



- That additional information had been viewed or given to the Parties prior to the hearing.

The Licensing Officer advised that the Police had made a request for SC McCorry to be present at the hearing in support of his witness statement submitted prior to the hearing although it was noted that he had not been able to attend the hearing due to work commitments.

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### **3. Objection Notices received in respect of Standard Temporary Event Notices for Club Neo, Stars Lane, Yeovil BA20 1NR (Agenda Item 3)**

The Licensing Officer presented the report as detailed on page 5 of the agenda and drew members' attention to the following points:-

- 5 standard temporary event notices had been received under the Licensing Act 2003 from Mr Kieron Robinson for Club Neo, Stars Lane, Yeovil and further that 5 objection notices had been duly served by Avon and Somerset Constabulary;
- The proposed activities and hours applied for including Sale by Retail of Alcohol, Regulated Entertainment and Late Night Refreshment as outlined in the agenda;
- The maximum number of persons at an event at any one time would be 499;
- The Premises User had indicated that he would comply with the conditions on the existing premises licence, however, it was only the members of the Sub-Committee that could agree to attach conditions to a temporary event notice;
- The conditions attached to the current premises licence as outlined in the agenda report;
- The Premises were situated within an area that was subject to the Cumulative Impact Policy of the Council, however this did not apply to Temporary Event Notices;
- Reference was made to the options available to the Sub-Committee and the Right of Appeal as outlined in the agenda.

The Chairman indicated that each Party would be given an equal amount of time to put forward their case.

The Chairman invited the representative from the Police to address the Sub-Committee. The Liquor Licensing Enquiry Officer explained that the Police objected to the 5 Temporary Event Notices. Although the Premises User had agreed to comply with the current conditions on the premises licence this would only control inside the premises. There would be no control outside of the premises when people come out of the club onto the street. The Police feared that by allowing the Temporary Event Notices there would be another hour of anti-social behaviour taking place on Stars Lane on a Friday and Saturday night. She explained that CCTV footage had been taken which showed what the street outside the club looked like and how the street looked when the club cleared.

The Liquor Licensing Enquiry Officer referred to the police witness statements that had previously been circulated to members and the Premises User. The incidences outlined in the statements had been linked to the premises as the persons involved had been wearing Club Neo wrist bands. The anti-social behaviour taking place outside of the premises was getting to be unacceptable. In order to address the issue, the Police were working with South Somerset District Council on a zero tolerance initiative. The problems being experienced were also having an effect on Police resources. Allowing an additional hour would add to the continual problems faced by the Police.

Video footage taken by the Police on Saturday 7<sup>th</sup> March was shown to the Premises User shortly before the commencement of the hearing and to members of the Sub-Committee at the hearing. The Liquor Licensing Enquiry Officer explained that the footage showed people leaving the venue and people outside on the street. The Club had introduced a new initiative in recent weeks where a member of door staff was located outside of the club at closing time. She highlighted that when the club closed people were left causing anti-social behaviour in the area. The footage shown was from a fairly quiet night.

In response to a member question, the Liquor Licensing Enquiry Officer explained that the events described in the witness statement were becoming a regular occurrence and was the main reason for looking to introduce a zero tolerance initiative.

The Premises User was then invited to address the Sub-Committee. He explained that he had applied for the Temporary Event Notices to keep local people in the area as last year it was evident that people went outside of the town over the bank holidays. He mentioned that over the last 2 years he had applied for 4 Temporary Event Notices without any objections being made. He indicated that apart from New Years' Eve he only intended on using the Friday and Saturday hours. He was of the opinion that the issues raised must be recent as there had not been any issues with previous applications and the Police had not mentioned any issues. The temporary events had not caused any adverse effect on resources. He advised that for temporary events he stopped serving alcohol at 3.30pm to aid dispersal from the venue. He did not serve individuals who had already consumed enough alcohol. He was not aware of any complaints or issues raised from businesses and residents in the surrounding area and no issues had been raised at pub watch meetings. With regard to the issue of people in the road, he had spoken to a taxi firm who had indicated that they had no problem with getting through the road. He would ensure that a door staff member would be outside at closing time to make sure that the road was kept clear.

At this point in the proceedings, the parties present clarified points of detail raised by members. Members were informed of the following:

- The Premises User had spoken to local businesses including the operator of the Quedam, Poundland and Wilkinson's and also taxi drivers operating in the area to see if they had an issue with waste and vomit etc. but not one of them had raised any issues;
- With regard to bulk buying of alcohol by the Customers in the premises, the Premises User confirmed that his Bar Manager was strict about serving intoxicated people and would only serve one drink at a time;
- In response to a question relating to duty of care, the Premises User stated that he was normally at the premises until 3.30-4.00pm. He would not leave someone in need on the street. He helped out with the Police and supported the local area to make sure that everyone was safe;
- The Committee made the comment that the issue of anti-social behaviour was also a concern within other areas and not just within the vicinity of the town centre and was connected with people walking home in the early hours of the morning. The Premises User was not aware of any issues;
- The Police had not objected to the previous temporary event notices as one was connected with British Summer Time and therefore the venue would have to close early and the other was over the Easter Weekend. As there was only one temporary event notice there were no objections from the Police;

- The Police confirmed that their shifts changed at 3.00pm. Officers were not allowed to leave work until their paperwork was complete.

The Licensing Manager advised that there had been some ongoing issues in relation to taxis operating within the area which had been raised at the Yeovil One meetings. Somerset County Council was currently consulting with the Traffic Regulation Warden with a view to closing off a section of the street to stop taxi traffic as there had been several near misses in the street outside of the premises.

All parties confirmed that they were satisfied with the conduct of the hearing.

The Officers and Parties with the exception of the Legal Executive and Democratic Services Officer, attending in an advisory capacity only, withdrew from the meeting to allow the members of the Sub-Committee to consider their decision in private.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them by the Legal Executive. During the session Members were advised that the issue of the police shift change and the information provided by the Licensing Manager with regard to the closure of the street outside of the premises, was not something to be taken into consideration.

When the meeting was reconvened, the Chairman asked the Legal Executive to give a summary of the advice given to them during the private session. She advised that the Sub-Committee had considered all the temporary event notices separately.

The Chairman informed those present at the hearing of the decision of the Licensing Sub Committee.

In respect of five Temporary Event Notices received for Club Neo, Stars Lane, Yeovil, BA20 1NR, under the Licensing Act 2003, the Licensing Sub-Committee has determined that none of the events should take place.

The Committee carefully considered the Premises User submissions but felt that due to the current issues specific to Club Neo as highlighted by Avon and Somerset Police in their objection notices allowing an additional opening hour on each of the five dates will impact upon the licensing objectives of crime and disorder, public safety and public nuisance. In particular, members were concerned that existing problems may be exacerbated by being pushed even further into the early hours of the morning.

The Parties were asked to note that the above did not constitute the formal notification of the Committee's decision. The formal Notice of Decision would follow shortly.

All parties were reminded that there was a right of appeal against the decision of the Licensing Authority. Such an appeal was to be made within 21 days of the date of receipt of the formal Notice of Determination, and should be made to the South Somerset Magistrates Court.

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Chairman

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Date