

LICENSING SUB-COMMITTEE

Monday 30 March 2009

Present:

Councillors Shiel, Sterry and Wadham.

Also Present:

Principal Licensing Officer, Licensing Solicitor and Member Services Officer (HB).

14

APPOINTMENT OF CHAIR

Councillor Shiel was appointed Chair for this meeting.

15

DECLARATION OF INTERESTS

No declarations of interest were made by Members.

LICENSING ACT 2003

16

APPLICATION FOR A GRANT OF A TEMPORARY EVENTS NOTICE - EX4, FORE STREET, EXETER

In attendance for the applicant were:-

Mr Ali Anvari	: Owner, EX4
Mr Stephen Nash	: General Manager, EX4
Mr Louis Veddick	: Event Promoter

Representing the Devon and Cornwall Constabulary:-

Ms Lesley Carlo : Licensing Officer
Sergeant Neil Harvey

The Chairman introduced the Sub-Committee Members and Officers.

The Licensing Solicitor reported that an application for a Temporary Events Notice had been received in respect of EX4 for an "After Party" between 02.30hours and 06.00hours on Monday 13 April 2009. She explained the timescale and procedure for the consideration of the application.

Representing the Applicant

Mr Nash advised that the application was for an After Party event between 02.30hours and 06.00hours for which tickets would be sold at the Arena nightclub in Summerland Street. A dance DJ had been engaged for the Arena and it was proposed to sell no more than 180 tickets to the Arena clientele for the party. In response to the Chair, Mr Nash advised that the event would be carefully monitored with only those buying tickets at the Arena eligible to enter EX4.

Mr Veddick introduced himself as a promoter of dance events which he had been doing since the age of 16. The Arena bar would shut at 02.30hours, the club closing at 03.00hours with only 180 of the total of 500-600 attending Arena that night able to buy the tickets. Dance events of this nature had a loyal following and he anticipated that clientele would be attracted from as far as Plymouth, Torbay

and Honiton with some likely to come from further afield given that he had successfully organised events of this nature in East Anglia. The advantage of holding the event into the early hours would encourage people not to use cars therefore reducing possible drink drive incidents. Public transport would be available shortly after the event finished. In response to the Solicitor. Mr Veddick advised that the total tickets sold included those sold to Arena staff, those employed by the event organiser and the DJ and support as the maximum capacity of the room to be used at the EX4 venue was 180.

In response to Councillor Sterry, Mr Veddick advised that the tickets at Arena would be sold on a first come first served basis and would not be sold on line. Mr Veddick suggested that those who may consume too much alcohol at the Arena may be reluctant to walk down to Fore Street. The event at the Arena was the first event of its kind and would be good for the culture of Exeter. He compared the proposed operation to similar club events held in Essex and Norwich. In the latter City, the University had been used as the original venue with the after party held at a City Centre venue in an area similar to Fore Street.

Questions from the Police

Lesley Carlo : Will tickets be sold on line ?

Mr Veddick : Although the main event at Arena would be advertised on line, tickets would definitely not be sold on line for the After Party.

Lesley Carlo : The event is being held in the early hours of the Bank Holiday, will public transport be available?

Mr Veddick : the first trains on 13 April run between 06.45hours and 07.30hours. This would give the clubbers the opportunity to get some fresh air between the end of the event at 06.00hours and catching public transport which will avoid customers drink driving.

Sergeant Harvey : How will incidents of drunkenness be stopped? People will have had the opportunity of drinking for many hours as this is a Bank Holiday weekend.

Mr Anvari : Night Owl security staff will be engaged and rather than the normal three door staff, it is the intention to employ five or six. Use will be made of the basement floor only which can accommodate 180. The termination time will be 06.00 hours which will provide time for winding down. Some of the door staff can be utilised to ensure that the clubbers leave the area around the top of Fore Street quietly and quickly. The area around the venue is covered by CCTV cameras. Everyone entering the club will be searched and admission refused to those who appear drunk. Hot tea and coffee and cold soft drinks will also be available in the club.

In response to Councillor Sterry's question, Mr Veddick confirmed that there would be approximately 400 at the main event and that tickets would be sold on a first come first served basis. Mr Veddick added that he did not normally experience binge drinking at this type of event as the customers came to experience the hard dance music rather than to drink. In his experience at venues such as the Lemon Grove, Phoenix and Mambo there had been no issue relating to drunkenness.

In response to Councillor Wadham, Mr Veddick advised that "hard dance music" was bang bang and quite tribal. He had publicised this event as a potential one but had not confirmed details until he knew the outcome of this hearing.

