

REPRESENTATION FROM THE EXECUTIVE HEAD OF COMMUNITY WITH RESPECT TO AN APPLICATION UNDER THE LICENSING ACT 2003

Applicant: Robert Ronald Potter and Jacqueline Carol Piper

Premises: Lakeside Country Club, Wharf Road, Frimley Green, Surrey

Type of application: Variation of premises licence for increase in maximum capacity of persons in venue from 1,662 to 2,500, admission of children when accompanied by a responsible adult over the age of 18 years, the provision and use of customer attendants where the management consider their use would be more appropriate than SIA personnel and which does not constitute manned guarding, for the management to decide when it is appropriate to use safety glass or plastic ware within the licensed premises, changes to existing conditions relating to required toilet facilities and the attachment or hanging of articles to or from backs of seats.

Date of Application: 19 October 2012

I hereby submit this representation because in my opinion the application does not adequately address the following licensing objectives:

Public safety

The prevention of crime and disorder.

Protection of children from harm

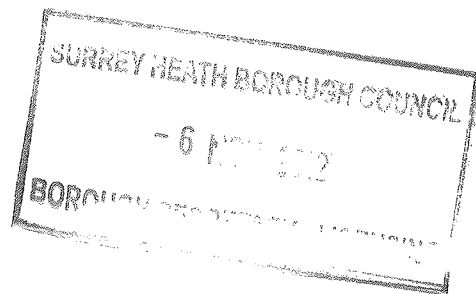
The reasons for my opinion are:

Public safety

There is insufficient information as to how the licensing objectives will be met due to a lack of clarity in the documents submitted with the operating schedule relating to the following aspects of the application:

Overcrowding

This matter is twofold; linked to the provisions of toilets, the other more generic in respect of the proposed increase in capacity of persons.



I note from records that since December 2010 the capacity of the premises has increased from 1,170 (to 1,662) and on those numbers the current application represents a doubling of capacity within two years.

Toilet Facilities

A representation was made in the previous application in respect of the relevant standard for sanitary installations, British Standard 6465-1:2006 requiring additional female toilets and these have now been provided by the applicant in a phased installation with the agreement of the Environmental Health department (see condition number 16 of Annex 3). There is no reason to depart from this standard: the premises are a high volume multi-purpose entertainment facility. This application also includes regulated entertainment for children to attend. In that event, the concerns I have are commensurate with the increased numbers and range in ages of those likely to attend and therefore increased risk.

An inadequate number of facilities is likely to lead to long queues for toilets during peak times such as intervals, blocking areas including corridors, throughfares and fire escape routes. It may also be difficult to manage such congregations as people will be reluctant to move.

Other public safety issues relating to inadequate toilet facilities are the increased risk that customers may use facilities specifically for the disabled or leave the building and urinate outside the premises.

Capacity of Persons

There is no proposal to increase the number of bars serving up to an additional 838 persons at peak capacity. It is reasonable to envisage that although there may be more staff serving behind the bars, there will be an initially larger crowd of persons moving towards the bar areas at specific times at some events. The larger the crowd in the same area, the more difficult it will be to manage the crowd. With this in mind, prior to the application, officers both from this authority and the police met with the applicant's representatives and sought to elicit from them greater detail as to the steps and methods that would be deployed to manage crowds in general once inside the premises. However the information provided in the Management Plan and explanation as to how each of the licensing objectives will be met, do not include sufficient details to enable me to adequately assess the suitability of such measures. I also refer to the letter of the Fire Authority dated 2 May 2012 addressed to the applicant which made clear the need for persons to be supervised so as not to overcrowd certain areas.

I am concerned that with a substantially increased capacity of persons attending events, levels of excitement mount as a result and if persons cannot reach a location when they want to, there is a greater danger to public safety if persons start to push forward for instance. Increased numbers equates to the need for appropriate

measures of control which may also need be event specific, so that people can clearly hear instructions for example at music events.

Use of Safety Drinkware

The application seeks to remove the existing condition that all cold drinks must be served in plastic glasses unless the drink can be consumed from the original can and to place the matter within the discretion of management.

Conditions are sought by me where they are appropriate and are proportionate to risk. In view of the proposed increase in capacity and the fact the application seeks to admit children there is a commensurate increase in risk of harm to persons at maximum capacity events and I seek to uphold the existing condition that relates to the current maximum capacity of 1,662.

Noise levels

In the Management Plan there is reference to a noise level of above 100 decibels triggering a cut in electricity supply (Prevention of public nuisance- music volume policy). At no time has a volume of up to 100 decibels, (which is significantly loud) been agreed with Environmental Health officers as an acceptable level. It is not clear from the application that this is the volume at which music is to be played at all times of the day. No risk assessment has been provided in respect of staff in attendance at such music events with regard to the duration of such exposure and what controls are to be put in place.

Articles and seating

This is existing condition¹⁴ to Annex 3. Greater capacity will increase the risk of a tripping hazard and may impede persons attempting to leave the premises in the event of an emergency such as a fire. However, provided it is worded with sufficient clarity, I would support a condition regarding the hanging of indoor jackets or garments and handbags of a similar length to a suit jacket on seats. All outerwear garments must be handed over at the cloakroom.

Provision and use of Customer Attendants

During pre- application discussions and correspondence with representatives of the applicant, both my department and the police raised concerns over the lack of clarity concerning the full duties of these individuals. The applicant has not submitted with

the application a job description or a briefing document akin to the one submitted for the door supervisor role, despite clear advice and guidance to do so. Consequently the boundaries between the roles of SIA trained door staff and the customer attendants are blurred. Further, the 'agreed ratios' referred to in the events schedule, note 'd' is not 'agreed' at all.

Concerns are around the use of customer attendants for stated purposes in the 'Risk Assessment for customer attendants' document submitted, such as to 'defuse tense situations' and to 'dealing with confrontational situations' and 'helping to keep the licensed premises orderly' which are not explained. No information is provided as to what training is to be undertaken. The duties stated above further leads the matter open to interpretation as 'manned guarding activities', for which an SIA licence is required. Section 2 of the Private Security Industry Act 2001 defines manned guarding activities as including guarding against unauthorised activities.

The events schedule lists the types of events where SIA trained staff will not be engaged and this includes all charity events, weddings and birthday parties. I have concerns that charity events may be a contact sport event, a cabaret or adult entertainment night for example. The notes to the events schedule states at 'a' that events where manned guarding or where customer searches take place require SIA staff. This means that all charity events of the type I have referred to will not have the level of supervision that a 'paid for' event would. Unfortunately the current licence does not assist the applicant as whenever regulated entertainment or the sale of alcohol takes place, the licensing objectives are engaged.

The prevention of crime and disorder

This licensing objective is also in issue in relation to the points above concerning overcrowding, the use of customer attendants and the use of safety drinkware. I have concerns that disorder may arise if tempers flare, fuelled by excitement, alcohol and anxiety if persons are unable to get to the facilities they wish to when they wish to.

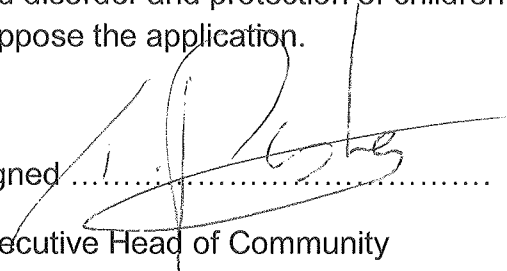
If SIA trained personnel are not engaged for events where it would be appropriate to do so and in accordance with current conditions requiring minimum numbers of door staff, who are 'frontline' SIA trained, then the need to keep premises orderly is likely to be undermined, also bearing in mind the new capacity proposed of 2,500 persons. Some birthday parties and weddings, large or small can lead to disorder and it is inappropriate that these functions have no SIA personnel present. Under the Licensing Act 2003 it makes no difference that these are celebratory events, or that they are to raise funds for charity in terms of promoting the licensing objectives. I should also add that section 21 requires SIA trained individuals where a condition requires them to be at the premises to carry out a security activity.

If glass is in use for a maximum capacity event, it is difficult to control misuse from a perspective of crime and disorder.

Protection of children from harm

The difficulty I have with the lack of clarity from the application in this respect relates to the 'Lakeside Events Schedule' that has been submitted as 'illustrative' of events. Whilst the document setting out how this licensing objective is promoted explains at point 3 that children will not be allowed access to shows which may contain nudity, striptease, bad language or material of an adult nature, it appears from the events schedule that children can be permitted to cabaret shows and charity fund raising events. On a point of clarity I believe as drafted, children can be admitted to these events, which may contain material of an adult nature. In any event, some such activities will not be governed by the Licensing Act 2003- but by an SEV licence. It is clearly desirable for the responsible authority to regulate which events are open to the admission of children and this can be achieved by means of a suitably worded condition.

For the reasons I have provided in respect of the submitted application I consider that there is a substantial risk to public safety and a risk that the prevention of crime and disorder and protection of children from harm objectives will be undermined and I oppose the application.

Signed 

Executive Head of Community

Dated... 6th November 2012