

BOROUGH OF KETTERING

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Report Originator	Russ Howell	<i>Fwd Plan Ref No:</i> N/A	
Wards Affected	William Knibb	22 nd May 2017	
Title	To determine an application for review of the premises licence for The Angel (known as Decades / Bar 7), Carrington Street, Kettering		

Portfolio Holder: Councillor Mark Dearing

1. PURPOSE OF REPORT

To determine an application for review of the premises licence for The Angel (known as Decades / Bar 7), Carrington Street, Kettering

2. INFORMATION

2.1 An application for review of the premises licence for The Angel trading as Decades/Bar 7, Carrington Street, Kettering has been received from Northamptonshire Police. A copy of the review application is attached at **Appendix A**.

2.2 The review application raises the following matters:

The review is called in relation to the licensing objectives of the Prevention of Crime & Disorder and the Protection of Children from Harm.

On the evening of Friday 31st March 2017, in a part of the venue covered by this premises licence known as Bar Seven, an U18s event was held having been advertised through social media.

By 2100hrs the police were receiving reports of young people under the age of 18 drinking alcohol and intoxicated in the street nearby, including one 16-year-old who was found vomiting on Horsemarket for whom parents had to be contacted. Police conducted a visit to the venue and were informed that in excess of 250 U18s were in the venue with more seen gathering outside wanting access to the event.

On the entrance of the venue was one SIA door supervisor trying to manage the disorderly queue of people trying to enter the venue. Body worn footage of this clearly shows that there was no control over this queuing system with no searching going on to check for alcohol or prohibited articles and people were standing all over the road and footpath in a disorderly manner causing disruption to the flow of traffic and potential danger to people stepping into the road.

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On the current premises licence are several conditions consistent with the operating schedule and one of these states:

“On the following nights from 2000hrs to closing time Friday and Saturday the premises will have available sufficient security staff to maintain the crime and disorder objective. The required number of staff will be two to maintain security at the entrances on Carrington Street. Irrespective of the above, if the premises uses any other entrances then two door supervisors will be provided at each of those two entrances to the premises on every Friday and Saturday night from 20.00hrs to closing time.

Door supervisors will wear hi-viz vests/jackets at all times while on the door. The licensee will carry out a written risk assessment for other nights of the week and special events to ensure that the security staff provision is suitable to ensure that the crime & disorder objective is met. (All staff provided to meet this condition will be SIA licensed)”

In relation to this condition it is clear from officer accounts of their attendance and body worn video footage that this condition was being breached. There was only one person with an SIA badge displayed on his arm, but with no hi-viz vest or jacket deployed to the entrance being used for this event. The DPS, Mr Paige, also holds an SIA licence but he was not displaying this despite the fact that he stated he was acting as floating security supervision within the venue.

A number of young people were found inside by Police who were intoxicated and under no further security supervision. The intoxicated young people were removed by police and their welfare managed.

At 2130hrs police were recalled to the venue via the town centre CCTV radio system who said that the event was having to be shut down early and that the venue could not manage the situation. By the time police got there, there was no-one managing the entrance to the venue despite the fact that it had been overrun by young people who were all over the street outside. Confusion and tension was building and the youths gathered were making a lot of noise. Inside the venue one member of security staff was attempting to usher people from the venue into a crowd of around 200 already gathered outside who were all over the road completely disrupting the free flow of traffic, and to any onlooker of reasonable firmness this would have looked very disturbing and potentially frightening.

Once all outside Bar Seven any staff from the venue shut the doors seemingly washing their hands of the confusion left outside on the street with over 200 young people expelled from their venue.

Amongst this crowd were a minority of trouble makers who proceeded in goading others to participate in disorder and sheer numbers meant police from Wellingborough, Corby and Kettering had to attend along with their supervisors and Inspectors.

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Disturbances and nuisance from this continued in the Carrington Street area spreading to Horsemarket, High Street (specifically McDonalds) and Dryland Street. Bottles were thrown and youths were trying to climb over a police van. One male was arrested for being drunk and disorderly and more could have been arrested for offences committed but the sheer scale of the incident prevented this being practical.

It is the view of Northamptonshire Police that a failure in event planning, in having adequate staffing and of complacency by the management to these high risk events has led to significant crime and disorder in Kettering town centre and seriously undermined the protection of children from harm objective.

