

STEVENAGE BOROUGH COUNCIL

LICENSING COMMITTEE MINUTES

Date: Thursday, 12 January 2023

Time: 6.00pm

Place: Council Chamber

Present: Councillors: Maureen McKay (Chair), Loraine Rossati (Vice Chair), Myla Arceno, Nazmin Chowdhury and Graham Snell

Start / End Time: Start Time: 6.00pm
End Time: 9.29pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillors Rob Broom, John Duncan, Bret Facey, Liz Harrington, Chris Howells, Graham Lawrence CC, Lin Martin-Haugh, Andy McGuinness and Claire Parris.

There were no declarations of interest.

2 LICENSING APPLICATIONS - PROCEDURE

All parties noted the procedure for the meeting which had been circulated with the agenda.

3 APPLICATION TO REVIEW A PREMISES LICENCE - LOUNGE 72, 70 HIGH STREET, STEVENAGE, SG1 3EA

The Committee considered an application for a review of the premises licence for Lounge 72, 70 High Street, Stevenage made by Police Sergeant Christopher Adshead on behalf of Hertfordshire Constabulary. The application was supported by Hertfordshire Public Health and by Stevenage Borough Council's Environmental Health Department. Representations were made by two interested parties, one supportive of the application and one supportive of the Licence Holder.

At this juncture, The Committee heard that, Mr Dadds, a solicitor acting for the Licence Holder had contacted the Council earlier in the day to request that the hearing be adjourned. Mr Dadds joined the meeting remotely by Zoom link with the Licence Holder who was audible, although not visible.

The Committee retired to consider the application for adjournment and decided to reject it. The basis for the adjournment application is summarised below, along with the Committee's reasons for rejecting it.

Reasons for refusal of the adjournment application:

The Committee considered carefully the application for an adjournment made on behalf of the Licence Holder and had taken account of the points made by all parties.

There were two grounds for the adjournment application:

- (a) That the Licence Holder had only instructed a lawyer to act on her behalf the previous day. Her lawyer needed more time to look at the papers and to represent his client properly; and
- (b) That the Police had not disclosed information to which the Licence Holder was entitled in order to respond to the case made by the Police.

In respect of ground (a) the Committee was mindful of the points made on behalf of the Licence Holder. However, it was also mindful of the public interest in prompt determination of review applications. It was also the case that adjournment and reconvening the meeting would involve a significant additional call on public resources. The Licence Holder had been made aware of the review since mid-November and had ample opportunity to instruct a lawyer at an earlier stage. On balance the Committee rejected this as a basis for adjourning the hearing.

In respect of ground (b). It was for the Police as the responsible authority requesting the review to decide what evidence to put forward. It was for Members to evaluate all the evidence and representations made. If the Committee decided that it did not have adequate information to decide it could request further information during the hearing, adjourning if necessary.

The application for an adjournment was refused.

Upon being advised of the Committee's decision, Mr Dadds stated that he and his client would withdraw from the hearing on the basis that he would be unable properly to represent her. The Zoom link was then terminated and the Licence Holder and her Solicitor took no further part in the review hearing.

At this juncture, the Committee, along with representatives of the responsible authorities present and support staff, withdrew to view the video footage put in evidence by the Police. Part of the footage was filmed at the "Chocolate Brunch" on 1 October 2022 and the other part showed CCTV footage of the stabbing incident on 22 October. The Police identified parties in the video and provided context but there was no discussion by the Committee or others of the footage during this part of the meeting.

On returning to public session, the Council's Licensing Officer presented a report to the Committee outlining the facts of the application.

The Licensing Officer advised that the grounds for the review brought by the Police fell under all four of the Licensing Objectives, prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm. Representations had also been received from Hertfordshire Public Health supporting the Police, and Stevenage Borough Council's Environmental Health Department

regarding noise complaints received from local residents.

