

# Crawley Borough Council



## Minutes of Licensing Sub Committee

Friday 19 March 2010 at 1.30pm

**Present:**

Councillors B M Brockwell, A G Brown and B MeCrow

**Officers Present:**

Angela Tanner  
Astrid Williams  
Chris Pedlow

Head of Planning and Environmental Services  
Legal Clerk  
Committee Clerk

**Also in Attendance:**

Sussex Police

Sgt A Bradford (*Sussex Police*)  
Mr C Boyle (*Police Licensing Officer*)

Premises User  
for the Temporary Events

Mr M Chason (*Manager and Designated  
Premise Supervisor of Liquid/Envy*)

**41. Appointment of Chair**

**RESOLVED**

That Councillor A G Brown be appointed Chair for the meeting.

**42. Members' Disclosure of Interests**

No disclosures of interests or whipping declarations were made.

**43. Hearing to consider the Objection Notice given following a Temporary Event Notice for 28 March 2010 in respect of Liquid/Envy**

Before the hearing was formally opened, the Legal Clerk advised the meeting that she had met with the Members of the Sub Committee prior to the Hearing and that she had given them general advice about the procedure for the Hearing. The Legal Clerk asked whether either the Premises User or the Police had any applications to be made before the hearing commenced. Both parties confirmed that they had no applications to make and were ready to go ahead as scheduled.

The Legal Clerk enquired of the parties whether the submissions they wished to make in respect of each of the 4 objection notices was in essence the same given the very similar facts of each Temporary Event Notices (TEN) and objection notice. The representatives for the Police and the Premises User both confirmed that they were. The Legal Clerk then advised the meeting that that being so, the Sub-Committee had suggested a particular procedure for addressing each of the hearings efficiently subject to the parties' agreement. The suggested procedure was: the Sub-Committee hear the parties' submissions in full during the first hearing in respect of the TEN for 28 March 2010, and then immediately open the hearings for the second, third and fourth objection notices in respect of the TEN's for 2 May 2010, 30 May 2010 and 4 July 2010, and then ask for confirmation from the parties that their earlier submissions for the first hearing to be accepted as for the subsequent hearings and/or that they had additional submissions, and then retire to make 4 consecutive decisions. Both representatives agreed and welcomed this proposed procedure for the meeting.

The hearing was then formally opened.

Report RS/20 of the Council's Head of Planning and Environmental Services was presented by Angela Tanner, the Head of Planning and Environmental Services.

### **The Temporary Event Notice**

The Head of Planning and Environmental Services guided the Sub Committee through the report highlighting a number of the sections and paragraphs. It was noted that section 1 of the report detailed that on the 9<sup>th</sup> March 2010, Mr Matthew Chason, the 'Premises User' submitted a 'temporary event notice' (TEN) for Liquid/Envy (L/E) to the Council.

The TEN was in respect of a proposed event on Sunday 28<sup>th</sup> March 2010 for the licensable activities of the supply of alcohol, regulated entertainment, and the provision of late night refreshment, from 0330 to 0500, with the premises closing at 0530. The Sub Committee was informed that the Liquid/Envy's premises licence entitled opening hours of 1200 to 0430 on Monday to Sunday and in respect of their licensable activities from 1200 to 0330.

The Sub Committee were informed that the reason for the hearing was that on the 11<sup>th</sup> March 2010, the Council received an objection notice from Chief Officer of Police for Crawley, stating that he was satisfied that the proposed temporary event would undermine the crime prevention objective. The rationale for the Sussex Police's objections were detailed in paragraph 2.4 with in the report.

Members were informed of the process that had to take place once a Premises User gave a TEN, the Premises User must provided the Chief Officer of Police with a copy of the TEN no later than ten working days before the day on which the event period specified in the notice begins. If the Chief Officer of Police receives a copy of a TEN felt that by allowing the premises to be used in accordance with the TEN would undermine the crime prevention objective, as in this case, he can issue an 'objection notice,' which lead to a Sub Committee hearing the objection notice. It was noted that only the Police could object to a temporary event taking place on the grounds of the crime prevention objective.