Representing the Devon and Cornwall Constabulary

Lesley Carlo stated that events of this nature had a large following in Exeter with their popularity increasing rapidly recently. Although the promoter had put on events in Exeter with a terminal hour of 02.00hours this was the first with a finishing time of 06.00 hours. She referred to the list of crime and disorder incidents recorded by the Police at EX4 which had been tabled for Members of the Sub Committee. The Police were concerned that there had been inadequate control in the past. These concerns had been conveyed to the management. The Police therefore felt that problems of drunkenness would occur during this event and lead to incidents of crime and disorder.

Ms Carlo referred to an incident on Sunday 1 March when a serious assault had occurred on the premises. Staff had failed to intervene when an earlier incident involving the same individuals had occurred. It was noted that door staff had not been on duty when the incidents had occurred. Mr Anvari stated that door staff normally commenced duty at licensed premises in the City Centre at 20.00hours. Lesley Carlo stated that door staff could be engaged at any time of the day. In response to the Chair, Mr Anvari stated that tickets had not been on sale on this occasion.

Mr Anvari stated that some occurrences of disturbance recorded in respect of EX4 had been caused by those who had not entered the premises but were passing along Fore Street. He also advised that one incident had been caused by an individual who had not been drinking and had deliberately visited EX4 to attack another individual. Lesley Carlo pointed out that the latter had been on a list of those banned from drinking in the City Centre. Mr Anvari stated that, without pictures, it was difficult to prevent banned individuals from entering pubs.

Ms Carlo expressed the concern that many of the clubbers who would move from the Arena to EX4 could have been drinking for four to five hours. Although offering hot and soft drinks was good practice, the concerns of the Police over the sale of alcohol to 06.00 hours remained. She also felt that the staff would not be able to monitor the movement which would be left to the Police. Mr Vidick stated that movement to EX4 would be staggered taking place in the two hours before the closure of Arena at 03.00hours. He offered to use his staff as stewards strategically placed along the route and wearing high visibility vests to direct clubbers to Fore Street. He stated that the majority of those attending the event would have researched the route to the venue, availability of public transport etc. before hand.

Ms Carlo stated that a number of premises in the vicinity of EX4 closed at about the same time as the After Party was scheduled to start and was concerned that some of the clientele of the closed premises could seek to gain access to the after party which could lead to conflict. The Chair pointed out that the club management intended to increase the level of control through additional door supervisors.

Sergeant Harvey referred to an incident of drunkenness on the 14 March that was reported by a Police Officer and that had been reported to the management. The Police officer stated that most of the customers appeared drunk but the management did not take any steps to address this. The police officer and a colleague had broken up a fight outside the premises in view of the doorstaff and one of the persons involved in the fight was allowed to enter the premises.

Ms Carlo advised of comparative closing times; Mosaic closed 01.30, Rococo 03.00 and Walkabout at 23.00.

Sergeant Harvey referred to statistics of disorder in the City Centre between 22.00hours and 05.00 hours and stated that Police resources would be stretched at 06.00 hours on Bank Holiday Monday. As it was a bank holiday double time applied and there was therefore likely to be less man power available. In response to Councillor Wadham, he confirmed that the City Centre was clear of clubbers in normal circumstances by 03.00hours when police resources could be used elsewhere. The Licensing Solicitor advised that deployment of police resources should not be taken into consideration by the Sub Committee in determining the application.

In response to Councillor Sterry, Mr Anvari confirmed that the CCTV cameras which had previously broken down were now functioning. The premises would close at 01.30hours for preparations to be made for the After Party for which only one of the three entrances would be used.

In response to Councillor Wadham, Mr Viddick enlarged on his experience of arranging similar dance events in Norwich where both the Police and the City Council had been supportive. Here TEN applications were made in respect of Friday and Saturday night events at the University. He felt that as the clubbers would pay £15 in total for two events. Other than posters at Arena, the events were not widely advertised other than the network of regular clubbers advised by word of mouth and the internet.

Sergeant Harvey reiterated Police concerns that the event would lead to excessive drinking of alcohol which was likely to result in incidents of crime and disorder. He suggested that an after party event without the sale of alcohol could be acceptable. Mr Veddick advised that the sale of alcohol was a necessary part of the event.

The Sub Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that the application for a Temporary Events Notice at EX4 on Monday 13 April 2009 be refused as, on balance, and taking into account the evidence supplied in relation to the history of crime and disorder at the premises it was felt that the event was likely to lead to incidents of crime and disorder and it was not felt that an event of this nature, at this time and at this venue could be guaranteed not to pass off without incident.

(The meeting commenced at 9.30 am and closed at 10.45 am)

Chair