties.

Each room is assessed for individual events, taking account of the client's requirements, to determine a safe capacity for each event, for each room. The Lincoln and Lysander suites are I-shape to each other where they connect and there is a bar serving both rooms. There is no designated bar in the Pegasus, Viking and Harvard suites, thus the Astro Bar serves these rooms.

Most evening events usually end between midnight – 0100 hours; there is rarely the need for an extension to this. The Astro Bar is situated centrally between the function suites and there have never been any problems with this arrangement. Maintaining 20 covers constantly in the Astro Bar is a handicap to the business. Breakfast is usually served in the Astro Bar and occasionally lunch or dinner is served there to hotel guests. At times the Lincoln has also been used as a restaurant.

During the licensing inspection on 28 February there was a party in the Pegasus suite; the Astro Bar was used for drinks as it was deemed inappropriate to set up a satellite bar, with hotel guests around. There was no cross contamination of hotel guests with party attendees and the event was calm.

The applicant claimed that the conditions contained within this application for a premises licence were identical to the previous conditions. He drew attention, however, to the more detailed wording of the CCTV condition on page 5.29 of the documentation. He stressed that Challenge 25 signage should be proportionate and that a system of training was already in place. He said that while training records should also be readily available, practicality was also important. He further emphasised that the Lincoln/Lysander bar was not in use all the time, although the Astro bar was heavily used. It was not practical to keep four separate sets of records; he preferred his system of immediately recording any refusals and then transferring such details into one central refusals book record afterwards.

The applicant cited 5 recorded incidents in 2013 and 11 in 2014, which he believed were insignificant numbers. He advised that it was not possible to prevent customers taking drinks outside; to do so would cause more problems. Conditions relating to designated smoking areas outside should be proportionate and practical.

The following responses to questions were noted:-

- Risk assessments listed all potential risks, together with the means of managing those risks; these included standard measures, as well as specific measures, depending on the type of event.
- There was no draft condition proposed for 18+ events as an umbrella management approach is taken with respect to all events.
- Staff training is provided by the applicant. In respect of health and safety and fire awareness there is a designated engineer employed by the company. Mandatory training, including, e.g., food hygiene is done in house, wherever possible.
- Challenge 25 training is given by the applicant or delegated to a senior member of staff. Staff are also trained by observing on the job.
- Training is not officially quality tested; the applicant's training expertise comes from several years' experience. Staff will be sent out on training if the necessary expertise is not available in house, however, the applicant does not believe in wasting money on training when training can be given based on every day, practical experience.

- During dry events customers are able to buy drinks from the bars if they wish to. customers are also able to bring bottles of, e.g., champagne, for family events. Although the bars are open during events significant sales are not expected; it is a complementary service to the event.
- The draft conditions exclude condition 15 which is on the current licence because it is very difficult to stop people taking bottles outside; this is something that has to be constantly monitored.
- The applicant has had no specific training relating to legal highs; would obtain training from someone with the necessary expertise.
- Applications for function rooms are confirmed by the premises to customers by email, confirming date of function and number of guests. Follow up checks are not made for family events.
- The premises has PA systems; sometimes DJs bring their own equipment. Risk assessments are done for the latter and public liability insurance is also required.
- When bouncy castles are erected for children's parties, they are positioned in the best position to ensure that CCTV cameras aren't obscured.
- The capacity for each of the function rooms will vary, depending on the kind of layout required. In theory, if each of the function rooms was in use at the same time there could be in excess of 2000 customers on the premises.
- There were housing clients with children living in the hotel.
- There were around 48 dry hire events held on the premises last year, which were self catered.
- If the applicant is not on site he is able to access the CCTV footage remotely via the internet.

Ms J Flynn, in presenting the Police representation to the application, emphasised that the Police considered there was a lot of ambiguity relating to the management of the different areas. The Police's main areas of concern included:-

- The possibility that music events, previously held in the external areas of the premises, could be moved inside the premises.
- The proposed extension of licensing hours to 0200 hours; there should be no need for such an extension if the majority of events were family ones.

- The ambiguity of the proposed conditions.
- The inclusion of boxing events in the premises licence.
- The proposed late night refreshment extension to 0400 hours, although alcohol would cease to be served at 0200 hours.
- Ambiguity of proposed condition relating to training; 'reasonable' is not adequately prescriptive.
- The condition relating to training requires policies to be put in place, however, if the policies are liable to be changed by the applicant this condition would be undermined.
- Safeguarding of children; it was necessary to have set criteria in place in respect of adult to child ratios in order to risk assess any events that may involve minors. Guest lists should be obtained for any events involving minors in order to know the numbers of children attending and to mitigate risks appropriately.
- Many of the licence conditions would be undermined if the applicant was to amend previously agreed policies without prior consultation.
- The competence of the applicant to conduct adequately detailed risk assessments to ensure that events can be run effectively and safely.
- Dry hire events; there should be no alcohol available at such events at all, however that clearly is not the case, as drinks could be purchased at the bar or brought in for special events. There is therefore the risk that if alcohol is brought in for such events by the customers this could include, e.g., strong beers, and it would be difficult for the premises to monitor sobriety levels or to limit access of such alcohol to minors.
- The condition relating to dry hire/self catering events is one that the applicant could struggle to properly and safely manage.