The Committee noted further representations from a local resident and from the owner of a local business. The resident described concerns regarding noise and anti-social behaviour. The resident stated that he had attempted to speak to the manager/owner of the premises and had received unhelpful/rude responses. The business owner stated that the premises brought many visitors and business to his local food takeaway shop, that he often attended the club and in his opinion the venue was safe, and that the security steps in place were the best in the High Street.

The Licensing Officer advised that despite police attempts to work with the management of the premises, there had continued to be incidents of violence and disruption, most recently a serious incident resulting in possible life-threatening injuries being sustained by the victim of the attack.

The Chair then invited the Police to state their case.

The representative from the Police advised that this application by Hertfordshire Constabulary had been submitted following recent incidents which had occurred and were connected to the named premises. The Grounds for the review brought by the Police were summarised in relation to the Licensing Objectives as follows:

The prevention of crime and disorder – Evidence of multiple incidents of violence and disturbance, including a recent stabbing, within/outside the venue, by a customer or customers of that venue. Between June 2021 and November 2022, more than 50 calls have been received by Police to attend Lounge 72; many were for incidents of a violent nature. A summary of incidents and reports relating to this premises have been compiled and are included in the review application submitted by Police.

Public Safety – Allowing customers to drink to a state of inebriation, violence and disruption spilling out onto the public thoroughfare, knife crime outside the venue, involving customers exiting the venue.

Prevention of Public Nuisance – The serving of drunk inebriated people, disruption and violent disorder by customers within and on leaving the club, noise complaints from the public, traffic and crowd disruption on closure of the club (3am onwards), multiple complaints from members of the public to Police and Stevenage Borough Council Community Safety Team, relating to images and activities of an adult nature, filmed at the event at the premises on 1 October 2022, being circulated and causing alarm and distress.

Protection of Children from Harm – Incidents of indecency being allowed to occur and being captured on mobile phones, leading to their circulation on social media, likely to be available and accessible to children.

Despite attempts to work with the management of these premises by Stevenage Police's Community Safety Unit Sergeant and Licensing Officer there had continued to be incidents of violence and disruption which had raised serious enough concerns for the police to bring this action.

The Police advised that the situation at the establishment had recently caused public dissatisfaction and had been at the centre of a very serious incident which had resulted in possible life-threatening injuries being sustained by the victim of a knife attack.

This had added to the concerns around the history of the Club since its opening in Summer 2021 and as such Hertfordshire Constabulary was now applying for the revocation of the Alcohol Licence of Lounge 72.

The Committee heard detailed evidence from Police Sergeant Ayris, who was present at the incident of disorder which had taken place on 16 April 2022. She described being called to the premises on that date along with a colleague, to find people coming from the premises to the adjacent alleyway. She said that a fight was in progress involving around 100 people. PS Ayris said that she and her colleague feared for their safety and stood back to back to protect themselves. The incident spilled onto the High Street, with by now in excess of 150 people involved. Bottles were being thrown which PC Ayris said could only have come from the premises. She recalled seeing someone with a significant eye injury and described the situation as “mayhem”. The incident was resolved when a significant additional Police presence arrived.

A representative of the Council’s Environmental Health Service spoke regarding noise complaints received and confirmed that action had not been taken because complainants had not kept diary sheets of any subsequent incidents.

Although the Licence Holder and her solicitor had withdrawn from the hearing, the Chair drew attention to the representations from the Licence Holder set out in the Agenda. The Chair stressed the importance of Members taking these fully into account in making a decision.

The Committee then withdrew from the meeting to determine the application. At the conclusion of that process, the Committee returned to the meeting to give their decision.

It was **RESOLVED** that the premises licence for Lounge 72, 70 High Street, Stevenage be **REVOKED**.

REASON FOR DECISION:

The Committee took careful account of all the material before it, including representations made by the Licence Holder. The Committee was disappointed that the Licence Holder and her solicitor had decided not to participate in the hearing.

The Committee approached with caution the summary of incidents submitted by the Police as little detail was given and the link between the incidents and the premises was not clearly stated. However, the Committee took account of the evidence given by the Police that the number of incidents in the vicinity of the premises made it an “outlier” in the High Street.