The Head of Planning and Environmental Services highlighted Section 8, which detailed the recommendations open to the Sub Committee. It was explained that in essence Members must decide as to whether it was necessary to issue a 'counter notice' to the temporary event taking place to the Premises User, solely based on the promotion of the crime prevention objective, following regard to the Chief Officer of Police's objection notice. The Sub Committee acknowledged paragraphs 8.2, 8.3 and

8.4 that detailed the exact process that must take place if a 'counter notice' was issued or not, and that both parties had the right of appeal to any such decision.

The Chair thanked the Head of Planning and Environmental Services for presenting the report. He then invited Sussex Police to present their submissions in respect of the reasons set out in the Objection Notice, followed by Mr Chason presenting his case as to why the temporary event should be allowed to take place. The Chair also informed both parties that during their presentations the Sub Committee reserved the right to ask questions and he would also allow the other party to comment on any specific issues should they so wished.

### **Sussex Police**

Sgt A Bradford addressed the Sub Committee and informed that since the introduction of temporary events in Licensing Act 2003 (LA2003), there had been on average one hundred and fifty temporary events a year, however the four proposed temporary events which were before the Sub Committee were the first that the Sussex Police had given an objection notice in respect of. The rationale for the objections were based on the prevention of Crime and Disorder aspect of the LA2003, because the premises, L/E, was the number one problematic premises within Crawley and fourth in Sussex based on 'Inn Keeper'. It was noted that 'Inn Keeper' was the Sussex Police's I.T. system that recorded all incidents related to licensed premises. With those statistics in mind, Members were informed that by potentially extending the time in which alcohol could be sold from 0330 to 0500 and the opening time from 0430 to 0530, it would likely lead to further crime and disorder.

Sgt Bradford continued by emphasising that one of the concerns of Sussex Police to the extended hours as proposed would require an increase in the number of Police Officers within the Town Centre to be able to deal with later dispersing of the customers from L/E and the potential associated crime and disorder. It was noted Sussex Police ran 'Operation Marble' at weekends which aimed to reduce and prevent public place violent crime and anti social behaviour.

He also commented that the later closing would also cause problems in terms of the dispersement of L/E's customers, as currently taxis firms cater for closing at 0300. However with a 0530 closure there was likely be no transport available, as most taxi firms would be closed, leading to departing customers having to travel via the first buses of Sunday. Those buses would be likely to contain commuters going to work, which could cause some tension.

Members sought clarification on how Operation Marble worked and questioned why, if there were issues with L/E's premises licence, had Sussex Police not applied for a review of the premises licence. In response they were informed that Operation Marble works by having a number of 'hubs' across the town centre, where Police Officers were based. The principle behind Operation Marble was to ensure that Sussex Police could situate their resources in the right places at the right time through the weekend. It was noted that one of the hubs was based outside of L/E and in terms of Inn Keeper any crimes that were reported or arrested at the L/E's hub would be linked to Liquid/Envy on the system.

Sgt Bradford commented in terms of L/E's premises licence, Sussex Police had a good working relationship with Mr Chason and both were working hard through action plans and constant discussions to reduce incidents at the premises. The Sub Committee noted that the hard work had paid off as L/E had dropped from being ranked 1<sup>st</sup> across Sussex on the Inn Keeping ranking, to now being ranked 4<sup>th</sup>.

The Premises User asked the Chair if he was able to comment on the Inn Keeper statistics, which Councillor Brown allowed. Mr Chason commented that L/E was happy to have one of the Police's hubs based by the premises, as L/E was a place that most of the residents of the town knew and to which they were drawn if in need of assistance, and so having a Police presence there helped to make his customers feel safe. However he did note that having all the incidents recorded at the hub logged against L/E did not help in improving the reputation of the premises as not all of the incidents nearby L/E always involved L/E's customers.

The Sub Committee were informed, following a question raised as to how L/E compared to other similar premises, that due to its capacity of over 1900 it was hard to give a comparison. They were given information about how it compares against incidents in Horsham's and Mid Sussex's largest capacity premises: L/E had, to date, 134 incidents compared to during the same period Horsham's venue of 38 incidents with a capacity of 550 people, and Mid Sussex's premises of 39 incidents against a capacity of 400 people.

### **The Premises User**

Mr Chason, the Premises User, addressed the Sub Committee and commented that he wished to discuss a number of comments made by the Sussex Police. He firstly emphasised that Liquid/Envy had improved as in November 2009 it was ranked 1<sup>st</sup> on the Inn Keeping ranking, it had now pleasingly dropped to 4<sup>th</sup> across Sussex, which showed the commitment by the management to improve L/E's reputation. Members were informed that by the premises' own records, there had been only eight incidents recorded between 24 March 2009 to 13 March 2010 that directly related to L/E where the premises had to call for Sussex Police support. Mr Chason commented that one of the problems for L/E with Operation Marble was that any incident in the vicinity of L/E would be logged against the premises, as it was one of the hubs.

On the issues raised, over people being unable to get taxis at 0530, Mr Chason said that he had spoken to Metro taxis and they were more than happy to ensure that there would be taxis available, throughout the evenings/mornings of the proposed temporary events. It was noted that L/E provided a free phone to Metro Taxis for customers within the premises.

Mr Chason informed the Sub Committee that L/E closed as standard at 0300 on Sunday mornings, which was a managerial decision, rather than staying open until the hours available on the premises licence (0430). On Saturday 27 February 2010 L/E used their fully permitted licensable activities and opening hours, until 0330 and 0430 respectively, and on that evening no issues had been recorded on the Inn Keeper relating to L/E. He continued by saying that if the Police's objections to the proposed temporary events were successful, L/E would operate on those dates to the full extent permitted by its premises licence anyway, with full capacity of over 1900 rather than just 499 people as limited for temporary events. It was also noted that L/E had a last entrance policy (of no admittance after 0130) and it was proposed that this would continue on the evenings of the temporary events.

Mr Chason also detailed to the Members that if he was successful in having the four events it was intended that L/E would keep on all his staff at the premises for the duration of each event and he intended to operate during the event in accordance with all conditions on the premises licence although this was not an obligation in respect of a temporary event. It was noted that a temporary event was independent from a premises licence (where the event is held on licensed premises but outside licensed hours) and so there is no obligation for a proposed event to be operated in accordance the conditions on the premises licence, for example to have SIA authorised door staff working during the temporary events.

The Sub Committee questioned how the Premises User would be able to reduce the capacity from 1900 plus to 499 by the time the temporary event was proposed to start. Mr Chason responded by stating he intended to only have his VIP room open for the four events. He was intending to offer the additional hours to everyone, but it would be conducted on a first come first served affair, with his door staff strictly controlling the numbers going into the room up to the maximum of 499, and then anyone not in the VIP room at 0300 would be asked to leave the premises as if it were normal closing. It was noted that by 0300 the premises would not usually be at full capacity as many of the customers leave by that time and so on the day of the proposed event, those remaining might not all wish to continue to stay until 0530 anyway.

In response to their question as to the reasons for the four proposed temporary events, Members were informed that 28 March 2010 was a 'pay weekend', 2 and 30 May 2010 respectively were both Bank holiday weekends and finally 4 July was American Independence day.

The Chair of the Sub Committee informed all parties that it was the Members' intention to hear the remaining items before retiring to consider and make their decisions.

**44. Hearing to consider the Objection Notice given following a Temporary Event Notice for 2 May 2010 in respect of Liquid/Envy**

The Legal Clerk noted that the Sub Committee had heard the submissions made in respect of the objection notice to the Temporary Event Notice for 28 March 2010, and asked if the parties wished the Sub Committee to take those as the submissions for this hearing (subject only to substituting the date of temporary event to 2 May 2010), or whether they wished to make additional or alternative submissions.

Sgt Bradford and Mr Chason, respectively confirmed that they did not have any further comments to add, with regard to the 2 May TEN objection. The Chair of the Sub Committee then confirmed that the Sub Committee had no further questions on the TEN for 2 May 2010.

**45. Hearing to consider the Objection Notice given following a Temporary Event Notice for 30 May 2010 in respect of Liquid/Envy**

The Legal Clerk noted that the Sub Committee had heard the submissions made in respect of the objection notice to the Temporary Event Notice for 28 March 2010, and asked if the parties wished the Sub Committee to take those as the submissions for this hearing (subject only to substituting the date of temporary event to 30 May 2010), or whether they wished to make additional or alternative submissions.