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

- 18th and 21st birthday parties posed the greatest risks in respect of adequate supervision of minors as it was likely that there would be young people in attendance who were just below the age of 18. Such events would require door staff and a higher level of staffing.
- Dry hire events can be run successfully, but only if attendees are searched prior to entry to ensure they do not bring alcohol in with them or that they are drunk.

- The Police have a uniform approach to policies in respect of premises licences; these should be agreed and signed by all parties prior to introduction and any subsequent changes agreed in writing by all parties.
- The Police had not recently responded to the applicant when he sent in policies to them; this was due to the fact that at the meeting on 28 February it became clear that the applicant intended to amend these policies.

The Sub-Committee was mindful of the fact that the applicant held a meeting with the Police in advance of this hearing in order to discuss this application in more detail. However, the Sub-Committee gave particular weight to evidence presented by the Police relating to the new conditions proposed by the applicant which had not been agreed by them. Additionally, the Sub-Committee considered the Police's assertion that the applicant was given every opportunity to show himself willing to work with the Police in order to promote the licensing objectives, but had failed to do so.

The Sub-Committee was particularly concerned about the following issues:-

1. Cross-contamination of customers using the hotel, the hotel bar, function rooms and Zero 6 raised particular concerns in respect of the licensing objectives relating to the protection of children from harm, public safety and crime and disorder. The hotel provides accommodation for families, including families with children; the Sub-Committee did not consider that the reception/hotel bar area was suitable for use with the function suites due to the lack of appropriate control of these areas to prevent cross-contamination of hotel guests and members of the public. The Sub-Committee considered that the lack of management control at the point of booking of the function suites, e.g., obtaining detailed guest lists for functions, further increased the risks associated with cross-contamination.
2. The proposed extension of operating hours. The applicant stated that this would serve a practical purpose for the business to allow flexibility to serve customers and avoid the need for temporary event notice applications. The Sub-Committee raised concerns that the applicant did not understand the purpose of having a terminal hour and did not demonstrate his competence and experience in managing the operating hours, as stipulated by the current premises licence. The Sub-Committee also was not convinced of the need to extend the provision for late night refreshments to 4.00 am, ie, two hours after the cessation of alcohol sales and licensable activities.
3. The conditions proposed by the applicant are not fit for purpose and do not promote the four licensing objectives. Particular concerns were raised with regard to the proposed condition 11 (risk management), 12 (under 18s/mixed events) and 13 (self catering and dry hire events) whereby the policies could be amended unilaterally by the applicant without consultation with the Police or Licensing Authority.

4. The management of and lack of understanding of the nature of dry events. It was felt that people would still be able to purchase alcohol or bring their own.
5. The inclusion of boxing/wrestling events in the premises licence.
6. The potential capacity of up to 2,000 people if all function suites were occupied, particularly given the failure to demonstrate the applicant's ability to manage large events.
7. Supervision of children at under 18 events.
8. The applicant appeared to have been in breach of conditions relating to the current premises licence.

Resolved

That the application be refused. (ADLS)

11 LICENSING APPLICATION – LICENSING ACT 2003

Zero 6, Skylark Hotel, Aviation Way, Southend-on-Sea

The Sub-Committee considered an application for a premises licence made under section 17 of the Licensing Act 2003 with respect to a premises known as Skylark Hotel, Aviation Way, Southend-on-Sea and specifically relating to Zero 6. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representation received from the Police.

The applicant, in support of his application for a premises licence for the function suites, emphasised that Zero 6 was adjacent to the hotel, with its own entrance and fire exits; it was very self-contained. There is access to Zero 6 via the hotel, but this was purely for hotel staff and catering staff. The Zero 6 public entrance was at some distance from the hotel, via the car park. At one time Zero 6 was the main night club for Southend. When the applicant took over the premises he wanted to use Zero 6 as an ad hoc disco. It was used successfully for under 18 events on a weekly basis.

The applicant emphasised that his intention is to use Zero 6 for the following purposes:-

- An extension to the function suites.
- Larger events than can be accommodated safely in the function suites, as it is a larger facility and more self-contained.

He outlined his intention to modernise Zero 6 in the future and to return it to use as a club/disco, while also using it as a multi functional space for holding over 30s nights and different music nights. He advised that the conditions

had been detailed in the previous application for the function suites, and that there were additional conditions relating to use of Zero 6 as a disco. He emphasised that there had not been a high level of incidents in respect of Zero 6.

The applicant stated that, at a 16th birthday party held at Zero 6 in February 2014, attended by around 150 people, door staff were employed alcohol was removed from one bar, the top shelf of alcohol was removed from the other bar and the fridges emptied of alcohol.

The applicant emphasised that when Zero 6 is used for disco/music events, numbers are closely monitored by means of clickers, a drug safe is in place and policies are more extensive and detailed than those for the function suites. He also stressed that Zero 6 was well insulated and that there had not been any complaints received relating to noise.

The following points were noted in response to questions:-

- The drug safe currently in use is one made by Skylark staff from plywood and non-reversing screws, as advised by the Police; this could only be accessed by the Police.
- Experienced door staff were able to ascertain when young people were already drunk; such individuals were not allowed access to the premises.
- Saracens security company trains staff in alcohol awareness, etc.
- It is not significant that a separate application has been made solely for Zero 6, rather than including it on the application for the function suites; it was simply a technical issue.
- Zero 6 would be used for private functions, events that were paid for in advance or on entry.
- The applicant intended to manage Zero 6, working closely with DJs.
- When Zero 6 is being used for under 18 events children would not be able to access the hotel/bar other than exiting Zero 6, crossing the car park and entering the hotel. Door men would keep such events under control, although any adults could go to the hotel and buy drinks.
- The capacity of Zero 6 was 1000 people.
- Risk assessments in the documentation relating to a temporary event notice application for February 2015 included provision to notify the Police of the identity of DJs in order for the Police to check their backgrounds. The DJ for the proposed boxing event was not known to the applicant prior to the booking being made; the DJ was appointed by the event promoter.

Ms J Flynn, in presenting the Police representation to the application, outlined the Police's main concerns.

- The hours applied for were excessive.
- The inclusion of boxing events on the licence as this type of event was incompatible with the main business of the premises, namely that of a hotel, as it would not be compatible with hotel residents, and particularly children.
- The appropriate training of staff.
- Incidents Log/Refusals Log.
- Supervision of minors.
- Scope for the mis-use of Zero 6 and for minors to access this area.
- Policies have not been agreed with the Responsible Authorities and there are issues relating to the integrity of the policies.
- When the Police completed the same risk assessment for the proposed boxing event, the subject of a temporary event notice application in February 2015, the Police scoring was fundamentally different to that of the applicant. This was a matter of great concern as risk assessments dictate, e.g., levels of staffing required for events.
- Management of under 18s events and mixed events was based on flawed risk assessments by the applicant.
- There has been already been an incident at Zero 6 relating to an under 18s event.
- Dry hire of the venue; and the possibility alcohol being brought in for such hires and of alcohol being accessible by those attending such dry hire functions.
- Door staff are only in place when Zero 6 is used as a disco; these should be in place for all events held in Zero 6.
- Use of DJs; there is a high risk of managerial responsibility for events being discharged from the applicant to promoters of such DJ events.
- Inadequate prior notice of events has been given to the Police; they have thus not received necessary information in a timely manner.
- If Zero 6 was hired out to promoters, these would employ their own door staff, etc., which would result in the premises having no control over such

events, including numbers attending, or the promotion of such events.

- Drug safe – the drug safe in use at Zero 6 was one suggested by the Police for an outside event, as an emergency, temporary measure, but which is, however, still in use. All other licensed premises are required to have metal, lockable one way drug safes, which are obtained by the premises themselves.
- Safeguarding during over 18s events. The outside area is not adequately managed, which could result in guests at over 18s events mingling outside with guests taking part in events in the function suites or with hotel guests.

Ms Flynn concluded by stressing that the Police opposed this application as they were concerned that the applicant did not demonstrate the necessary competence to run any events properly or safely.

Insp J Appleby advised that since March 2013 there had been 44 crime-related incidents in respect of the Skylark Hotel premises. This was the most demanding of the licensed premises within the area he covered in the context of Police responding to issues/incidents. It was Insp Appleby's view that such a level of incidents indicated a real need for someone managing the premises with more than just five years' experience of event management.

