
DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

2 OCTOBER 2013

Present –

MEMBERS:

Councillors Lawson (Chairman), Sutton and Taylor

OFFICERS:

B Lisgarten	Legal Governance Team Leader
R Hill	Team Leader (Licensing)
P Duff	Member Support Officer

OTHER PERSONS PRESENT:

T Aldridge-Jones	Environmental Health Officer
Mr C Bailey	Applicant
Sergeant L Cullin-Moir	Hertfordshire Police
Sergeant N Dean	Hertfordshire Police
Inspector G Holland	Hertfordshire Police

The meeting began at 10.02 am.

1. INTRODUCTIONS

The Chairman introduced himself, the Councillors on the Sub-Committee and the officers present. The Chairman then asked the other persons present to introduce themselves.

2. MINUTES

The Minutes of the meeting held on 6 August 2013 were agreed by the Members present and then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence.

4. DECLARATIONS OF INTERESTS

No interests were declared.

The Chairman outlined the procedure, as set out in the agenda. The speakers would speak for an agreed time and late documentation could only be introduced by the agreement of all parties. The Chairman said the matters of visits to the premises, the reading of papers and formal requirements would be addressed and the discussion would be led by the Panel. The Chairman emphasised that all speakers were not permitted to introduce new information and there should be no repetition.

The Chairman informed the Sub-Committee that the premises were not in his ward and he had last visited them in 1986.

Councillor Taylor declared that the premises were not in his ward, he had never visited the premises but was aware of the location.

Councillor Sutton declared that the premises were not in his ward, he had never visited the premises but was aware of the location.

5. LICENCE ACT 2003: PREMISES LICENCE APPLICATION

The application was for:
198 – 200 Marlowes
Hemel Hempstead
Hert
HP1 1BH

The Chairman asked the Members of the Sub-Committee if they had read the agenda and all additional documents. Councillors G Sutton and Taylor confirmed they had read the documents at hand.

The Chairman asked whether all legal obligations had been complied with.

R Hill confirmed that they had.

The Chairman asked Mr Bailey for his statement.

Mr Bailey said he had submitted an application for a Premises Licence for 198 – 200 Marlowes to run it as a Youth and Community Club for under 18s. Before submitting the application consultation had taken place with the Police and with D Latto to ensure the application had no outstanding problems.

The Chairman questioned why the application was for an alcohol license from 9.00 am – 3.00 am when the premises was to be used to run youth and community events for under 18s.

Mr Bailey said they were hoping to hold other functions such as birthday parties that could be for over 18s and, as a premises licence application was being submitted, that would cover these occasional other activities.

The Chairman said he was still confused as to why a licence was required for those extended hours.

Mr Bailey said when the licence application had been completed, the opening hours were always going to be from 9.00 am – 3.00 am. These times could easily be adjusted for the alcohol side.

Councillor Sutton said it may be that there should be several licences for the same premises, one for the Youth and Community Club for the under 18s and others for the sale of alcohol.

Mr Bailey said he was not looking for an all day alcohol licence, only for the occasional private function. The club would primarily be for under 18s.

Councillor Sutton asked if the bar area would be completely out of sight and reach of the under 18s to avoid any temptation.

Mr Bailey said there would be no alcohol displayed behind the bar when the under 18s club was running. The under 18s club would finish at 11.00 pm.

Councillor Taylor suggested the applicant needed a music licence for the under 18s activities running until 11.00 pm and that occasional licences be applied for when other events were being staged. The current application was trying to get as much as possible on one licence when the prime reason for the application was for a Youth Community Centre.

R Hill advised that under the Temporary Event Notice system, there would be a limit of 12 events per year.

The Chairman asked the Police for their statement.

Sergeant Dean highlighted the main concerns:

- i. It was a Premises Licence for two completely different venues, under 18s and a nightclub running until 3.00 am 7 days a week. The applicant had been lax in providing safety measures for each.
- ii. The location of the venue, particularly for the under 18s' events. It is in Marlowes in the town centre. It would be difficult for parents to drop off and pick up their children. It would put children in the hot spot for trouble in the area. There had been 115 incidents in Marlowes. Once children were in the town centre, they liked to hang around. It would be difficult for the venue to keep the children inside it.

The Police were not against under 18 venues but the location had to be right. If the application was granted it could bring a number of risks regarding crime and disorder and would be a danger to the youths.

Sergeant Dean asked the Chairman whether she may put questions directly to the applicant. The Chairman agreed to this request.

Sergeant Dean: Do you have previous experience of running licensed venues, particularly the sort events held in town centre venues?

Mr Bailey: I have run many events for under 18s over the last 20 years in London, Kent, Essex and Surrey. They have generally been run in the school holidays. The purpose of this was to give young people more opportunities to attend these events on a more regular basis and try and keep them out of trouble.