- 2.3 A site plan showing the location of the premises is attached at **Appendix B**.

3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 In accordance with the requirements of current licensing legislation, a copy of the review application was supplied to all responsible authorities and a notice was displayed outside of the premises for 28 days giving details of the review application.

- 3.2 The following representations were received:

Police	Applied for Review
Public	Representation
Child Protection	Representation
Trading Standards	No representation
Environmental Health	No representation
Borough Councillors	No representation
Planning	No representation
Fire	No representation
Customs and Excise	No representation
Health	No representation

- 3.3 The Police application relates to one incident at the premises which had serious implications for the surrounding area and town centre generally.
- 3.4 The representation from residents living opposite the premises reflects the Police's concerns by referring to the direct impact of behaviours on them during that evening with reference to the anti-social behaviour which occurred. (**Appendix C**)
- 3.5 This letter also makes some general statements about behaviour in Carrington Street which the authors acknowledge cannot be attributed to the Angel. These comments should not be considered for the purposes of this hearing.

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- 3.6 A representation has been received from the Director of Children, Families and Education at Northamptonshire County Council reflecting the concerns about underage drinking and potential risk of harm and supporting the application for review of the licence. (**Appendix D**)
- 3.7 The Licensing Authority has received one letter and two petitions from students at Southfield School and Bishop Stopford School. The letter supports such events at the premises and makes reference to Southfield School events held previously. (**Appendix E**)
- 3.8 The petitions while supporting the premises provide no information and are submitted purely to ensure that the committee is aware of all information received.
- 3.9 The Police application for review offers a number of options for the committee to consider based on their view of what happened during the evening of 31st March 2017:

Firstly:

That as a result of this serious failure to manage an under 18s event, that this venue is prohibited from holding further U18 events with the following condition added the licence:

“No children under the age of 18 will be allowed to enter or remain on the premises unless for the purposes of attendance at a pre-booked private function and in which case they will be under the supervision of a person aged no less than 21-years-old.”

Alternatively:

“No events primarily aimed at U18s will be permitted at this venue.”

- 3.10 If however it is not the decision of the licensing committee to instigate either of these restrictions on the venue and it continues to allow them to hold U18s events then the following police conditions are recommended to be added to the licence:

1. Any U18 events planned at the venue must be notified to the Police Licensing Officer and to Kettering Borough Council at least two weeks in advance with the following information – times and duration of the event; the number of available tickets for entry (both advanced sale tickets and for payment on the door); security arrangements including the numbers and gender ratio of any door staff to be deployed and how they are to be deployed at the venue; details including stage names, real names in full and dates of birth of any outside promoter linked to the event and any DJs/MCs that this promoter is using to provide the entertainment.

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2. No U18 event will continue beyond 2230hrs in line with the Public Spaces Protection Order which prohibits those under 18 being in the town centre after 2300hrs.
3. All staff employed for the duration of U18 events will wear hi-visibility vests/jackets both at the entrances and whilst deployed inside the venue.
4. At U18 events there will be at least two members of security staff at each entrance being used and at any other exits/entrances which although are not being used could be breached allowing unauthorised entry. In addition to this there shall be at least two other door staff on duty carrying out floating patrols, one covering the garden area at all times.
5. At U18 events once admission is given to a person to the event they will not be re-admitted if they subsequently leave the venue without going through the normal queueing, checking and searching procedures applied at the entrance.
6. At U18 there will be a robust searching policy at these events including any handbags or clutch bags to prevent alcohol or other prohibited items entering the venue. This will include the use of a metal detector wand to assist in the searching for any potential blades or sharp instruments.
7. At U18 events thorough scrutiny including the use of a breath test device will be used at the entry points to identify those people who are intoxicated.
8. At U18 events the queueing system will be robustly controlled using barriers/cordons to maintain an orderly queue outside that does not cause nuisance or obstruction on the highway. This queueing system with security supervision will be in place at least 30 minutes prior to the start of the event.
9. The premises will have a written policy in relation to dealing with vulnerable people associated with the venue. This will include as a minimum – a) a means of contacting any scheme that deal with vulnerable people such as Street Pastors; b) a direct line of communication with the local area CCTV operators; c) documented training for all staff members in dealing with vulnerability and how to spot it within the context of the night-time economy; d) an agreement with a local taxi company(ies) to provide a line of communication facilitating the removal of vulnerable people to a safe location if the need arises (the choice of company(ies) shall be at the discretion of the venue); e) identification of a safe area inside the venue where vulnerable people can remain until their safety has been insured; f) a nominated member of staff who can be tasked to deal with any vulnerable people within the venue; g) a method of recording the rationale for actions taken when dealing with a person who is deemed as vulnerable.