The following points were noted in response to questions:-

- The 44 incidents since March 2013 all relate to the Skylark premises, not restricted solely to Zero 6.
- The Police do not consider that evidence has been presented by the applicant to justify the application to extend the licensing hours beyond those currently in operation.
- Detailed information should be gathered, at the time of an event being booked, which is currently not the case, in order to ensure that any necessary background checks can be made by the Police and to ensure that a proper risk assessment can be conducted based on detailed information.
- It may be necessary to employ door staff at Zero 6 for a wedding fayre type event, depending on what other events are taking place in the function suites. Proper risk assessments will help to inform this appropriately.
- The applicant was clearly informed by the Police that the plywood drug safe was only a very temporary solution for one particular event.

In conclusion the Police reiterated that they were not satisfied that the proposed conditions and policies would be sufficient to promote the licensing objectives.

The Police emphasised that they felt it inappropriate that the applicant was training his staff when he had limited knowledge himself. The Police further stressed that the applicant had, during the course of the hearing demonstrated that some conditions on the current premises licence had been breached. The applicant had not presented any justifiable reasons for the extension in hours put forward in this application. Local residents were housed in the hotel by the Local Authority, including children, who have access to the grounds and can therefore come into contact with attendees of adult events. The Police considered that late night refreshments should only be provided to hotel guests via room service and not in the Astro Bar as this would prove very difficult for staff to manage, given the potential for cross contamination of hotel guests with those vacating function suites and the lack of confidence the Police have in the applicant.

The Police considered it untenable that the applicant could amend policies without prior consultation with the appropriate Responsible Authorities. They also felt that dry hire events in the function rooms could well result in a loss of alcohol control if the Astro Bar was still being accessed by customers. The Police were concerned about the applicant's ability to properly risk assess events to ensure that these ran smoothly; furthermore, insufficient information was obtained at the point of booking, e.g., guest lists, to ensure that risk assessments could be properly conducted. The Police were concerned that there could be in excess of 3000 people on site if Zero 6 and all function suites were in use. The boxing event held recently at the premises showed how things could go wrong when events are not properly managed.

The Police emphasised the need for door staff to be employed for events; Police needed to receive adequate notice of events in order for them to risk assess them and the promotion of any events should always be under the control of the management of the premises. In conclusion, the Police asserted that they opposed all three applications as they had lost all confidence in the applicant's ability to manage the premises properly; their recent meeting with the applicant had done nothing to address their concerns.

The applicant stated that he had managed hundreds of events safely at the premises during the past three years. He believed that there were anomalies in the way in which the Police counted numbers of crime incidents as the 44 incidents cited by the Police today did not appear to tally. He emphasised that the Police did not present sufficient evidence to justify refusing the applications or to impose onerous conditions on any licences granted.

The Sub-Committee, on retiring from the Chamber with the Legal and Member Services officers to consider the decision, advised those present that the decision would be communicated in writing to all parties.

The Sub-Committee was mindful of the fact that the applicant held a meeting with the Police in advance of this hearing in order to discuss this application in more detail.

However, the Sub-Committee gave particular weight to evidence presented by the Police relating to the new conditions proposed by the applicant which had not been agreed by them. Additionally, the Sub-Committee considered the Police's assertion that the applicant was given every opportunity to show himself willing to work with the Police in order to promote the licensing objectives, but has failed to do so.

The Sub-Committee was particularly concerned about the following issues:-

1. The proposed extension of operating hours to 0400 hours. The Sub-Committee was also not convinced of the need to extend the provision for late night refreshments to 0500 hours, ie, one hour after the cessation of alcohol sales and licensable activities.
2. The conditions proposed by the applicant are not fit for purpose and do not promote the four licensing objectives. Particular concerns were raised with regard to the proposed condition 11 (risk management), 12 (under 18s/mixed events) and 13 (self catering and dry hire events) whereby the policies could be amended unilaterally by the applicant without consultation with the Police or Licensing Authority. There should be no differentiation between the nature of events being held in Zero 6, whether it be a 'disco' or a private event.
3. The inclusion of boxing/wrestling events in the premises licence.
4. The potential capacity of up to 3,000 people if Zero 6 and all function suites were occupied, particularly given the failure to demonstrate the applicant's ability to manage large events.
5. Supervision of children at under 18 events.
6. Insufficient evidence of appropriate formal training undertaken by the applicant or the staff.
7. The potential discharge of control and responsibility to an external DJ or promoter for the management of events in Zero 6.
8. The applicant appears to have been in breach of conditions relating to the current premises licence, specifically, the Police have had little or no notice of events, information relating to the use of external promoters for events, incidents logs and refusals books have not been kept in accordance to the conditions.
9. Drug safe is not fit for purpose.
10. Cross contamination – outside areas are not properly managed, leading to the potential mingling of hotel guests with Zero 6 attendees.

Resolved

That the application be refused. (ADLS)

The meeting commenced at 9.00 am and closed at 6.00 pm.

Chairman

Date

If you would like these minutes in large print, Braille or another language please contact 01702 318111.