Sergeant Dean: Given your experience of running these events, what risks to you identify there could be at such a venue and what do you have in place to minimise those risks?

Mr Bailey: Young people try and drink alcohol before they arrive. We use testing equipment before they come in the door which eliminates a lot of the drinking problem. Young people try and come to the venue and then leave. We have a no readmission policy. When they leave they want to hang out afterwards; if they have had enough fun they go home. We always try and get parents to pick up children at the end of the night.

The Chairman: What happens at these events?

Mr Bailey: It is a nightclub for under 18s with a DJ playing music. Some events would have live music with young people making their own groups.

Sergeant Dean: You have highlighted the risks about young people being in the town late at night. What happens to them when they walk away from the venue? The Police are concerned about how you would be able to control that. It is very well that you have those policies in place and it is responsible but how are you going to stop them going into the town centre and causing problems?

Mr Bailey: We have to teach young people to make the right decisions. If they come to the club and have been drinking they will not be able to come into the club. We hope they want to be inside where everyone else is having fun.

Sergeant Dean: Will you make contact with the parents?

Mr Bailey: We aim to operate as a youth club and have as much contact with parents as possible. The children are in our care. We have to work with parents to get this across.

Sergeant Dean: Previous similar events have had holding areas to stop children leaving the premises. Children do lie to parents. Have you considered this?

Mr Bailey: We have no problem providing a holding area. If young people are under the influence of something, we could hold them. We have no intention of throwing children out on the streets. We work with drug and alcohol teams and hope to do that here.

Sergeant Dean: Under 18 evenings are on the increase. Some events go on until 3.00 am and substances are used rather than alcohol. What is the risk that you identify around youths using legal and illegal substances and what policies would you have?

Mr Bailey: We do not tolerate any drugs, either legal or illegal. Drugs are not accepted. We have security on the front doors, young people are searched and if anything was found we would hold the young person until the Police arrived. We would be happy to share any information with the Police.

Councillor Sutton: It is a big premises, 12m x 50m. Is there a limit to numbers?

Mr Bailey: We would need to speak to the Fire Officers.

Councillor Sutton: I would have liked that information at this stage. This is a commercial venture, how much would you charge?

Mr Bailey: £5.00.

Chairman: Is this 7 days a week?

Mr Bailey: We aim to run Friday – Sunday. Because it is a new venture, we are hoping also to do more events for the under 12s and events for parents and toddlers.

Councillor Taylor said this sounds like an ideal opportunity for a Youth Community Centre involving parents and helping people understand education for life. It sounds fantastic but bore no relation to the report in the agenda. Councillor Taylor expressed concern about the alcohol requirements and understood the concerns of the Police and would be in favour of a Youth Community Venue with no alcohol, although the concern was that would not be something the applicant or his company would want as it would not make money. Money would be made by having a busy venue from 9.00 am – 3.00 am. The proposition in the report caused concern.

Inspector Holland: Youth clubs were normally for local people. Who do you intend to attract to yours?

Mr Bailey: We are hoping to attract the local youth.

Inspector Holland: How do you advertise events?

Mr Bailey: We want to liaise with the local community and Police and get the information into schools, youth clubs and local newspapers.

Inspector Holland: Would you use posters?

Mr Bailey: We give the young people information and that would be distributed from them.

Inspector Holland: These events with DJs do attract people from a wide area (100 miles).

Mr Bailey: I have not had that experience.

Inspector Holland: From experience of policing similar events, we tend to have serious disorder when these occasions are advertised.

Mr Bailey: We have never had any major incidents in any events we have done in 20 years. We have set guidelines and everything is controlled in the club.

Inspector Holland: What sort of bands do you use?

Mr Bailey: These are bands designed and made by young people. Young people in the community might approach us and we have them on

Inspector Holland: Is that what you base your income on?

Mr Bailey: Our revenue is made up from the sale of tickets and soft drinks.

Inspector Holland: How many youths would you expect?

Mr Bailey: It depends on the numbers licensed for. At the moment the club is in a state of disrepair. We have based our costs on 200 people.

Chairman: For 200 people ticket sales would give £1k. Is that viable?

Inspector Holland: What age group and what time would the event end on Saturdays and Sundays?

Mr Bailey: 12 – 18 year olds. We hope to attract younger children and their parents at different events. The under 18 events would end at 11.00 pm.

Inspector Holland: Do you think, as a youth worker, that a busy place like a town centre with drunks and fights is the right location to have youths aged from 12 – 18?

Mr Bailey: If you can protect the young people, yes that is fine. We aim to keep them safe.

Inspector Holland: How many security staff will you employ?

Mr Bailey: With 200 people, perhaps 4 – 5 security guards.

Inspector Holland: Will children be allowed out of the venue?

Mr Bailey: No.

Inspector Holland: If two 14 year olds leave at 9.00 pm they will not be allowed back in. How does that safeguard them?

T Aldridge-Jones expressed concern about the noise from the premises, in particular the music and people coming and going. The application had no measures in place to address this. How do you propose to address these issues, particularly the over 18s events that could end at 3.00 am?

Mr Bailey said they would have a smoking area outside at the back of the club until 3.00 am. This would be controlled by security and numbers would be limited. For the under 18s there would be no smoking at all.

T Aldridge-Jones suggested no more than 5 people at a time until 11.30 pm.

Mr Bailey said he was happy to keep to 5 people and would have to control the times.

The Chairman asked all the interested parties in turn if they had anything else they wanted to add.

Sergeant Dean said the main concern of the Police was the location. It is in the hot spot for alcohol related crime and disorder and would bring 200 youths on Friday and Saturday evenings into the town centre. It would bring them into the company of adults who would be intoxicated. There were a lot of late night venues and the temptation for youths to hang around.

These types of place had a place in locations outside the town centre. It would be difficult to prevent those youths being at risk and it would be difficult for the venue. Once this licence was granted this venue could be run as stated in the report. Sergeant Dean was opposed to the licence being granted but if it was granted, urged the committee to use the proposed Police conditions.

Mr Bailey said he did not want to cause any problems and understood the concerns of the Police. He had spoken to the Police before applying for the licence and to Debbie Latto regarding the location who, at that time, was happy with the proposal. We then submitted the application. Our main aim is to hold events for the under 18s and would be happy to get the licence without the alcohol part. This would not be a late night venture and would run until 11.00 pm. Stewards would be employed and parents would be encouraged to pick up their children. We had suggested that people could be let out of the back of the venue at the end of the night.

We are happy to work with the Police to safeguard young people in any way. I am not here to pull the wool over anybody's eyes but am trying to provide a venue for young people that is fun and attractive.

The Chairman referred to pages 37 and 38 of the report which detailed the conditions suggested by the Police and asked the applicant if he was happy to accept those.

Mr Bailey says he would be happy to accept the conditions except it stated 10.00 pm closure and they would like 11.00 pm closure. The conditions also stated use of an ID scanner which would be too expensive to employ.

B Lisgarten said the applicant had offered to remove the alcohol part of the application. The Police submissions had been given and their objections based on the lack of information in the application itself. The Sub-Committee must decide if there was enough information to make a decision or if Mr Bailey should be asked to return.

Councillor Taylor said the application was different to what Mr Bailey was telling the Sub-Committee. Having heard the submissions and the Police submissions Councillor Taylor said he was inclined to refuse the application, even if the alcohol part was removed, as what the applicant had described did not fit in with the application before the Sub-Committee. Councillor Taylor said he would consider a revised application that was more in line with what the applicant had spoken about rather than what was written in the report, and the applicant should re-submit the application along the lines of what had been explained to the Sub-Committee.

Councillor G Sutton agreed with Councillor Taylor. The licensing application was confused and clarification was required on the opening hours and usage. There were a lot of residents who lived above Marlowes and, in the future, possibly above Bank Court who would be badly affected.

Councillor G Sutton expressed concern about the number of people (200) to be allowed in and, with the age range of 12 – 18, about the possibility of young men predating on girls aged from 12.

The Chairman said he shared their concerns. The application did not reflect what Mr Bailey had told the Sub-Committee. The Chairman expressed concerns that the good idea of a Youth and Community Club for under 18s would be turned into a nightclub.

The Chairman also expressed concerns about the dispersal policy, the protection of children from harm and issues of public safety. The Chairman was not happy to grant the application as it stood and suggested the applicant should come back with a fresh application.

The Chairman said if the applicant was seriously looking at running a venture for young people, he would be a great supporter but if he wanted to run a nightclub by the back door, that would not be supported.

The Chairman proposed that the application for a Premises Licence be refused.

Vote:

For 3, Against 0, Abstentions 0

Agreed:

The Licensing of Alcohol and Gambling Sub-Committee, having had regard to Section 182 of the National Guidance and Dacorum Borough Council's own Licensing Policy and the four Licensing Objectives of the Licensing Act 2003 and having taken into account all oral and written representations, in accordance with the voting and reasoning indicated above, agree to refuse the application for a Premises Licence.

6. EXCLUSION OF THE PUBLIC

Agreed:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the agenda for this meeting, because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to an individual which would be likely to reveal her identity.

7. MINUTES

The part II minutes of the meeting held on 6 August 2013 were agreed by the Members present and then signed by the Chairman.

The meeting finished at 10.53 am.