



Leicester
City Council

Notes of the
HEARING UNDER THE LICENSING ACT 2003

Held: WEDNESDAY, 14 MAY 2014 at 9:30am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Dr Barton

Councillor Riyait

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1. APPOINTMENT OF CHAIR

Councillor Thomas was appointed Chair for the meeting.

2. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interests they had in the business on the agenda.

There were no declarations of interest made.

**3. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE:
FORMERLY LEICESTER INTERNATIONAL HOTEL, 57 RUTLAND STREET,
LEICESTER**

The Director, Environmental Services, submitted a report that required Members to determine an objection notice relating to a temporary event notice (TEN) submitted by Mr Oliver Snedker, Requiem Live Limited for the premises formerly known as Leicester International Hotel, 57 Rutland Street, Leicester.

Members noted that an objection notice had been received in respect of the temporary event notice, which necessitated that the temporary event notice had to be considered by Members.

Mr Oliver Snedker and Mr Richard Wheatcroft from Requiem Live Limited, Mr Andrew Sansome (Noise Team), Ms Hanifa Turk (Environmental Health Officer) and Ms Victoria Johnson (Student Environmental Health Officer) were present at the meeting. Also present were the Licensing Team Manager and Trainee Solicitor to the hearing panel.

The Chair asked everyone present to introduce themselves.

The Licensing Team Manager presented the report. It was noted that an objection had been received from the Noise Team on the grounds of public safety. The meeting was informed there was no existing premises licence at the venue, therefore, no conditions could be attached to the TEN. The hearing panel was also informed that either the Police or the Noise Team could submit an objection notice based on any of the four licensing objectives.

Mr Sansome on behalf of the Noise Team outlined the reasons for the objection and answered questions from Members:

- It was an unusual objection on the grounds of public safety.
- The Noise Team had prior knowledge of the premises through a previous noise complaint.
- There would be noise break-out from the occasional scream.
- Concern regarding noise from the premises was outweighed by health and safety concerns.
- Colour photos of the exterior of the premises were circulated to the applicant and the hearing panel.
- A photo indicated where the nearest residential premises were in relation to the building.
- In light of the unfinished building condition, the venue was not suitable for a playground-type chase, when participants would be in a highly charged state, fuelled by alcohol.
- People reacted differently in different circumstances, and their focus would not be on the environment around them.
- A risk assessment provided by the applicant had highlighted hazards in the building, including no lighting on some floors, broken windows and asbestos in part of the building.
- There was risk of accidents and incidents which could result in tragedy.
- It was recommended that a full assessment be undertaken by Health and Safety and Building Control, and that no use of the building should occur until completed.
- The Health and Safety Commission were the enforcement authority for a building site.
- The building could not be accessed, but a response had been given.
- Work had finished on site, but the Licensing Authority were only informed of the fact on 13th may 2014.

Ms Hanifa Turk, Environmental Health Officer provided additional information and answered questions from Members:

- Public safety was a concern, and evidence would need to be provided to show the building was structurally sound.
- A question was directed at the applicant as to whether the event had been successfully held elsewhere.
- Under Health and Safety law, volunteers were classed as employees.
- Only one first-aider for 500 people was listed.
- A walk-through checking for hazards should be undertaken and recorded.
- It was reported that broken windows would be covered in black bin liners,

when they should be boarded up.

- The staircase identified with the hole should be closed and not used.
- Asbestos had been highlighted in the building, but there was no certificate presented to say the building was clear, and control measures were not adequate.

The premises users were then given the opportunity to respond to the points made and answered questions from Members:

- Leicestershire Fire and Rescue Service had been approached, but would only go on site if invited to by the Licensing Authority.
- It was an unusual event and venue.
- The applicant was disappointed the objection was based on the assessment and the building had not been visited.
- The basement and the ground floor had lighting, and there would be battery powered lighting for floors one and two.
- No generators would be used.
- Torches and head torches would be provided for participants.
- A fire evacuation plan had been developed.
- There was one entrance and one exit for security reasons to prevent unauthorised access.
- There were two emergency exits; one onto Rutland Street and one onto Wimbledon Street.
- There were five stairwells that led to exits.
- A smaller area of the premises had previously been used for the event without objection from the Council, but did not include licensable activities before. The Events Board in the city had previously assisted with arrangements.
- There was an office of people working in the building which showed the building was safe.
- No people would be allowed to participate if they had consumed alcohol, and alcohol would not be provided to participants until at the end of the route. A stamp would be placed on the hands of people at the end of the event, preventing them from re-entering.
- Groups of people would be staggered eight at a time, every two minutes, so all 500 people would not be in the building at the same time, but around 250 people.
- Marshals would be controlling movement on the floors to ensure people did not go off route and one would be stationed at each stairway, which would be emergency lit. Marshals would also ensure noise would be kept to a minimum.
- Fire procedures would be in place, and staff trained, including volunteers who for the purpose of health and safety would be treated as staff.
- The company had £10million employer's liability insurance and public liability insurance would also be in place for the event.
- Staff and volunteers would receive breaks and refreshments.
- Boards would be placed over entrances which contained broken glass to prevent access.
- Due to the route layout, groups would never cross paths.

- The only area that people would be pursued by the actors would be in the basement.
- All customers would be briefed on health and safety, and would sign a contract for responsible behaviour prior to entering the event.
- The event could be accessed by people from the street, but tickets would be sold on a set, timed basis.
- A zero tolerance policy was in place for the consumption of alcohol and would be checked by security prior to them purchasing a ticket. People would also be asked if they had any medical conditions. Customers in the 14-18 category would be allowed into the event, accompanied by an adult. Over 18's would attend the event from 7.00 – 9.30pm. No-one would be allowed to leave the building with alcohol.
- The event was an interactive story, and drama groups would be used as volunteer actors and zombies.
- Work was ongoing to clear asbestos from the building, and a certificate had not been provided to date, though it was located in an area that would not be used for the event.
- Most of the hazards identified in the risk assessment had been dealt with, and building contractors work was ongoing and would be complete before the date of the event.
- A leaflet informing residents close by of the event, with contact details, would be posted.

All parties were then given the opportunity to sum up their positions and make any final comments.

The Noise Team asked for a full health and safety assessment to be completed before the event be allowed to take place.

The applicants said they believed they had offered suitable remedies for the concerns raised. The building was fit for purpose with a safe structure, and was occupied by staff.

Prior to Members considering the application, the Trainee Solicitor to the hearing panel advised Members of the options available to them in making a decision. Members were also advised of relevant policy and statutory guidance that they needed to take into account when making their decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Licensing Team Manager, the Trainee Solicitor to the hearing panel, Mr Sansome, Ms Turk, Ms Johnson, Mr Snedker and Mr Wheatcroft then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Trainee Solicitor to the hearing panel was then called back into the hearing to advise on the wording of the decision.

The Licensing Team Manager, Mr Sansome, Ms Turk, Ms Johnson, Mr Snedker and Mr Wheatcroft then returned to the meeting.

The Chair informed all persons present that they had recalled the Trainee Solicitor to the hearing panel for advice on the wording of their decision.

RESOLVED:

that a Counter Notice be issued in relation to the Temporary Event Notice.

The Committee said they had made their decision based on evidence presented and what they had heard in the meeting. The Committee said their major concern was the possible risk to the general public, posed by the state of the building, and the shortness of the timescale in which to commission a proper inspection from the relevant authorities, and the assurances that the relevant authorities would have given with regards to public safety.

4. CLOSE OF MEETING

The meeting closed at 11.28am.