The Committee looked carefully at the incidents cited in more detail by the Police:

16 April 2022 – The Committee accepted the evidence given by Police Sergeant Ayris regarding this incident. It was evidently a most serious incident of disorder and the Committee accepted the evidence of the Police Sergeant that it was linked to the premises.

1 October 2022 – This was the occasion of the “Chocolate Brunch”. The Committee had seen video footage of this event which had previously been posted on social media. The Committee noted that this appeared to show drunken and indecent behaviour of a nature that was outside the terms of the licence. It noted that there was a difference regarding the role of management between the anonymous statement given and the account given by the Licence Holder. It was evident in the footage shown that there was no effective supervision of the event at which the Licence Holder was present. The Committee considered that it would have been difficult for staff to have been unaware of what was happening on the premises given both the size of the premises and the nature of the video footage. Responsible management would have ensured proper supervision and control of the event.

22 October 2022 – This was the occasion of the stabbing incident. It was evident from the CCTV footage that insufficient control was being maintained over the door between the alley and the premises, with customers wandering in and out of the premises at will whilst the incident was taking place. This potentially put customers at risk and hindered access to the incident by emergency services. It was also apparent that the person identified as the Manager was not exercising the leadership role which would be expected of the most senior member of staff present.

29 October 2022 – Fortunately, the person with the lock knife was apprehended by the Police before any trouble occurred. However, the Committee was concerned about the possibility of further incidents and the perceived need for a closure order.

Environmental Health Evidence – The Committee took no account of the noise nuisance complaints referred to by the Environmental Health Officer, as these had not been substantiated.

Conclusions

1. The Committee concluded that the incidents referred to above meant that the operation of the premises did not promote, and were to the detriment, of the licensing objectives. Taking these in turn:

The prevention of crime and disorder – Detriment to this objective was demonstrated by the incident of serious disorder on 16 April 2022 and the stabbing incident on 21 October 2022.

Public safety – Detriment to this objective was demonstrated by:

- The level of apparent inebriation of customers shown in the video footage of the event on 1 October 2022.
- The risk to members of the public by inadequate management of the door

during the stabbing incident on 22 October.

Prevention of Public Nuisance – Detriment to this objective was demonstrated by:

- The level of apparent inebriation exhibited by customers shown on CCTV of the premises at the event of 1 October 2022.
- Street brawling spilling from the premises on 26 April 2022.
- The nature of video footage taken at the event on 1 October 2022 and circulated via social media.

Protection of children from harm – The Committee was concerned that grossly indecent footage taken at the event on 1 October 2022 was circulating on social media and therefore could be accessed readily by children.

Appropriate action

The Committee decided that action beyond words of advice or a warning was called for. It noted the steps already taken by the Police to ensure effective management of the premises. The Committee therefore considered the other options available to it. These were:

- To modify the conditions of the licence
- To exclude a licensable activity from the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

The Committee did not consider that modifying the licence conditions would effectively ensure promotion of the licensing objectives. It considered at some length whether the exclusion of the sale of alcohol from the licence would suffice, given that it appeared that inebriation was a factor in the incident of 1 October 2022 and likely to be a factor in the other incidents. There was no evidence to suggest that removing the designated premises supervisor would address adequately the Committee's concerns. The Committee considered whether suspending the licence would be sufficient but had no confidence that suspension would lead to longer term promotion of the licensing objectives. The Committee therefore concluded that it was necessary and proportionate to revoke the premises licence.

The Premises Licence Holder would be reminded in the decision letter sent to them that there was a right of appeal to the Magistrates Court against the above decision. Such an appeal would need to be submitted to the Magistrates Court within 21 days of receipt of the Committee's decision letter.

4 **URGENT PART I BUSINESS**

None.

5 **EXCLUSION OF PUBLIC AND PRESS**

Not required.

6 **URGENT PART II BUSINESS**

None.

CHAIR