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10. A copy of this vulnerability policy will remain on the premises and be made available to all staff as they need to refer to it and to an officer from a responsible authority at all times upon reasonable request.

11. At U18 events the premises will have a dispersal plan in place which involves staff/door staff encouraging and monitoring the safe and peaceful exit of customers from the venue and the immediate area outside and security staff will be employed for at least 30 minutes after the event closure to monitor and control this.

4. POLICY IMPLICATIONS

4.1 This section highlights the sections of the Authority's 2015 - 2019 Statement of Licensing Policy that may be relevant with respect to this application, this is not exhaustive and the policy should be looked at fully prior to making decisions with respect to applications. The paragraph numbers are as shown in the Statement of Licensing Policy:-

1.4 The Licensing Authority in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the area. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.

1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and, as stated above, each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, this Council in adopting the policy is indicating that a wide range of considerations will be taken into account.

1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises and is committed to partnership working with responsible authorities, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.

2.11 Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

2.12 This authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. However this Council recognises that licensing legislation is not a mechanism for the general control of anti-social

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behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions offered or agreed with the applicant will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.

2.18 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.

16.1 This Authority recognises that there will be a considerable variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, concert halls, cafes, take-away food businesses and fast food outlets as well as public houses and nightclubs. In addition, subject to the licensee's discretion and any conditions included in a premises licence or club premises certificate, the Licensing Act 2003 does not prohibit unaccompanied children in licensed premises except in the circumstances defined in Section 145 of that legislation.

16.2 This Authority will not limit the access of children to such premises unless it is necessary for the prevention of harm to children. No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and so general rules have not been included. Consideration of the individual merits of each application remains the best mechanism for judging such matters.

16.3 However, notwithstanding the above, this authority considers that the following premises give rise to particular concern in respect of children:

- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;*
- with a known association with drug taking or dealing;*
- where there is a strong element of gambling on the premises;*
- where entertainment or services of an adult or sexual nature are commonly provided;*

16.4 In these circumstances the Authority will consider the appropriate option for the prevention of harm to children where relevant representations are made. While complete bans on access to children are likely to be rare, there may be circumstances when no other option is considered appropriate. However, in the majority of cases where limiting the access of children to licensed premises is considered necessary, the options which will be considered are:

- Limitations on the hours when children may be present;*
- Age limitations (below 18);*

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- *Limitations on the exclusion of the presence of children under a certain age when particular specified activities are taking place;*
- *Requirements for an accompanying adult;*
- *Full exclusion of people under 18 from the premises when any licensable activities are taking place.*

4.2 Regard must also be had to the Section 182 guidance to the Licensing Act 2003, the paragraph numbers are as shown in the Guidance, in particular :

2.22 *The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.*

2.23 *The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:*

- *adult entertainment is provided;*
- *a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);*
- *it is known that unaccompanied children have been allowed access;*
- *there is a known association with drug taking or dealing; or*
- *in some cases, the premises are used exclusively or primarily for the sale of alcohol*
for consumption on the premises.

2.24 *It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table-or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.*

2.25 *Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.*

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2.26 *Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.*

2.27 *Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:*

- *restrictions on the hours when children may be present;*
- *restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;*
- *restrictions on the parts of the premises to which children may have access;*
- *age restrictions (below 18);*
- *restrictions or exclusions when certain activities are taking place;*
- *requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and*
- *full exclusion of people under 18 from the premises when any licensable activities are taking place.*

2.29 *Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol -related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.*

9.37 *In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:*

- *the steps that are appropriate to promote the licensing objectives;*
- *the representations (including supporting information) presented by all the parties;*
- *this Guidance;*
- *its own statement of licensing policy.*

4.3 Section 17 of the Crime and Disorder Act 1998 requires that local authorities and others must consider crime and disorder reduction while exercising all their duties.

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5. USE OF RESOURCES

5.1 There are no financial implications.

6. RECOMMENDATION

The committee's decision is requested.

Background Papers:

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes:

Ref:

Date: