

West Northamptonshire Council
Alcohol and Gambling Licensing Sub-Committee
Application to Review Premises Licence – Elysium 63 Horseshoe
Street, Northampton NN1 1TB
Date 10.00am 21st September 2022
The Jeffrey Room, The Guildhall, Northampton NN1 1DE

1.0 Purpose of Report

- 1.1 To consider an application for a review of a premises licence in accordance with section 51 of the Licensing Act 2003 (“the Act”) made by Northamptonshire Police (“the Applicant”) in respect of a premises license held by Mr Simon Thomson and Ms Cheryl Stanford-Forbes with regard to Elysium, 63 Horseshoe Street, Northampton NN1 1TB (“the Premises”). This is a Nightclub premises in the centre of Northampton.

2.0 Summary

- 2.1 The application, which can be found at **Appendix A**, was received by West Northamptonshire Council on 26th July 2022. Police statements and associated material served with the review application can be found at **Appendix D**.

3.0 Application Details

- 3.1 The review is made on the ground of failure to promote the licensing objective of The Prevention of Crime & Disorder and Public Safety. The licence (see **Appendix B**) for this premises relates to the following regulated activities:

Performance of Live Music (E) (Indoors)

Mon – Sun 10.00 – 05.30

Playing of Recorded Music (F)

Mon – Sun 10.00 – 06.00

Performance of Dance (G)

Mon – Sun 10.00 – 05.30

Entertainment of a similar Description to that falling within E, F & G

Mon – Sun 10.00 – 05.30

Late Night Refreshment

Mon – Sun 23.00 – 05.30

The Sale by retail of alcohol (On & Off premises)

Mon – Sun 10.00 -05.30

The current premises licence holders are Mr. Simon Thomson & Ms Cheryl Stanford-Forbes and the licence has been in force since November 2005 when the Licensing Act came into force. Mr Thomson and Ms Stanford-Forbes has been the licence holders since the licence came into force and Mr Thomson has been the designated premises licence holder since June 2018 and holds a personal licence issued by Northampton Borough Council.

In 2014 the licence was reviewed following an application by Northamptonshire Police on the grounds of The Prevention of Crime & Disorder. The outcome was that the conditions of the licence were modified.

4.0. Consultations/Representations

- 4.1. When an application for a review of a premises licence or club premises certificate is received, the applicant must serve the licence holder and all the responsible authorities with the application. It is then the responsibility of the local authority to place the blue public notice (“the Notice”) at or near the premises.

This gives responsible authorities and any member of the public the opportunity to make written relevant representations in relation to the application to the local authority within 28 calendar days of receiving the notice or the date on which the notice was first displayed at or near the premises. In this case the notice was displayed on 27th July 2022 and a photograph of it in situ is shown at **Appendix C**. The last date for making relevant representations in relation to this Application was 23rd August 2022.

During the consultation period West Northamptonshire Council received a total of 18 valid representations from members of the public on the grounds of either The Prevention of Crime & Disorder or Public Safety all expressing their support of the venue. These representations can be seen at **Appendix E** redacted of any addresses or email addresses for data protection reasons.

5.0 Attendance

- 5.1 The Council is also required to send a notice of hearing to all interested parties and responsible authorities that have submitted a relevant representation and request confirmation of their intention to attend that hearing. A notice of hearing was sent to the following persons on 25th August 2022.
- Mr Jon Payne (legal representative for Elysium)
 - Mr Simon Thomson & Ms Cheryl Stanford-Forbes (Premises Licence Holders)
 - Mr Luke Elford (legal representative for Northamptonshire Police)

- PC Sandy Tracey (Licensing Officer, Northants Police)
- Public representatives (see **Appendix E** for full list)

6.0 Options

6.1 Upon application of a review at the end of the consultation period the licensing authority must hold a hearing to consider it and any other representations made. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

6.2 The options available to the Sub-Committee are to

- modify the conditions of the licence,
- exclude a licensable activity from the scope of the licence,
- remove the designated premises supervisor,
- suspend the licence for a period not exceeding three months,
- revoke the licence or
- take no action.

7.0 Financial & Resource Implications

7.1. The Council may be liable to pay costs should any appeal against any decision made regarding this review application be successful in the Magistrates' Court.

Comments checked by Dawn Leader, Finance Department

8.0 Legal Implications

8.1 Any decision made regarding an application for the review of a premises license made in accordance with section 51 of the Licensing Act 2003 ("the Act"), must comply with the requirements of section 52. It must also consider the revised statutory guidance issued under section 182 of the Act (April 2018 version) and, as of the date of the Sub-Committee hearing, the Northampton Borough Council Licensing Act 2003 Statement of Licensing Policy (2020).

- 8.2** Having regard to the relevant representations, the Sub-Committee must take such reasonable and proportionate steps as it considers appropriate, if any, for the promotion of the four licensing objectives. These steps are restricted to those set out at paragraph 6.2 above.
- 8.3** A decision must be made by the Sub-Committee within the period of five working days beginning the day on which the hearing was held. Once the decision has been made, a written notice containing the full reasons for that decision must be supplied forthwith to the Applicant, the Premises License holder and any person or responsible authority that submitted a relevant representation
- 8.4** In accordance with section 181 and Schedule 5 of the Act, only the Applicant and any person or responsible authority that submitted a relevant representation may appeal to a Magistrates' Court if they are aggrieved at the decision of the Sub-Committee. Any such appeal must be submitted by way of complaint to the Court within 21 days commencing with the day on which the person in question receives a copy of the written notice of the Sub-Committee's decision.
- 8.5** Any premises license review must be considered on its own merits. Any conditions attached to licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

Legal implications provided by James Chadwick, Senior Licensing and Litigation Solicitor for West Northamptonshire Council.

9.0 Committee

- 9.1** Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

Additional Documents	Title
A. B. C. D. E.	Review Application from Northants Police Current Premises Licence Blue Notice Additional Police Evidence Public Representations
Report Author	Martin O'Connell Senior Licensing Enforcement Officer

APPENDIX A – REVIEW APPLICATION

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Police Constable 0010 TRACEY

(Insert name of applicant)

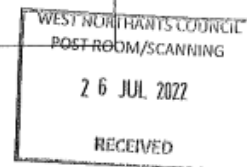
apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Elysium Night Club 63, Horseshoe Street,	
Post town Northampton	Post code (if known) NN1 1TB

Name of premises licence holder or club holding club premises certificate (if known) Mr Simon Thomson
--

Number of premises licence or club premises certificate (if known) PL0427
--



Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 0010 S TRACEY Northamptonshire Police Wellingborough Police Station Midland Road Wellingborough Northamptonshire NN8 1HF
Telephone number (if any) 101 EXT 346307
E-mail address (optional) Sandy.tracey@northants.police.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | |

Please state the ground(s) for review (please read guidance note 2)

I act on behalf of the Chief Officer of Police for Northamptonshire, Mr Adderley, he has delegated responsibility and has authorised me to act on his behalf with regard to representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.

Northamptonshire Police call for the Review of the Premises Licence for Elysium Night Club under the Licensing Objectives of the Prevention of Crime and Disorder, Public Safety and Public Nuisance.

This Review relates to the offence of:

1. Perverting the course of justice – giving false information to police in order to hinder or prevent an investigation of Grievous Bodily Harm (S20 Offences against the persons act 1861)
2. Breach of condition on PL0427 which reads:

A fully working and maintained CCTV and Body Worn video system capable of recording and storing images must be installed on the premises. The CCTV system will record at all times whilst the premises are open to the public and images from both the CCTV and Body Worn Video systems must be stored for a minimum of 31 days with date & time stamping.

The venue are not using body Worn Video

3. Breach of condition on PL0427 which reads:

All CCTV and Body Worn Video recordings must be made available to an officer from a responsible authority upon reasonable request and in line with the provisions of the current Data Protection Legislation.

Not supplied when requested by police on 15/6/22 The venue are not using body Worn Video

4. Breach of condition on PL 0427 which reads:

From 23:00hrs until closing there shall be a minimum of 1 member of the SIA licensed door supervisors wearing Body Worn Video. Body worn video will be activated during any verbal altercation with staff where possible.

Please provide as much information as possible to support the application (please read guidance note 3)

Details of recent visits to these premises conducted by Northants Police and Trading Standards. Please see below details of previous Review information (February 2021)

The Review has been called due to the venue in question not promoting the prevention of crime and disorder and public safety licensing objectives, for breaching their operating schedule conditions around them failing have a body worn video system in place and for perverting the course of justice by being dishonest to police relating to the circumstances of a serious assault (S.20 GBH – assault occasioning grievous bodily harm) that occurred at the venue on the 11th June, 2022 at approximately 5:55am. There has been a series of significant incidents that have occurred at this venue over that last 12 months. Partnership working between police and the licence holder has been attempted and has failed.

Elysium is a large nightclub located on Horseshoe Street in Northampton. It is owned and managed by Mr Simon Thomson who is also the licence holder and the DPS. The venue has been in Mr Thomson's family for well over 20 years. Mr Thomson has a good relationship with Northants Police and in the main he has supported us up until this recent incident. The venue has a capacity of 600 and plays a mixture of music including dance, urban, hip-hop, garage and disco. I have attached Premises Licence PL0427 which details what licensable activities can be undertaken at the venue and when.

Elysium was a premises that had, for many years generated a considerable number of incidents relating to drunkenness and disorder offences. These incidents required police attendance on a more regular basis than the majority of other venues and has continued to do so. Elysium is the only venue licensed to trade until 6am on Saturdays and Sunday mornings in Northampton apart from one other. The other venue does not regularly trade until 6am, when it does, it does not cause policing issues in the town. Many of Elysium's customers leave other local venues at 4am when they close and make their way down to Elysium to finish off their night. Most are under the influence of alcohol which made managing the venue challenging at times for those employed there due to regular issues in their queue and within the premises.

The venue first came to the Licensing officer responsible for Northampton's attention on 1st October, 2022 whereby a female alleged she had been sexually assaulted and the security had allegedly not intervened or detained the suspect. The details are evidenced in PC Tracey's statement.

It came to police attention again on the 3rd October, 2021 after serious violence took place outside the venue and escalated into the surrounding streets. It took considerable time and police resources to bring the disorder under control. Some of those involved were violent gang nominals well known to Northamptonshire Police. The details are evidenced in PC Tracey's statement.

The next significant incident was the same month on the night of the 24th October, 2021. A young male gang member was stabbed at the venue resulting in life changing injuries. It was established that a knife had been taken into the venue, concealed up the suspect's sleeve and it had been used to commit the offence. As a result of this offence there was significant violence both within and outside the premises. Police officers who attended the incident felt that the door team were overwhelmed and struggled to deal with the situation. The details are evidenced in PC Tracey's statement

A partnership meeting was conducted on 28/10/21 by PC Tracey with relevant members of staff from both the venue and the police. It was agreed that further conditions would be added to the premises licence and the door management would be vastly improved. It was also agreed that Crime Scene Preservation Training for the venue's door team and front of house staff would be arranged with Northants Police for as soon as possible. (To date this training has never been arranged despite numerous requests by police). Northamptonshire police requested that a last entry time of 4am was instigated voluntarily, this was refused by Mr Thomson who assured us that improvements would be made. Numerous undertakings were agreed between police and the venue's management team which are fully detailed in PC Tracey's statement.

Front-line police officers dealt with further violent incidents at the venue over the weekend of the 19th and 20th November 2021. Police Licensing enquiries revealed that all the reported incidents occurred within the hours of 04:00hrs and 06:00hrs. Pc Tracey has provided details within her statement

The police instructed Mr Thomson again, that further crime preventative measures must be made in order to avert more serious incidents, similar to the ones they'd recently endured from reoccurring. Details of the partnership work undertaken between the police and the venue are detailed in Pc Tracey's statement.

Elysium came to police attention again on 28th November 2021 when 3 females alleged they had had their drinks spiked with an unknown toxic/poisonous substance and had been hospitalised as a result. Pc Tracey has provided details within her statement

On the 23rd January, 2022 there was large scale disorder outside the venue which involved customers who had recently left Elysium. It started outside a fast-food

venue in Gold street, a short distance away and involved around 30+ people. It soon escalated to large scale disorder the surrounding streets and outside Elysium. PC Tracey has provided full details in her statement

There was further disorder outside the venue on the 12th February as the venue was closing. Due to a police presence already outside monitoring this disorder was quickly defused On the 20th February a male was detained inside the venue having be able to enter with a small knife down his sock. Pc Tracey has provided details within her statement

A further incident occurred at 0600hrs on 30/4/22. A male was stopped by police 0614hrs on Drapery by police and searched. He had a large quantity of Class A drugs on him and a large lock knife. Enquiries established that he had gotten into Elysium with these items on him. Pc Tracey provides further details in her statement

On the 2nd May, 2022 PS Abdul Salique who is responsible for the town centre neighbourhood teams had been working on the Night Time Economy duty made contact with the licensing team. He expressed concerns about the venue's door team being overly familiar with known local gang nominals and having links to criminality. PC Tracey provides further detail in her statement.

Partnership workings between the venue and the police continued and various measures were put in place including the removal and replacement of the venue's security provider and a last entry time of 4am.

On Tuesday 14th June PC Tracey was made aware of an incident whereby a male had been injured outside Elysium in the early hours of Saturday 11th June, 2022. The victim had sustained a serious injury and received 25 stitches for a cut to the back of his head. Police enquiries revealed that the initial attending officers were told by Elysium's staff the male was ejected and accidentally fell over sustaining his head injury so did not record a crime had occurred. This has now proven to have been false information; the male was punched in a brutal, unprovoked and unjustified manner by one of the venue's door men. The victim fell over backwards as a result of the punch he sustained and was knocked unconscious as his head hit the wall opposite the venue's door which also cut his head open. CCTV footage will be submitted within the legal time frames for this Review hearing and more details are provided within PC Tracey's statement.

The venue were not using Body Worn Video at the time of this incident as per their licence requirements and their head of Security has disclosed to police that Mr Thomson refused to purchase sets of the equipment due to cost implications. No management were seen at any point managing the incident.

Northants Police have worked extremely hard with this venue in very much a partnership approach with Mr Thomson over many months in attempts to improve matters. Not only has a significantly violent incident occurred there

again it has been dealt with in a truly unprofessional and dishonest way in an attempt to avoid a police investigation and a judicial outcome as it involved a doorman employed by Elysium. The venue's staff on that morning did not act in a manner as to support the Licensing Objectives and they hindered a police investigation to make it look like an accident and not a crime had occurred. They failed in their professional duty and let the victim of this crime down in their attempts to cover up what happened.

Northamptonshire Police have been left with nowhere to go from a Partnership approach method of resolving this matter as we have lost faith, trust and confidence in the venue's management and door team. The venue poses a risk to the public's safety; it is a venue's responsibility where possible to keep their customers safe. Northamptonshire Police have no confidence, based on the severity of the incidents that have occurred at Elysium, that this is assured. The Public Order incidents of Affray and Violent Disorder that have run amok through the streets of Northampton by Elysium's customers create an issue for local residents and other members of the public not linked to the disorder. Elysium's incidents have created Public Nuisance issues for Northampton. Chief Constable Adderley seek revocation of the licence for Elysium.

Accompanying this review I submit:

- My witness statement dated 22/7/22

Northamptonshire Police will be submitting further documentation and CCTV evidence in relation to the various incidents cited in this application and my supporting witness statement.

Northamptonshire Police reserve the right to bring to the sub-committees attention any further incidents subsequent to the lodging of this application that show the venue undermining the Licensing Objectives.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
17	04	2014

If you have made representations before relating to the premises please state what they were and when you made them

Elysium's licence was reviewed by Northamptonshire Police's Licensing Unit on 17.04.2014 under the grounds of not supporting the prevention of crime and disorder licensing objective.

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate **X**
- I understand that if I do not comply with the above requirements my application will be rejected **X**

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Tracey PC10

Date 22/7/22

Capacity Northamptonshire Police Licensing Constable

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix B – Current Premises Licence PL0427



West Northamptonshire Council

Home	Register	Log In
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You are here » [Home](#) » [Licensing Act Premises Search](#) » [Detail](#) » [Application](#)

Licensing Act 2003 - Premises Licence Register as at 10:28 on 25 August 2022

Elysium Nightclub

63 Horseshoe Street, Northampton, Northamptonshire, NN1 1RA

Premises Licence PL0427 from from 14/12/2021 to indefinite

Licence holder(s)

Full Name:	Mr Simon A R Thomson
Full Name:	Ms Cheryl S Stanford-Forbes

Designated Premises Supervisor

Full Name:	Mr Simon A R Thomson
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Permitted Activities

- a performance of live music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance

Premises Open Hours Granted

	Time From	Time To	
Monday-Sunday	10:00	06:00	
Non Standard Timings:			An additional hour at the start of British Summer time

Activities - Times Granted

	Time From	Time To	
E. Performance of live music (Indoors)			
Monday-Sunday	10:00	05:30	
Non Standard Timings:			An additional hour at the start of British Summer time
F. Playing of recorded music (Indoors & Outdoors)			
Monday-Sunday	10:00	06:00	
Non Standard Timings:			An additional hour at the start of British Summer time
G. Performance of dance (Indoors)			
Monday-Sunday	10:00	05:30	
Non Standard Timings:			An additional hour at the start of British Summer time
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)			
Monday-Sunday	10:00	05:30	
Non Standard Timings:			An additional hour at the start of British Summer time
I. Provision of facilities for making music (Indoors)			
Monday-Saturday	10:00	04:00	
Sunday	12:00	02:00	
J. Provision of facilities for dancing (Indoors)			
Monday-Saturday	10:00	04:00	
Sunday	10:00	02:00	
L. Late night refreshment (Indoors)			
Monday-Sunday	23:00	05:30	
Non Standard Timings:			An additional hour at the start of British Summer time
M. The sale by retail of alcohol for consumption ON and OFF the premises			
Monday-Sunday	10:00	05:30	
Non Standard Timings:			An additional hour at the start of British Summer time

ANNEX 1 - MANDATORY CONDITIONS

Mandatory conditions where licence authorises supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Licensing Act 2003

This licence is granted on the condition that the restrictions contained within the enactments specified under the Licensing Act 2003 Schedule 8 (1 & 6) are adhered to.

ADDITIONAL MANDATORY CONDITIONS.

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by the The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.

The following conditions shall come into force on 1st October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.

The following conditions shall come into force on 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pence, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions Added following Licensing Sub-Committee 17.04.2014 as amended by Minor Variations on 20.08.2014 & 06.02.2015, a Variation on 24.10.2016 and Minor variation on 24.11.2021.

- 1.** Notices will be displayed at the exits requesting customers to leave the premises quietly and to respect the neighbours when using the outside areas.
- 2.** No events at the premises will be advertised upon any street furniture or building (other than the premises itself), unless specifically authorised by the local authority or owner of the building to which the advertisement is attached.
- 3.** In the garden will revert to a music system with multiple speakers as opposed to 2 large speakers.
- 4.** All music in the garden area will be routed via a noise limiter & will be under the sole control of the management of the club and locked in a secure cabinet.

Conditions as per Minor Variation of 24/11/2021

A fully working and maintained CCTV and Body Worn video system capable of recording and storing images must be installed on the premises. The CCTV system will record at all times whilst the premises are open to the public and images from both the CCTV and Body Worn Video systems must be stored for a minimum of 31 days with date & time stamping.

As a minimum the CCTV must cover all entry and exit points, both sides of all areas where the sale/supply of alcohol takes place and all public areas.

A person conversant with the retrieval and down loading of CCTV and Body Worn Video footage must be present on the premises at all times whilst they are open. This staff member will be available to assist initial attending officers to view incidents in order to conduct an initial investigation.

All CCTV and Body Worn Video recordings must be made available to an officer from a responsible authority upon reasonable request and in line with the provisions of the current Data Protection Legislation.

From 23:00hrs until closing there shall be a minimum of 1 member of the SIA licensed door supervisors wearing Body Worn Video. Body worn video will be activated during any verbal altercation with staff where possible.

The numbers of SIA licensed door supervisors that the venue require will be calculated via a risk assessment conducted by the Designated Premises Supervisor. The risk assessments will be fully maintained and kept on the premises at all times. They must be made available to an officer from a responsible authority upon reasonable request.

Searches will be carried out on every person entering the premises save for staff directly employed by the licence holder or representatives from any of the responsible authorities. All searches will be monitored by the venue's CCTV system and conducted by SIA registered door staff.

A search wand will be used during each search conducted at the premises.

All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.

There shall be no sales of alcohol for consumption off the premises after midnight.

The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway and is covered by the venue's CCTV system.

No glass will be removed from the premises by customers and taken outside of the Licensable Area.

All security staff must sign in on a register at the commencement of every duty. This register will contain the name, date of birth and full 16 digit SIA badge number of each security staff member on duty. The register must be fully maintained and kept on the premises at all times and must be made available to an officer from a responsible authority upon reasonable request. Records must be retained for at least 6 months.

Vulnerability - The premises will have a written policy in relation to dealing with vulnerable people associated with the venue. This will include as a minimum -

a means of contacting any scheme that deal with vulnerable people such as Street Pastors; b) a direct line of communication with the local area CCTV operators; c) documented training for all staff members in dealing with vulnerability and how to spot it within the context of the night-time economy; d) identification of a safe area inside the venue where vulnerable people can remain until their safety has been insured; e) a nominated member of staff who can be tasked to deal with any vulnerable people within the venue; f) a method of recording the rationale for actions taken when dealing with a person who is deemed as vulnerable.

A copy of this policy will remain on the premises and be made available to all staff as they need to refer to it and to an officer from a responsible authority at all times upon reasonable request.

The premises will have a documented searching policy which has been agreed between the management and Northamptonshire Police. This document will be retained upon the premises and made available to an officer from a responsible authority for inspection upon reasonable request.

The premises will have a documented drugs policy which has been agreed between the management and Northamptonshire Police. This document will be retained upon the premises and made available to an officer from a responsible authority for inspection upon reasonable request.

A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.

An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- All crimes reported to the venue
- All ejections of patrons
- Any complaints received concerning crime and disorder
- Any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment
- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service

In the event that a serious and/or sexual assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- The police (and, where appropriate, the East Midlands Ambulance Service) are called without delay;
- All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol and refreshed every 12 months as a minimum. A record of this training must be kept and maintained with a copy of the syllabus attached. The recipient of the training must sign to state that they have received and understood the training and this should be dated. Training records must be kept on the premises at all times and made available to an officer from a responsible authority upon reasonable request.

There will be at least 1 personal licence holders on duty and present at all times whilst the premises are open to the public.

The premises will have a means of monitoring and controlling its capacity during peak times, (clickers, head count etc).

The Police Licensing Unit will be advised 14 days prior to any externally promoted event taking place within the venue's nightclub by a member of the venue's management team.

The last entry time for these premises will be 1 hour before closing.

All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises

The premises will have a dispersal plan in place which involves staff/door staff encouraging and monitoring the safe and peaceful exit of customers from the venue and the immediate area outside.

Signs will be displayed at the exit points of the venue requesting that customers respect local residents by leaving and dispersing from the premises and immediate area quietly.

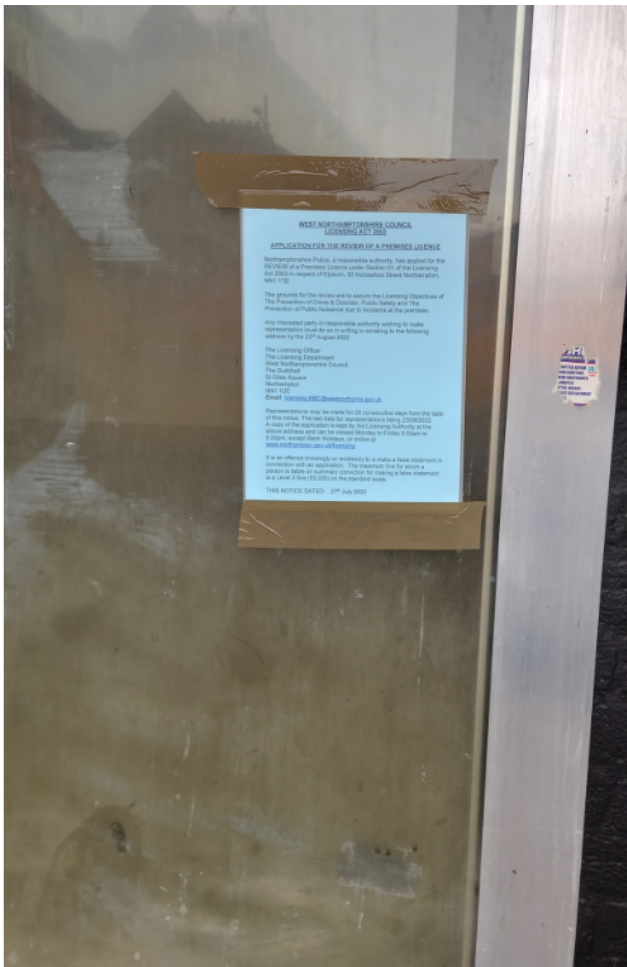
A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

No children under the age of 18 will be allowed to enter or remain on the premises after 21.00 unless for the purposes of attendance at a pre-booked private function and in which case under the supervision of a person age no less than 21-years-old. *(Times are negotiable, any requests to extend times will be made by the venue's management team via the Police Licensing Unit)*

A fully working and maintained ID scanning system capable of recording and storing customers details in line with current Data Protection Act legislation will be installed on the premises. Information from this system must be stored for a minimum of 31 days with date & time stamping.

All customers and persons entering the premises who are not directly employed by the licence holder or representatives from any of the responsible authorities will have their ID scanned as a condition of entry unless they are firmly believed to be over the age of 21 by a nominated member of on duty management staff, or have had their ID scanned during a previous visit to the premises or are part of a group where at least 1 other member of that group has had their ID scanned.

Appendix C – Blue Notice



APPENDIX D – POLICE EVIDENCE

Statement PC Sandy Tracey

Complete If Req'd	GSC Class:	Reason:
	Handling Conditions:	

MG11

Occurrence Ref:

WITNESS STATEMENT	
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9	
URN <input type="text"/>	
Statement of: PC Sandy Tracey	
Age if under 18: over 18 (if over 18 insert 'over 18')	Occupation: Police Officer 0010
This statement (consisting of 13 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature: <i>S. Tracey P. 0510</i>	Date: 22/7/2022

This statement relates to a Licensing Review to seek revocation of a premises licence which has been instigated on behalf of the Chief Constable for Northamptonshire Police in relation to Elysium Night Club, 63, Horseshoe Street, Northampton, NN1 1TB.

The Review has been triggered due to the venue undermining the prevention of crime and disorder and public safety licensing objectives due to a series of significant incidents in and around the premises and by:

- breaching their conditions; and
- perverting the course of justice by being dishonest to police relating to the circumstances of a serious assault (S.18 GBH – assault occasioning grievous bodily harm) that occurred at the venue on the 11th June, 2022 at approximately 5:55am.

There has been a series of significant incidents that have occurred at this venue over that last 12 months. Partnership working between police and the licence holder has been attempted and has failed. Northamptonshire police have lost confidence in the licence holder, DPS, the door team and senior management at this venue and seek revocation of the premises licence.

I am a police officer with 28 years policing experience. I served within the Metropolitan police for 24 years before transferring into Northamptonshire Police in October 2018. For the last 10 years

Signature: *S. Tracey P. 0510* Signature witnessed by: _____
October 2018

Continuation of Statement of P. TRACEY Page 2

of my time working in London I served within Westminster's Police Licensing Unit which is responsible for over 3000 premises within The West End, Soho, China Town, Covent Garden, Paddington, and the Edgware Road. I consider myself to be an experienced Licensing officer and pride myself with having an approachable, fair, and transparent reputation amongst the licensed premises operators I have worked with in London and Northamptonshire.

Elysium is a large nightclub located at the bottom of Gold Street on Horseshoe Street in Northampton. It is owned and managed by Mr Simon Thomson who is also the premises licence holder and the DPS. The venue has been in Mr Thomson's family for well over 20 years. Mr Thomson has a good relationship with Northants Police and in the main he has supported us up until this recent incident. The venue has a capacity of 600 and plays a mixture of music including dance, urban, hip-hop, garage and disco. I have attached Premises Licence PL0427 which details what licensable activities can be undertaken at the venue and when.

When I transferred to Northamptonshire Police, I spent my first 18 months working within a busy front line Response Team responsible for the town centre in Northampton. I also conducted tours of duty solely policing the Night-time Economy within the town. During this time, I learnt more about the dynamics of the licensed premises within the area for which I was responsible. I ascertained those which could be more problematic for police officers than others and quickly established that Elysium was a premises that had, for many years generated a considerable number of incidents relating to drunkenness and disorder offences. These incidents required police attendance on a more regular basis than most other venues and has continued to do so. Elysium is the only venue licensed to trade until 6am on Saturdays and Sunday mornings in Northampton apart from one other. The other venue does not regularly trade until 6am, when it does it does not cause policing issues in the town in a similar way to Elysium. Many of Elysium's customers leave other local venues at 4am when they close and make their way down to Elysium to finish off their night. Most are under the influence of alcohol which made managing the venue challenging at times for those employed there due to regular issues in their queue and within the premises between 4am and 6am.

I moved over from front line duties to the Northamptonshire Police Licensing Unit in March, 2020, just before lockdown as a result of the Covid pandemic. All night clubs were closed until the 19th July 2021. This gave me the opportunity to learn more about the licensed premises within the county. I established that Elysium's licence was reviewed by Northamptonshire Police's

Signature: P. Tracey Signature witnessed by:

March 2017

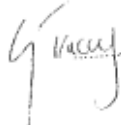
Continuation of Statement of: PC TRACY
 Licensing Unit on 17.04.2014 on the grounds of not supporting the prevention of crime and disorder licensing objective. The result of this Review was that Elysium was given a list of updated operating schedule conditions and a last entry time of 4am was instigated. In August 2014 Northants Police were informed that an application to vary Elysium's licence and have the least entry time removed had been submitted. This application was not contested by the Responsible Authorities and the last entry time was removed and changed to 1 hour before closing.

The venue first came to my attention as the Licensing officer responsible for Northampton on 1st October, 2021 whereby a female alleged she had been sexually assaulted and the security had allegedly not intervened or detained the suspect. I spoke with Mr Thomson after the incident and he denied this had been the case, CCTV had eventually been submitted by the venue on the 31st October, one month later. No Licensing action was undertaken.

It came to my attention again on the 3rd October 2021 after serious violence took place outside the venue escalating into the surrounding streets. It took considerable time and police resources to bring the disorder under control. Some of those involved were violent gang nominals well known to Northamptonshire Police. Initially Mr Thomson stated that those involved had not been inside his venue. CCTV enquires revealed this information to be false and that most persons involved had in fact been inside Elysium prior to the disorder. It was decided that because the violence took place in the streets once customers has left and Mr Thomson had supported the police investigation that no enforcement action would be taken.

The next significant incident was the same month on the night of the 24th October 2021. A young male gang member was stabbed at the venue resulting in life changing injuries. The 18 year old victim sustained the following injuries; a major stab wound to his right side, approx 1500-2000ml of blood removed from chest with punctured lung. He also sustained stab wounds to his left lower back, the back of left thigh, 3 upper right chest (one major), 1 upper right arm, 1 cut to pubic area, 1 cut to Dorsal aspect of Penis (top) He has had to undergo numerous blood transfusions. It was established via CCTV enquiries conducted by both police and Mr Thomson that a knife had been taken into the venue, concealed up the suspect's sleeve and it had been used to commit the offence. As a result of this offence there was significant violence both within and outside the premises. My police colleagues who attended the incident felt that the door team

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Signature witnessed by:

March 2017

were overwhelmed and struggled to deal with the situation. Mr Thomson called me directly on the Monday afterwards to explain what had happened, he expressed his shock at the ferocity and velocity of the incident and was keen to work with us to put measures in place to prevent further incidents of this type occurring again. He openly confirmed what my colleagues had observed in that the door team were overwhelmed and that their search policy was not robust enough. We arranged to meet at Wellingborough Police station on Thursday 28th October with Mr Thomson and relevant staff employed by him, to discuss the incident and a partnership approach to rectifying crime and disorder issues with the venue.

A meeting was conducted as arranged in the company of PS Moreton, my line manager, Mr Thomson, Mr Worthington (Mr Thomson's Licensing Consultant) and Mr Liam Warren (owner of Mr Thomson's security provider company). As a result of the meeting and Mr Thomson's willingness to support the Licensing Objectives moving forwards, we agreed that further conditions would be added to the premises licence and the door management would be vastly improved. Mr Warren and Mr Thomson also agreed to arrange Crime Scene Preservation Training for the venue's door team and front of house staff with Northants Police for as soon as possible. (To date this training has never been arranged despite numerous requests by police). Northamptonshire police requested that a last entry time of 4am was instigated voluntarily, this was refused by Mr Thomson who assured us that improvements would be made. 2-3 weeks were mutually agreed as sufficient time needed to put measures in place and submit a Minor Variation to have the conditions agreed added to Elysium's operating schedule. This was the first stage of a stepped approach in partnership working with the venue. The write up of our meeting and the conditions we agreed are attached to the Review Papers.

My front-line colleagues dealt with further significant incidents at the venue over the weekend of the 19th and 20th November 2021. Police Licensing enquiries revealed that all the reported incidents occurred within the hours of 04:00hrs and 06:00hrs. One was an incident whereby a young female sustained a significant facial injury because of being struck by a glass. In a separate incident a young male sustained a head injury as a result of being assaulted also inside the club. The others were incidents outside the venue and directly linked to it, one where a police colleague was assaulted by a customer whilst she was trying to deal with an incident which was linked to the same incident where the female was injured by a glass. I wrote to Mr Thomson and Mr Worthington on Tuesday 23rd November and outlined the incidents that had occurred and reiterated police concerns regarding the venue. I also made a request that the Minor Variation

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P. Traley

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Continuation of Statement of R TRACEY
 be submitted as requested on the 28th October as we still hadn't received it.

I stated that we must now consider implementing further crime preventative measures to avert more serious incident similar to the ones they'd recently endured. Northants Police Licensing requested a last entry time of 3am and explained our reasoning, highlighting that our request was fair, appropriate, and proportionate in the circumstances. I stated we had genuine public safety and crime and disorder concerns relating to the influxes of customers that attend the club after 4am when almost all other premises in the town centre close. I explained that I believed this would increase on the run up to the Christmas period and that Northants Police were genuinely concerned. We also requested that they switch completely over to plastic drinking vessels to ensure glass related incidents ceased. As a compromise I stated that these measures could be done on a voluntary basis initially so that we could monitor how things went rather than requiring them to submit a further Minor Variation.

Mr Thomson agreed to switch from glass to plastic but refused to support our last entry time request. The Minor Variation was submitted as requested by Mr Worthington on behalf of Mr Thomson on the 24th November 2021.

Elysium again came to police attention again on 28th November 2021 (during the consultation period for the minor variation) when 3 females alleged they had had their drinks spiked with an unknown toxic/poisonous substance and had been hospitalised as a result. Mr Thomson was supportive during the investigation and liaised with me regularly to establish the facts involving the victim's movements during their time at the venue. No enforcement action was taken.

On the 23rd January 2022 there was large scale disorder outside the venue which involved customers who had recently left Elysium. It started outside a fast-food venue in Gold street, a short distance away and involved around 30+ people. It soon escalated to large scale disorder the surrounding streets and outside Elysium. One of the officers stated that 'Staff acted very poorly and were obstructive with officers. There was a large brawl of around 15-30 people and yet they did not see anything however camera showed staff outside watching what was happening. They were also not willing to tell officers what they saw'. I contacted Mr Thomson who initially denied the group responsible to have been inside Elysium. This was found to be false, and it was established that they had in fact recently left as shown on the town centre CCTV system. A report was compiled by our CCTV operator PC Clabby. As the incident had occurred

Signature:

R Tracey

Signature witnessed by:

March 2017

Continuation of Statement of Pc Tracey Page 6
 outside the venue and Mr Thomson had co-operated with the police investigation no enforcement action would be taken.

There was further disorder outside the venue on the 12th February 2022 as the venue was closing. Due to a police presence already outside monitoring this disorder was quickly defused.

On the 20th February 2022 a male was detained inside the venue having been able to enter with a small knife down his sock. He threatened someone inside the venue and staff intervened quickly and detained him. Mr Thomson was supportive of a police investigation; therefore, no enforcement action was taken. The knife concerned was an adapted offensive weapon and was small enough to have been missed during a search.

A further incident occurred at 0600hrs on 30th April 2022. A male was stopped by police 0614hrs on Drapery by police. He was seen walking along Gold street and having what appeared to be a confrontation with another male. The male was seen with hand toward his waistband which caused the CCTV operator to be concerned that he was carrying a concealed weapon. The male was stopped minutes later by police and searched. Numerous wraps of class A drugs were located and the male was detained. The male was further searched once he was in custody and found to be in possession of a large lock knife. A CCTV review showed the male exited Elysium at 0600hrs and confirmed that he was in possession of items within the club. When the male was interviewed later, he confirmed that he had been in possession of the drugs and the knife inside the venue. This gave Northamptonshire Police grave concerns regarding the venue's door team and the search policy that was in place.

On the 2nd May 2022 PS Abdul Salique who is responsible for the town centre neighbourhood teams had been working on the Night Time Economy duty made contact with the licensing team. He stated, 'Officers attention was drawn to Elysium as known gang members were seen entering. The security at Elysium did not have the town radio link on, believe this may be a condition of theirs. They turned this on when prompted. One door staff member was arrested for domestic related offences. Upon arrest he necked a bottle of his medication before being restrained by officers (suspect methadone). There was some passive resistance from this staff member towards police. Another door staff member is the father of a gang nominal. Another member of door staff mentioned how he had been arrested 2 days earlier for domestic related issue. His name was not taken'. This again heightened our concerns regarding the door staff

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Pc Tracey

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Continuation of Statement of: RE TRACEY
 employed at this venue.

A meeting was requested by me on the 4th May 2022 and arranged for the 10th May. PS Salique was asked to attend, as was Inspector Beth Warren who is responsible for the town centre. I invited Mr Thomson to bring along Mr Worthington. I asked that Mr Liam Warren, owner of the security company was excluded and provided my reasoning as having genuine concerns regarding their team to Mr Worthington. The meeting was conducted at midday on the 10th May. Mr Thomson, Mr Worthington, PS Salique, Insp Warren and myself were present.

During the meeting I reiterated that concerning crime and disorder incidents continued to occur at Elysium. I provided evidence that Northants Police could directly link these incidents of concern to the premises. Evidence of such incidents were provided and were:

- The venue's current door team are not fit for purpose. Searches are not being conducted in a manner sufficient to keeping knives and controlled drugs from being brought into the club. There have been 2 incidents since last October that we know of where knives have been brought into the club. A recent incident whereby a male gang nominal was not only able to bring a lock knife into the venue but also a plastic tub containing a quality of Class A Drugs.
- There have been incidents whereby Northants Police believe offenders known to the venue have been allowed back in at a later date albeit unwittingly.
- Officers have witnessed known gang nominals entering the venue and appearing overly familiar with door staff.
- Officers have witnessed poor quality searching techniques by door staff to customers entering the venue
- Some door staff employed by the venue have a criminal background or family ties linked to known gang nominals.
- There have been a number of violent incidents inside the venue, most have been well managed, however the majority of significantly violent (Affray) incidents have occurred either within the queue or directly outside the venue by customers. Northants Police can evidence that 80-90% of the violence and hostility towards the venue's staff occurs after 04:00hrs. We can also evidence that significant violence in and around the town centre during the times of 05:00hrs and 06:00hrs can predominantly be associated to customers

Signature:

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Signature witnessed by:

March 2017

Continuation of Statement of PC TRACEY

having left Elysium. This evidence has been collated by the Night Safe officers and town's quality CCTV system and its staff.

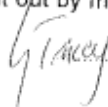
- Northants Police can evidence that the violence linked to this venue's customers is predominantly committed by the 18-21 age group.
- Northants Police have concerns that the venue have not undertaken sufficient practices in notifying the relevant authorities regarding banning orders. Northampton's Pub Watch have a data sharing agreement in place with Northants Police and can support other venues in notifying them when customers are banned from Elysium without venue's being identified as the source.

What was requested was as follows:

- The company currently providing door staff to Elysium **will** be removed and replaced. Northants Police have lost confidence in the current door team.
- There **will** be a last entry time of 04:00hrs.
- PC Sandy Tracey **will** be contacted by email every week by the Wednesday of that week with an update of the previous weekends trading and whether there were any incidents. Inspector Warren and PS Moreton will be cc'd in for their information. This contact must be made by either Mr Thomson or a staff member of his choosing
- A short term ban on under 21's is to be **considered**. If Mr Thomson is unwilling to implement this request Northants Police require details as to what measures will be implemented to deter problem customers of this age group from attending Elysium.
- Once a new door team is employed a meeting will be held as soon as practicable between the venue's security manager, Mr Thomson, Mr Worthington, PS Moreton and PC Tracey to outline expectations and requirements.
- Details of problem offenders will be supplied to Pub Watch via the legal means to ensure other venues are notified and banning orders are put in place.
- The agreed undertakings will be implemented via an Action Plan drawn up by Mr Worthington and agreed by Northants Police. Mr Thomson understands the importance of his full support and that his premises licence is at risk of Review should issues continue at his venue or there are breaches in either his current premises licence conditions or the new Action Plan.

An email was sent out by me that afternoon detailing the meeting and requesting confirmation

Signature:



Signature witnessed by:

March 2017

Continuation of Statement of P. TRACEY Page 9

that was what we had discussed and what Northamptonshire Police had requested was a true account. Mr Worthington replied on Mr Thomson's behalf and agreed that my email was a true account of our meeting on 11th May 2022.

Since our meeting the following has been undertaken:

- The company currently providing door staff to Elysium was removed and replaced with a door team of Mr Thomson's choice. (Elite Security)
- A last entry time of 04.00hrs was agreed. Police have received information stating that this has not been fully adhered to and the venue are still allowing customers in after this time which is being investigated.
- That I would be contacted by email every week by the Wednesday of that week with an update of the previous weekends trading and whether there were any incidents. Inspector Warren and PS Moreton will be cc'd in for their information. This contact must be made by either Mr Thomson or a staff member of his choosing. To date I have not received one email update.
- A short term ban on under 21's was **not** agreed by Mr Thomson and the licensing team have not received any information from him as to what he planned to implement to deter problem customers of this age group from attending Elysium.
- A meeting was held between the venue's new security manager, Gavin Parkes, Mr Thomson, Mr Worthington, PS Moreton and PC Tracey which enabled us to outline expectations and requirements on Tuesday 24th May 2022.
- I am unaware as to whether details of problem offenders have been supplied to Pub Watch via the legal means to ensure other venues are notified and banning orders are put in place.
- An Action Plan drawn up by Mr Worthington was supplied to me on 11th May 2022.

On Monday 13th June 2022, I missed a call from Simon Thomson, I didn't get the chance to call him back that day.

On Tuesday 14th June I was made aware of an incident whereby a male had been injured outside Elysium in the early hours of Saturday 11th June, 2022. The victim was a Russian male, it had been reported that he had sustained a serious injury and received 25 stitches for a cut to the back of his head. The crime was recorded as a skeleton crime – this means that nothing had

Signature:

P. Tracey

Signature witnessed by:

March 2017

Continuation of Statement of PC TRACEY Page 10

been written on it and it was sent to our CID unit for investigation as it was unclear as to whether the male fell or was pushed by a doorman. The information I had was vague, so I tried to call Simon Thomson and assumed that was why he had tried to call me the day before. He didn't answer so I left a message asking him to call me back urgently. I didn't hear back from him that day.

On that same day, I called Gavin Parkes, the owner of the security company employed by Elysium. Gavin told me that the door man concerned had pushed the male backwards, away from him as he had been spat at by him. He stated that the doorman was mortified by what had happened and willing to cooperate with police. I told him an investigation would now follow and that the offending doorman must be taken off front line duties until the conclusion of the investigation. I explained that he would be contacted by DC Virtue, the OIC and would need to provide the details of the doorman involved. I made mention of the fact that decent quality CCTV and Body Worn Video with audio evidence would exonerate the doorman if he acted in self-defence and his actions were lawful and reasonable in the circumstances. Mr Parkes then said, "Sandy, we don't use Body Worn Video at Elysium. Simon won't buy any kits as he says they're too expensive." We then discussed different types of BWV they could purchase and install as a matter of urgency and I told him I would be making contact with Simon Thomson to discuss the incident and the lack of BWV. When I terminated the call I double checked Elysium's premises licence to confirm that BWV was a condition. It was one of the new operating schedule conditions that I had initiated myself and had been recently agreed and implemented on the licence.

I tried to call Simon immediately after I had checked the licence and got his answer phone so left a message for him to call me and I then sent him an email which read:

Dear Simon, I understand there was a significant incident involving a doorman and a member of the public last weekend where the member of the public sustained a significant head injury. This male has made an allegation against the doorman which is being investigated. Please ensure that the doorman involved is removed from front line work and supported until this matter is resolved.

Please also ensure that the CCTV and Body Worn video evidence is available to DC Virtue when he makes contact with you as per the condition on your licence which reads:

A fully working and maintained CCTV and Body Worn video system capable of recording and storing images must be installed on the premises. The CCTV system will record at all times whilst the premises are open to the public and images from both the CCTV and Body Worn Video systems must be stored for a minimum of 31 days with date & time stamping.

I would also like to see the footage when it is available and verify that you have a Body worn Video system in operation as per the condition.

Signature:



Signature witnessed by:

March 2017

Mr Thomson called me back that afternoon and he stated he was at the school collecting his children and the signal was poor. The line was terrible, and we kept trying to call each other back and I managed to get that he would call me back when he had a better signal. We have not spoken since despite trying to call one another numerous times over the next few days, we just kept missing one another.

I spoke with DS Suttie on Wednesday 15th June 2022 about the incident and established that the victim had been punched by a member of door staff at the premises and that Police had been in attendance. They were called by the victim on the 13th June 2022 (2 days after the incident).

Police Systems were searched by DS Suttie and he located an incident that occurred on Saturday 11th June 2022 at 05.43 hours that was called in by Northampton Borough CCTV. They stated that an unconscious male was outside Elysium.

The staff in the CCTV office had been informed by the security at Elysium on the town centre radio system that the male had been abusive; he was swearing in Russian and attacking door staff and was therefore ejected. They had stated that the male had fallen over outside and that was how he had sustained his head injury. Officers PC Hurst and PC Juland attended and initially the victim didn't know at that time what happened to him as he had just come around and he stated he wanted to go home. Because of this they conveyed the male straight to Northampton General Hospital. PC Hurst and Juland were told by staff at the venue that the male had been ejected from the club and had fallen over and banged his head. Because of this information they did not initially record a crime.

I have since had the opportunity to view the CCTV of the incident and found that the information given to initial attending officers, Hurst and Juland by Elysium staff at the time was in fact false and dishonest. The CCTV footage showed a largely built, male member of the door staff standing outside Elysium. The victim's friend was outside waiting for a couple of minutes, there was no

Signature:



Signature witnessed by:

March 2017

Continuation of Statement of P. Teacey Page 12

physical aggression apparent from the footage from the victim's friend to the doorman. The victim walked out of the club, again there was no violence or aggression. The victim walks past the doorman and to the other side of a barrier. He then stands still; the barrier is between him and the doorman. He is seen to be talking to his friend initially and then to the doorman. The victim had his hands down by his sides, he's demeanour was not aggressive. He appears to be having a conversation with the doorman. A few seconds into the conversation and without any warning and seemingly without provocation, the doorman hits the victim with a clenched fist using his left hand to the victim's face. The victim fell straight backwards and landed on the rear of his head. His head collided with the small wall on the opposite side of the footpath and knocked him out cold. He then lay there unconscious and unattended to for a while. His friend tried to defend him but then decided against it and looked genuinely concerned for the victim. The offending doorman along with 2 other members of door staff then approached the victim. They did not conduct any kind of first aid techniques that I am familiar with in the police training. They just grabbed him immediately and dragged him across the footpath. They did this not taking a possible neck or spinal injury into consideration. The male was still unconscious whilst they performed this manoeuvre and they sat him up against the wall on the opposite side of the footpath beside the entrance to the club. The suspect then ran into the club and obtained what looked like a bandage for the victim and places it on the victim's head. This is the only first aid provision witnessed. There was an obvious pool of blood on the pavement where the victim had hit his head. No members of the venue's management were called to the door or were seen in the footage. The Police attend several minutes later. I was utterly appalled by the footage, the assault was unprovoked, brutal, unjustified, and unlawful.

I have liaised with the officer in the case and the attending officers. I've ascertained that the body worn footage of PC Juland shows, upon their attendance, a different member of door staff indicated to the officer that the victim had in fact attacked door staff and then implied he had fallen over. No mention was made he had been struck. The officers then took to the victim to Northampton General Hospital. The offending doorman was briefly seen in the background when the Police Officers arrived. He quickly vanished from the door and went into the club during the time when the victim and his friend were speaking to Police.

From what I have seen the victim did not provide any physical violence or aggression towards the door staff at the front door. At least 2 other members of door staff were present when the victim was punched by the suspect. The information provided to Northampton Borough CCTV

Signature: P. Teacey Signature witnessed by:

Continuation of Statement of: P. TRACEY Page 13

was false as was the information provided to the attending Police Officers by different door staff. As there was no visible aggression from the victim it appears that the incident was unprovoked and attempts to falsely blame the victim for his own injuries have been made. The lack of a true account hindered a subsequent police investigation and caused hours' worth of police working hours establishing what happened. Misleading reports significantly hamper prompt investigation of criminal offences and are a criminal offence in their own right.

Since the incident I have established that other door staff on duty and in the vicinity of the incident have been unwilling to assist in our investigation. Ms Turner, a Northamptonshire Police employee tasked with attempting to obtain witness statements from the 2 doormen present has provided a statement detailing their unwillingness to support.

Northants Police have worked hard with this venue in very much a stepped and partnership approach with Mr Thomson over many months in attempts to improve matter at this venue. Not only has a significantly violent incident occurred there again it has been dealt with in a truly unprofessional and dishonest way to try to avoid a police investigation as it involved a doorman employed there. The venue's staff on that morning did not act in a manner that supports the Licensing Objectives and they deliberately hindered a police investigation and make it look like an accident not a crime had occurred. They failed in their professional duty and let the victim of this crime down in their attempts to cover up what happened.


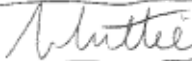
Northamptonshire Police have been left with nowhere to go from a Partnership approach method of resolving this matter as we have lost faith and confidence in the venue's management and door team. We seek revocation of the licence for Elysium.

Gracey

Signature: *Gracey* Signature witnessed by: _____
 March 2017

Statement of Detective Sergeant Gavin Suttie

MG11 Page - 1 -

RESTRICTED (when complete)					
WITNESS STATEMENT					
<small>(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)</small>					
URN	<table border="1" style="width: 100%;"><tr><td style="width: 25%; height: 20px;"></td><td style="width: 25%;"></td><td style="width: 25%;"></td><td style="width: 25%;"></td></tr></table>				
Statement of :	Gavin Scott SUTTIE				
Age if under 18 :	018 (if over 18 insert 'over 18')	Occupation :	Detective Sergeant 501		
<p>This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.</p>					
Signature: Gavin Suttie		Date:	30 th June 2022		
Tick if witness evidence is visually recorded <input type="checkbox"/> (supply witness details on rear)					
<p>On Monday 14th June 2022, I was on plain clothes duty at the Criminal Justice Centre in Northampton. I have a responsibility to review and action serious crimes that were allocated into Criminal Investigation Department that morning as the Duty Detective Sergeant. I had cause to review a crime of GBH in which a victim had been injured outside Elysium Nightclub, in Northampton on Saturday 11th June 2022. The victim was a Russian male and it had been reported that he had a serious head injury in which he received 25 stitches for a cut to the back of his head. The crime was recorded as a skeleton crime, nothing had been written on it and it was sent to CID for investigation. This report clearly said that the victim had been punched by a member of door staff at the premises and that Police had been in attendance and had been called in by the victim on the 13th June 2022.</p> <p>I researched the Police Systems and located an incident on Saturday 11th June 2022 at 05.43 hours that was called in by Northampton Borough CCTV that an unconscious male was outside Elysium. They had been informed by the security at Elysium that the male had been abusive, swearing in Russian and attacking doorstaff and was ejected. The male had fallen over outside. I noted that the officers had attended, the victim didn't know at that time what happened to him and he wanted to go home. The officers then conveyed the male to Northampton General Hospital. It was clarified by PC Hurst that the male had been ejected from the club and fell over and banged his head, hence the reason why they did not book on a crime.</p> <p>I allocated the investigation to DC Oliver Virtue. I have since had the opportunity to view the CCTV of the actual incident in which a member of the doorstaff is stood outside Elysium and the victim's friend is outside waiting. The victim is then seen to come out of the club walking. There is no violence or aggression. The victim walks past the doorstaff and past the other side of a barrier and is stood talking to his friend and then to the member of doorstaff. The victim has his hands down by his side. There appears to be some conversation between the victim and the doorstaff and without warning or provocation, the member of doorstaff strikes the victim with his left hand to the face, causing the victim to fall straight backwards and bang the rear of his head on the small wall on the opposite side of the footpath where he became unconscious. It looked like the victim's friend was going to get involved but ended up looking quite concerned for the victim. The offending doorstaff member along with 2 other members of doorstaff then attended to the victim and they then dragged the victim across the footpath, whilst he was still unconscious and sat him against the wall. The offending doorstaff member then ran into the club and obtained a bandage for the victim. There was a small pool of blood where the victim</p>					
Signature:		Signature witnessed by:			

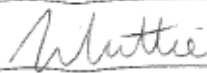
Continuation of Statement for : Gavin Scott SUTTIE

had hit his head. The Police attend several minutes later.

I have then viewed the body worn footage of PC Juland and upon their attendance, a different member of doorstaff indicated to the officer that the victim had attacked doorstaff and then the next thing, and indicated the victim laying on the ground. The officers then took to the victim to Northampton General Hospital. The offending member of doorstaff was briefly seen in the background when the Police Officers arrived and quickly removed himself from the door and into the club when the victim and his friend were speaking to Police.

In view of the incidents I have read, the CCTV and body worn video I have seen, the door staff have clearly been aware that the victim did not provide any violence or aggression towards the door staff at the front door. At least 2 other members of doorstaff were present when the victim had been punched by a member of doorstaff. The information provided to Northampton Borough CCTV was not correct as well as the information provided to the attending Police Officers by different doorstaff, this was not correct. There is no visible aggression from the victim and the incident was unprovoked and attempts to blame the victim for his own injuries appear to have been put in place.

Signature :



Signature witnessed by :

Statement of PC Harry Juland

Complete If Req'd	GSC Class:	Reason:
	Handling Conditions:	

MG11

Occurrence Ref:

WITNESS STATEMENT	
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9	
URN	<input type="text"/>
Statement of: Harry JULAND	
Age if under 18: 018 <i>(if over 18 insert 'over 18')</i>	Occupation: Police officer
This statement (consisting of <input type="text"/> page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature:.....	Date: 10/7/2022

I am a Police Constable working for Northamptonshire Police on Response Team Three based at Weston Favell Police Station. My tour of duty on Saturday 11th June 2022 was 20:00 hours until 07:00 hours. I was in full uniform throughout my tour of duty and I was in company with PC 764 HURST.

This statement is in relation to an incident I attended on Saturday 11th June 2022 at around 05:57 hours outside of ELYSIUM NIGHTCLUB on HORSESHOE STREET, NORTHAMPTON.

The location of the incident was outside of a nightclub called ELYSIUM which is on the corner of HORSESHOE STREET and GOLD STREET in the Northampton Town Centre. This club has steps which lead down to the pavement area and some metal railings located directly across from the doors to the club. The club usually have their own barriers outside of the club to separate people leaving and entering.

On Saturday 11th June 2022 at around 05:43 hours I had been on mobile patrol with PC 764 HURST when via a radio transmission we were deployed to HORSESHOE STREET after reports from OMEGA ONE (the town CCTV) that a male was outside ELYSIUM with a head injury and was unconscious. OMEGA ONE has tried to contact ELYSIUM and they had not communicated back. I recall OMEGA ONE stating that the male had fallen over and had been abusive with door staff at ELYSIUM.

PC HURST and I arrived at scene at 05:57 hours and I walked straight over to the casualty, I could see that he had a large wound to the head and had a bandage over the wound. I did not remove the bandage as it appeared to be preventing the bleeding.

I spoke to the male and got his details, I asked him what happened, and he stated he could not remember. I went over to a member of door staff, I did not get their name and asked what they had seen, the member of

Signature: Signature witnessed by:

.....

Continuation of Statement of:..... Page 2

door staff stated that the male had been ejected because he had been aggressive with staff and then indicated to me that he had fallen over after the ejection.

Due to the male's head injury, I went back to the injured male and tried to convince him to go to hospital, at first the male was reluctant to go to hospital, but PC HURST and I managed to convince him to go with his friend. The male's welfare was my main priority at this point and getting him to hospital was the main concern at that moment in time.

While I was talking to the injured male, PC DRINKWATER and PC GOWANS spoke with the male's friend and others in the area.

I then recall conveying the injured male and his friend to Northampton General Hospital for treatment with PC HURST.

PC HURST and I dropped the injured male and his friend at Northampton General Hospital and then made our way back to Weston Favell Police station.

I am willing to attend court.

Signature: Signature witnessed by:

Statement of Mario Tonna – CCTV Operator (WNC CCTV Northampton)

Complete If Req'd	GSC Class:	Reason:
	Handling Conditions:	

MG11

Occurrence Ref:

WITNESS STATEMENT
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9

URN

Statement of: Mario TONNA
Age if under 18: 018yrs (if over 18 insert 'over 18')

Occupation: CCTV Operator

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: X Mario Tonna Date: 01-July-2022

I am the person named above and am employed by Enigma Group as a CCTV Operator, currently contracted to Northampton Borough CCTV Control Room. I have been a CCTV operator at Northampton Borough CCTV for over 20 years.

My role involves the monitoring, and operation of multiple CCTV cameras within the town area, including their monitoring for incidents of crime and concerns for public safety as well as operating and responding to Police Airwave and Northampton Townlink radios. The latter is a radio used between CCTV, shops and licensed premises for the reporting of incidents and requesting of assistance.

At approximately 0540am on 11th June 2022 I was at work in the CCTV Control Room. At this time I was near the end of my night shift where I had been on duty with other operators. Prior to this I was covering the Northampton Town Night Time Economy (NTE), namely the various pubs, clubs and late night food establishments and their patrons. This is an operation CCTV assist police with.

At this time, having just returned to the control room following comfort break, my colleague passed over to me what was being observed on Camera 135, situated at the junction of Horsemarket and Marefair. This camera was moved and monitoring what appeared to be a potential flashpoint between individuals who had moved into Gold St from Horsemarket.

As the camera monitored them I received a Townlink radio call from Elysium Nightclub door staff. I cannot recall their exact words, but it was something similar to a male was present there who had fallen and now had a head injury.

Upon moving the camera to the front of the club I saw a male, with three door staff members

Signature: X Mario Tonna Signature witnessed by:

October 2018

Continuation of Statement of Mario Tonna Page 2

near to him, who had a bad and bleeding head wound. I notified the Police Control Room with the Police radio and made repeated requests to the door staff to ascertain what had occurred on the Townlink radio.

On the second request I was informed by door staff they were "trying to find out." The Police were requesting an update and on the third request from myself for further details was told words similar to, "the male had been kicking off and arguing with door staff and swearing in Russian. He had been ejected, fell and had struck his head when he fell." I believe at the time the radio communications were being conducted by the head door staff member but cannot confirm this.

Police were dispatched and attended and the male was removed to hospital.

I have been asked to provide this statement about the incident and was asked if anything struck me as odd about the incident or how it unfolded. I did not see how the male became injured and so do not know what happened to him. On reflection, and at the time of the incident, I found it odd that I had to ask so many times before receiving an account from the door team for that venue as to what had occurred with the male and how his injuries were caused.

I will attend court or any Licensing hearing I am required to attend.

X *Mario Tonna*

Statement of PC Callum Hurst

MG11 WITNESS STATEMENT			
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9			
Occurrence Number:	22000338406	URN:	
Statement of:	HURST, CALLUM		
Age:	Over 18	Occupation:	Police service
This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.			

On SATURDAY 11TH JUNE 2022 I was on duty in full uniform and in company with PC 493 JULAND on mobile patrol in NORTHAMPTON. At approximately 0550 hours that day we attended ELYSIUM night club on HORSEMARKET following reports of a male with a head injury outside the premises.

We attended and found a male sat against the wall of the building with bandages on his head who appeared to be bleeding. It became clear quickly that English was not his first language, but when asked what happened he said he could not remember. The male was with a friend who said that they had both been kicked out of the night club but he did not know why because they had not done anything wrong.

Staff at the venue said that the male had fallen over and banged his head and that he had not been assaulted. There were other members of the public outside and none of them claimed to have seen or heard anything, just that they only noticed the male when he was already on the floor.

We then offered to take the male and his friend to Northampton General Hospital as there would have been a long wait for an ambulance. PC JULAND and I then took them both to Northampton General Hospital and left them there so that the male with the head injury could get it checked out.

I cannot recall the names of the staff members spoken to or the members of the public. Initially we were informed while on route to the incident that the male was unconscious, but this transpired not to be the case.

Signature of Witness		Signature Witnessed By	
Name:	#34P0764 HURST, C.	Name:	
Signed Time:	09/07/2022 07:43	Signed Time:	

Statement of Meegan Turner – Police Staff Investigator

MG11 WITNESS STATEMENT			
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9			
Occurrence Number:	22000338406	URN:	
Statement of:	TURNER, MEEGAN		
Age:	Over 18	Occupation:	
This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.			

I am a Police Staff Investigator employed by Northamptonshire Police based at CID West.

I was asked by TDC VIRTUE to obtain 3 witness statements from door staff working at ELYSIUM, a nightclub in NORTHAMPTON, during a reported incident on the 11/06/2022 occurrence 22000338406 refers.

On 12/07/2022 at 10:51 hours I called Shaun DOUGLAS on phone number ending 5491 to ask if he witnessed the incident and would be willing to provide a witness statement. He advised me that he was not involved in the incident, did not witness the incident take place and that his only involvement was placing the injured male into the recovery position. DOUGLAS advised me that he would provide a statement, however, said that as he didn't have anything to say about it, it would be pointless. A statement was therefore not obtained.

On 12/07/2022 at 10:57 hours I then called Damian KORYGA on phone number ending 0426 for the same reason as above. KORYGA informed me that he did not recall the incident, even after I have named his colleague who was involved and when the incident took place. He advised me that there are too many incidents happening at ELYSIUM for him to recall them all.

I asked KORYGA if he had contact details for fellow door staff employee named as Ciprian LOVENSCO, however KORYGA advised me that he does not recognise that name or know of that person and therefore cannot provide details.

Having viewed the CCTV footage of the incident, there were multiple door staff present at the time of the incident. Whilst speaking with DOUGLAS, his attitude was dismissive and sarcastic towards me.

The notes that I made of these conversations are available on the OEL of the above occurrence.

Signature of Witness		Signature Witnessed By	
Name:	#34C0193 TURNER, M.	Name:	
Signed Time:	15/07/2022 14:02	Signed Time:	

Information Pertaining to the Offence of Perverting the Course of Justice

Perverting the Course of Justice

The offence of Perverting the Course of Justice is committed when an accused:

- does an act or series of acts;
- which has or have a tendency to pervert; and
- which is or are intended to pervert;
- the course of public justice.

The offence is contrary to common law and triable only on indictment. It carries a maximum penalty of life imprisonment and/or a fine. The course of justice must be in existence at the time of the act(s). The course of justice starts when:

- an event has occurred, from which it can reasonably be expected that an investigation will follow; or
- investigations which could/might bring proceedings have actually started; or
- proceedings have started or are about to start.

In *R v Cotter and Others* [2002] EWCA Crim 1033 it was held that where the prosecution case is that a false allegation has been made, all that is required is that the person making the false allegation intended that it should be taken seriously by the police. It is not necessary to prove that she/he intended that anyone should actually be arrested. The offence of perverting the course of justice is sometimes referred to as "attempting to pervert the course of justice". It does not matter whether or not the acts result in a perversion of the course of justice: the offence is committed when acts tending and intended to pervert a course of justice are done. The words "attempting to" should not appear in the charge. It is charged contrary to common law, not the Criminal Attempts Act 1981: *R v Williams* 92 Cr. App. R. 158 CA. The offence of perverting the course of justice overlaps with a number of other statutory offences. Before preferring such a charge, consideration must be given to the possible alternatives referred to in this Charging Standard and, where appropriate, any of the following offences:

- corruption: Prevention of Corruption Act 1906 and Public Bodies Corrupt Practices Act 1889;
- agreeing to indemnify a surety: s.9 Bail Act 1976;
- making false statement: s.89 Criminal Justice Act 1967, s.106 Magistrates' Courts Act 1980 and s. 11(1) European Communities Act 1972;
- using documents with intent to deceive: s.173 Road Traffic Act 1988;
- impersonating a police officer: s.90 Police Act 1966;

- acknowledging a recognisance or bail in the name of another: s.34 Forgery Act 1861; and
- concealing an arrestable offence: s.5 Criminal Law Act 1967.

Perverting the course of justice covers a wide range of conduct. A charge of perverting the course of justice should, however be reserved for serious cases of interference with the administration of justice. Regard must be had to the factors outlined in General Charging Practice, above in this guidance and in Charging Practice for Public Justice Offences, above in this guidance, which help to identify the seriousness of the conduct.

If the seriousness of the offence can properly be reflected in any other charge, which would provide the court with adequate sentencing powers, and permit a proper presentation of the case as a whole, that other charge should be used unless:

- the facts are so serious that the court's sentencing powers would be inadequate; or
- it would ensure the better presentation of the case as a whole; for example, a co-defendant has been charged with an indictable offence and the statutory offence is summary only.

Note that in *R v Sookoo* (2002) EWCA Crim 800; the Court cautioned against adding a count of perverting the course of justice when the conduct could properly be treated as an aggravating feature of the principal offence. However, consecutive sentences may be imposed when the conduct is a separate and subsequent act, in which case a count of perverting the course of conduct should be considered.

The following are examples of acts which may constitute the offence, although General Charging Practice, above in this guidance and Charging Practice for Public Justice Offences, above in this guidance should be carefully considered before preferring a charge of perverting the course of justice:

- persuading, or attempting to persuade, by intimidation, harm or otherwise, a witness not to give evidence, to alter his evidence or to give false evidence;
- interference with jurors with a view to influencing their verdict;
- false alibis and interference with evidence or exhibits, for example blood and DNA samples;
- providing false details of identity to the police or courts with a view to avoiding the consequences of a police investigation or prosecution;

- giving false information, or agreeing to give false information, to the police with a view to frustrating a police inquiry; for example, lying as to who was driving when a road traffic accident occurred;
- lending a driving licence to another to produce to the police following a notice to produce, thereby avoiding an offence of driving whilst disqualified being discovered;
- agreeing to give false evidence;
- concealing or destroying evidence concerning a police investigation to avoid arrest;
- assisting others to evade arrest for a significant period of time; and
- making a false allegation which wrongfully exposes another person to the risk of arrest, imprisonment pending trial, and possible wrongful conviction and sentence.

In deciding whether or not it is in the public interest to proceed, consideration should be given to:

- The nature of the proceedings with which the defendant was trying to interfere;
- The consequences, or possible consequences, of the interference.

A prosecution may not be in the public interest if the principal proceedings are at a very early stage and the action taken by the defendant had only a minor impact on those proceedings.

It is likely that perverting the course of justice will be the appropriate charge when:

- the acts wrongfully expose another person to risk of arrest or prosecution;
- the obstruction of a police investigation is premeditated, prolonged or elaborate;
- the acts hide from the police the commission of a serious crime;
- a police investigation into serious crime has been significantly or wholly frustrated or misled;
- the arrest of a wanted person for a serious crime has been prevented or substantially delayed, particularly if the wanted person presents a danger to the public or commits further crimes;
- the acts completely frustrate a drink/drive investigation thereby enabling the accused to avoid a mandatory disqualification;

- the acts strike at the evidence in the case. For example, influencing a vital witness to give evidence/altered evidence/false evidence, or destroying vital exhibits or frustrating a scientific examination;
- the acts enable a defendant to secure bail when he would probably not have otherwise secured it;
- the acts strike at the proceedings in a fundamental way. (For example, by giving a false name so as to avoid a mandatory disqualification or a 'totting' disqualification; giving false details which might significantly influence the sentence passed; giving details which may result in a caution instead of prosecution);
- concerted attempts to interfere with jurors; attacks on counsel or the judge; or conduct designed to cause the proceedings to be completely abandoned);
- a concerted attempt has been made to influence significant witnesses, particularly if accompanied by serious violence;
- the sentencing powers of the court for an alternative offence would be inadequate.

APPENDIX E – Public Representations

Elysium Review Hearing

Public Letters and Emails of Support

This document has been compiled following an application by Northamptonshire Police to review the premises licence PL0427 at Elysium nightclub in Northampton. These are the letters and emails received by West Northamptonshire Council within the consultation period.

Letters

WEST NORTHAMPTONSHIRE COUNCIL POSTROOM/SCANNING 16 AUG 2022 RECEIVED	[REDACTED]
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15.08.22

My name is Shane Rouse I am one of the Northampton guardians, are job is to protect the public and vulnerable people, and to take necessary action.

on Saturday 30th July 2022, My colleague Richard for police assistance on the town radio, as I was detaining a Male that had assaulted a female, his 3 Male friends who were becoming very aggressive were also present, we called again for assistance and Elysium nightclub kindly sent 2 doorman to assist after hearing the call.

After working with the guardians I can truthfully say there is alot worse venues in Northampton than Elysium, for public safety.

yours Faithfully
Shane.



15th August 22

Dear Sir/Madame,

My name is Kyle Mills, I am one of the Northampton Guardians, on the 30th July 2022, we radio'd for police assistance as we had held an individual while we were detaining him, his friends then became aggressive. so we called again for assistance on the town radio. Simon Thompson DPS of Elysium night club sent two members of their security team to assist.

In my opinion, being in the economy for nine months, I personally believe that Elysium is not the place we get the most hassle from. I could name two other establishments that have far more incidents and causes us much more trouble than Elysium.

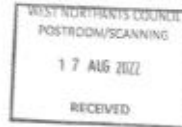
I believe this shows how Elysium adheres to the four licencing objectives. In this case, the prevention of crime and disorder, public safety and prevention of public nuisance.

Yours
sincerely.

Kyle Mills



16th August 2022



Dear Sir/Madam,

I saw the notice displayed outside Elysium Nightclub and as it stated that members of the public could comment on the licence that was being reviewed i thought i would.

My reasons for taking time out from my busy profession as a licensed aeronautical engineer at Gulfstream to write to you is because i feel this is an outrage. For many years i have been visiting Elysium, there are only a few places in the town that i could truthfully say are managed as well as this venue, and that i feel safe to be in. Everyone that works there goes above and beyond to create a warm welcoming place to enjoy. It has fantastic entertainment and some great people in there and a really friendly atmosphere.

This is a place that i would highly recommend to go to if on a night out in Northampton, it would be an absolute lose to the nightlife scene if you were to close this club.

Kind regards

Jonathan McCabe

18Th August 2022

To whom it may concern,

My name is Callum Robinson i was born in Far Cotton Northampton. I attended Queen Eleanor Primary school followed by Kingsthorpe community college (secondary school)

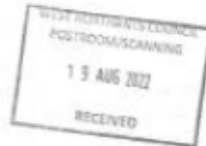
I am a professional footballer, i was signed by Aston Villa at the age of eight, offered a scholarship aged 16-18, and i turned professional from 18 till present. I have represented England 33 times between the ages of 15-20 receiving 33 caps. I transferred to Sheffield United in 2019 for a fee of 8 million and i now play for West Bromwich union, and i am representing the Republic of Ireland.

I heard the news that Elysium might be loosing its licence and felt i needed to write in to my support to this much loved club, so i hope this arrives in time. I have visited many nightclubs in the Uk and Elysium holds a very special place in my heart in my home town. Elysium has a very diverse crowd which i love and i have had many nights out in there, not just with my friends but also my father. The atmosphere in there is always relaxed and good, we have always been made to feel special and welcome by the owner Simon Thomson, but most importantly i feel safe in this club, which for obvious reason's is massively important as i could not frequent anywhere that could jeopardise my career and the safety to me personally.

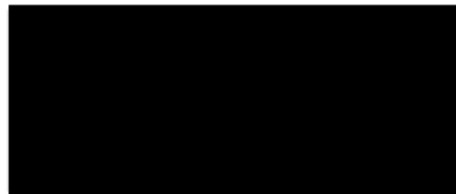
I last visited Elysium in March with a large group of my friends and as usual i had a fantastic night.

Kind regards

Callum Jack Robinson



18th August

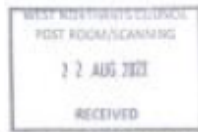


To Whom it may concern,

I write in full

support of Elysium Nightclub, formally known as Fever. I have been frequenting the aforementioned club for approximately 15 years. I am currently 55 years old and a single woman. Throughout this time I have enjoyed many an evening with friends of a similar age bracket. On every occasion I have felt completely safe and well looked after by both the management and security staff alike. On the rare occasion that trouble arises, the security team deal with the situation both swiftly and with the minimum of disruption to my evening. I would be devastated should this long standing nightclub be closed as it is my first choice for a night out in Northampton. The club attracts a diverse clientele of all age groups. The DJ's that guest here are world renowned, which leads to a fantastic evening out, socialising and dancing.

Yours Sincerely
Debbie Simons
Mrs Debbie SIMONS



To whom it may concern,

I am saddened to hear that Jener aka Alyssium has been served a notice to close. I have attended this nightclub since I was 18 (11 years now) and it has always been a favourite venue of mine. I have had many birthdays and attended many of the day/night partys at Alyssium, its been a massive part of my adult clubbing life. I would like to give a statement to express my upmost respect to the nightclub staff and security as like many young girls and boys I have once found myself in a vulnerable situation, where if it wasnt for the security at Alyssium I dont know how a particular evening might have ended up. I was leaving with a gentleman one evening who I had just met that night and being drunk and naive I was not judging the situation wisely. The security team that evening noted my potentially vulnerable state and intervened to check on my welfare. This then made me

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question my decision to leave with
stranger. The staff took me back into
the club, called me a taxi, which I then
waited inside until it arrived. I only
wanted to write my support to show
you how well this club is run and
what a great loss it would be to the
town. Myself and my friends love
this club as we always feel safe.

Best wishes

Sammi Simons

Emails

-----Original Message-----

From: Charlotte Ellis [REDACTED]
Sent: 21 August 2022 11:58
To: NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: Elysium nightclub application for review comment

Good morning,

I have seen the notice on the Elysium nightclub door and would like to give you my opinion. As a young woman I have always felt Elysium is one of the safest nightclubs in Northampton. I have always seen security walking around never too far away if they were needed. Any altercation I have seen they are quick to react. All staff seem to be very vigilant and approachable. It would be a shame to lose this club as I don't as safe on any other club.

Mind regards
Charlotte Ellis

From: James Hennessy [REDACTED]
Sent: 20 August 2022 04:04
To: NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: Elysium licence review

My name is James Hennessy

I've seen the review notice and felt the need to have my own input, I'm the manager of a club called funky sho sho I've had years of experience in the industry, me and my staff come to elysium most weekends the atmosphere is always pleasant, I work with 8 girls and they always feel safe here and we've never had any issues the venue is wonderful and the staff are more than helpful, a lot of the trade that come through my club go to elysium after, if elysium was to close I feel it would be detrimental to not only Northampton town but also to every business involved in the industry, as a club owner and abiding by the four licensing objectives I can say elysium upholds all aspects of the four licensing objectives, safety being there highest priority.

Kind regards

James

From: Tom Phillips [REDACTED]
Sent: 20 August 2022 00:27
To: NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: Elysium nightclub review

To whom it may concern,

My name is Tommy Phillips

I am a DJ, promoter, and self employed construction worker for over 7 years.

I have lived in Northampton since I was born and have had the pleasure of djing in Elysium over the years.

I've played in many clubs over the years and guesting throughout Europe and can honestly say Elysium is one of my favorite clubs to work for and party with friends.

I consider Elysium a safe venue to visit and also go into when in Northampton and as always is a main attraction in our nighttime economy.

Kind regards

Tommy Phillips

From: Hugo AfonsoSampaio [REDACTED]
Sent: 22 August 2022 13:16
To: NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: Elysium nightclub license review

To whom this concerns,

During the couple times i've been at elysium, it's always had a good atmosphere and has been one of the few clubs with my taste of music.

Lining up and queuing with security at the front door is smooth and never brought me any problems, the staff are professional and helpful when needed.

I think the club is well structured inside and out and provides an enjoyable experience. it's a safe club that i recommend to all my friends.

Thank you.

Sent from my iPhone

From: Michelle Underwood [REDACTED]
Date: 21 August 2022 at 18:01:18 BST
To: Licencing.nbc@westnorthants.co.uk
Subject: Elysium

Dear sir/madam,

I am writing with regards to revoking Elysium licence. I feel this would be such a shame to lose this club I have been frequenting there now for many many years I think I can honestly say 20+ years, even back when it was fever. This is genuinely the one place myself and my friends have always felt safe and well looked after of course we have tried other places within the town but have always ended up in Elysium. I am 47 48 in 2 weeks and as always have my birthday planned for Elysium I have celebrated so many different occasions in the establishment it would be heartbreaking to lose such a family feeling place. I celebrated 3 of my sons 18th birthdays there and 2 of there 21st and I'm hoping to do my other sons 21st in January. No matter what your age your always welcome and that is hard to find these days.

There is always a friendly atmosphere and staff are always willing to speak to you and help you in anyway they can.

I feel that the door staff are very professional and always do there job and are on hand if they are needed.

I personally feel the loss of Elysium will be such a loss to Northampton town it's been going for so long now with the same owners who have good strong morals compared to a lot of other late opening clubs/pubs within the town.

I am available should you need to speak with myself please do not hesitate to contact myself on 07852179724.

Yours faithfully
Michelle Underwood

-----Original Message-----

From: Lily Lowrie [REDACTED]
Sent: 22 August 2022 13:59
To: NBC Licencing <Licensing.NBC@westnorthants.gov.uk>
Subject: Elysium nightclub license review

My experiences at Elysium have always been extremely positive. I have always felt really safe in Elysium and love going there. The atmosphere there is great and everyone is always having a good time. All the staff from those on the door to all the bar staff and security walking around are always helpful and friendly.

Lilliana Lowrie

-----Original Message-----

From: emily brand [REDACTED]
Sent: 22 August 2022 22:06
To: NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: Elysium Nightclub

Hello,

I have recently heard the application about review of licences of Elysium nightclub. This shocked me as its one of the better clubs in Northampton and one I feel safe at, unlike some of the others.

Ive had great nights out here, the staff have been really friendly and booked me a taxi home when I lost my friends and didn't want to walk into town alone.

Thanks,
Emily

-----Original Message-----

From: Beth Brand [REDACTED]
Sent: 22 August 2022 22:02
To: NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: Elysium Club Northampton

To whom it may concern,

I have just heard about an application about review of licences of Elysium nightclub. I haven't seen or heard about applications for other clubs, despite so much negative reviews earlier in the year about other clubs. I am guessing this is something for all clubs in northampton.

I have to say my daughters have both been to this club and have always felt in safe hands when ending their night in the club. I am a mum who has always said to call me if they have had more drinks than they should have had. I'm Hoping that this club remains in the town as peace of mind when the girls go into town.

Having lived in Northampton all of my life , I am sure more like me would want to know more about what a review of licence means to the club and our town.

Kind regards
Beth

-----Original Message-----

From: steve pinhorne [REDACTED]
Sent: 22 August 2022 18:06
To: NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: Elysium nightclub

To whom it may concern

My name is Steve Pinhorne and I'm aged 47 and have been a full time firefighter in Bedfordshire for the last 23 years and previously I was an Army Commando in the Royal Engineers. I write to you today to express my views Elysium but to us older folk will always be Fever..I have visited the club for at least the last 15/16 years since I moved to Northampton on a regular basis I love the fact that it has a late licence of 6am one now of only 2 I believe in the town now and to get rid of this would have a massive effect on the town as I believe people would venture further a field to experience a great club night experience and would mean even more empty bars...Obviously times have changed over the last 15 years and I certainly believe the Elysium has changed with the times it offers a wide diversity of music I feel this has helped bring the various cultures that live within the town closer together whilst out enjoying themselves in the club.The security there are always switched on and myself and friends I go with always feel safe within the club and the scanner of ID to gain entry to the club is a great idea and would help to get rid of the wrong type of people who would abuse the happy feeling that the club offers..Elysium/Fever is a major part of Northampton's night life and I'm all for keeping it going to lose it licence would be a sad loss for the town and income to many businesses that we use on route and after and cracking night with friendly like minded people

Yours faithfully
Steve Pinhorne

-----Original Message-----

From: paul dandy [REDACTED]
Sent: 22 August 2022 16:52
To: NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: Elysium

Hi ,

My name is Paul Dandy, I'm a 53 year old plumber with my own company.(D&H heating and plumbing services ltd)

I been coming to Northampton since mid 90's and been to both Fever and Elysium since they opened . I used to come over 2/3 times a month but less now but always ended up in Elysium . I found the place to be friendly with most of people there loving music and having great time . The staff and security have always checked ID on entry , and I've seen them refuse people who were too drunk.

I've always felt safe while in club and always have a good time and they call me a taxi as I live in Bedford , making sure I get home safely.

Northampton has been a great place for me and my friends , I think the younger generation need some where to go to early hours just like we had .

Kind regards Paul Dandy

From: Marco Sgoluppi [REDACTED]
Sent: 22 August 2022 16:01
To: NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: Elysium Licence

Dear Sirs

It has been brought to my attention by a friend that there is a notice at the front of Elysium to revoke the licence and wish to strongly object to it being revoked.

I have had occasion to frequent Elysium in Northampton on numerous occasions with my partner and a variety of our friends.

Collectively we have always greatly enjoyed the experience.

The Venue attracts a diverse crowd with a wide age range where everybody is just out to enjoy a drink and a dance and relax.

We have always felt safe as the venue provides good security staff throughout the whole of the venue who seem to be highly vigilant without interfering with revelers enjoying their night.

There is already so little choice of late night venues where you can dance away your night until the early hours of the morning for a town the size of Northampton particularly catering to such a diverse clientele that just wish to let down their hair and dance together in such a safe environment.

Yours sincerely
Marco Sgoluppi

From: Matt Smith <[REDACTED]>
Date: 22 August 2022 at 12:46:48 pm BST
To: [REDACTED]
Subject: For Simon

To whom it may concern,

The nightclub Fever, has been part of Northampton's nightlife community for many years. For people of varying ages and Music tastes it's provided a Great night out, and in my experience a Safe and well Managed one.

As a key part of Northampton's Nightlife community, it would be huge shame to see it go.

Simon, since the days of Fever at the Guildhall, has always provided a safe environment along with a Great time. I hope the council see fit to let fever continue to be part of Northampton's entertainment scene, because it still has an important part to play.

Regards

Matt smith