Sgt Bradford and Mr Chason, respectively confirmed that they did not have any further comments to add, with regard to the 30 May TEN objection. The Chair of the Sub Committee then confirmed that the Sub Committee had no further questions on the TEN for 30 May 2010.

**46. Hearing to consider the Objection Notice given following a Temporary Event Notice for 4 July 2010 in respect of Liquid/Envy**

The Legal Clerk noted that the Sub Committee had heard the submissions made in respect of the objection notice to the Temporary Event Notice for 28 March 2010, and asked if the parties wished the Sub Committee to take those as the submissions for this hearing (subject only to substituting the date of temporary event to 4 July 2010), or whether they wished to make additional or alternative submissions.

Sgt Bradford and Mr Chason, respectively confirmed that they did not have any further comments to add, with regard to the 4 July 2010 TEN objection. The Chair of the Sub Committee then confirmed that the Sub Committee had no further questions on the TEN for 4 July 2010.

The Sub Committee, having heard the four individual hearings in respect of the Objections, agreed to retire into a closed session to make their decisions.

## **RESOLVED**

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the hearing. The Sub Committee considered that the public interest in taking such action outweighed the public interest in the hearing taking place in public.

### **47. Hearing to consider the Objections to the Temporary Event Notices for 28 March 2010, 2 May 2010, 30 May 2010 and 4 July 2010 respectively in respect of Liquid/Envy**

The Sub Committee considered the Police's objection notice and the representations made at the hearing on behalf of the Police and by the Premises User for each of the four TENs. In coming to their decisions, Members considered as to the whether there was clear evidence provided to demonstrate that there would be an increase or a significant likelihood of crime and disorder occurring if each of events were permitted to proceed.

## **RESOLVED**

The Sub Committee decided not to issue a counter notice to the Premises User in respect of the temporary events proposed to be held on 28 March 2010.

The Sub Committee decided not to issue a counter notice to the Premises User in respect of the temporary events proposed to be held on 2 May 2010.

The he Sub Committee decided not to issue a counter notice to the Premises User in respect of the temporary events proposed to be held on 30 May 2010.

The Sub Committee decided not to issue a counter notice to the Premises User in respect of the temporary events proposed to be held on 4 July 2010.

## **THE REASON FOR THE DECISIONS**

The reasons that the Sub Committee provided for their decisions were that they considered issuing a counter notice to any of the four TENs was not necessary for the promotion of the crime prevention objective.

In coming to those decisions the Sub Committee felt the Police provided insufficient evidence to demonstrate that there would be an increase in crime and disorder or a significant likelihood of such an increase, if any of the events were to proceed.

The Sub Committee noted that it was unable, as the Licensing Authority, to attach any conditions in respect of a temporary event, however, the Sub Committee welcomed the offer made by the Premises User to make available free tea and coffee to patrons at the premises during the events.

The Sub Committee wished to express its encouragement to the management of Liquid/Envy for its improvement in its ranking in the Police's Inn Keeper records and noted in particular that it had been possible due to the very good working relationship with Sussex Police and in addition wished to commend both parties for that work.

The Sub Committee also wished to note that this was the first time an objection notice given in respect of any Temporary Event Notices had come to a hearing. The Sub Committee wished all parties to be aware that the Licensing Committee of this Authority would observe with interest how those events were managed.

#### **48. Re-admission of the Public**

The Chair declared the meeting re-open for consideration of business in public session to announce the Sub Committee's decision, to the Police and the Premises User, in respect of the hearings to consider the Objection to the Temporary Event Notices for 28 March 2010, 2 May 2010, 30 May 2010 and 4 July 2010 respectively. The Legal Clerk read out the Sub Committee's decisions confirming they had decided not to issue a counter notice to the Premises User in respect of any of the four Temporary Events Notices, and she then provided the Sub Committee rationale for each of the individual decisions (as detailed above). The Legal Clerk informed Sussex Police that they would receive a written notice of the four decisions in due course.

#### **49. Closure of Meeting**

With the business of the Sub Committee concluded, the Chair declared the meeting closed at 3.19pm

A G Brown  
**Chair**