

City of Bradford Metropolitan District Council

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Record of Hearings of the Bradford Licensing Panel held on Tuesday 19 August 2008 in City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

Hearings

1. **Application for a review of the premises licence for The Blue Pig, Fagley Road, Bradford (Document "D").**
2. **Application to vary the Designated Premises Supervisor for The Blue Pig, Fagley Road, Bradford (Document "E").**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR A REVIEW OF THE PREMISES LICENCE FOR THE BLUE PIG, FAGLEY ROAD, BRADFORD (DOCUMENT "D").

Commenced: 10.10

Concluded: 12.20

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Hill (Chair), Love and Pullen

Parties to the Hearing:

Representing Responsible Authorities

Sgt C Colligan, Airedale and Bradford North District Licensing Officer, W Yorkshire Police
Mr J Tyson, Licensing Officer, West Yorkshire Police

Representing the Licensee

Mr J Cordingley, Licensee
Ms J Bray, Proposed Designated Premises Supervisor - Witness

Observers

PC S Dawson, West Yorkshire Police – Observer
Ms L Jackson

Representations:

The licensing officer in attendance summarised the background to the review application which included details of the current Premises Licence authorising the sale/supply of alcohol, the provision of regulated entertainment and provision of late night refreshment on the premises.

It was reported that West Yorkshire Police had submitted an application for review of the licence following growing concerns over a number of incidents of disorder, complaints by local residents of noise and alleged breaches of the operating schedule, permitted hours of operation and licensable activities.

The police's District Licensing Officer summarised a number of incidents at the premises when police had attended to address late night disorder; noise disturbance, the playing of loud music without the benefit of a regulated entertainment licence and when the pub was open after hours. Incidents occurring on 9 February; 13 February, 15 March, 5 April, 20 April and 18 May 2008 were reported in detail. A number of supporting documents from police officers who had attended the incidents at the premises were contained at Appendix 3 to Document "D".

It was maintained by the Police that on numerous occasions the Designated Premises Supervisor (DPS) had been absent when they had visited the premises. They believed that he was the DPS in name only. It was claimed that the people controlling the premises had no understanding of the licensing objectives or experience of the licensed trade and were

not in possession of the personal licences required. Police statements evidenced the names of people who had been in charge at the times of police visits.

The Licensee maintained that the proposed DPS was in receipt of a Personal Licence and a National Licensing Certificate and that no objections had been raised at the time of his application to become the DPS. The Council's Legal Representative clarified that a person, over the age of 18 with appropriate qualifications would automatically be granted a Personal Licence. The Police responded that at the time of application for a Personal Licence they had no reason to complain about the application.

The police were concerned that the premises were continuing to be operated badly, despite the problems being brought to the attention of the proposed DPS, and the public continued to be at risk through activities at the premises.

In response to Member questions a number of points were reported as follows:-

- There had been no arrests made at the premises, a fact that the police claimed was a result of customers being unwilling to co-operate with the police and local residents being fearful of reprisals if they complained.
- A member of the bar staff had been locked in the cellar for five hours. This had resulted in a protracted enquiry which was inconclusive because the people concerned were reluctant to discuss the incident with the police.
- A notice had been served on the licensee pointing out that the current named DPS was not suitable to run the premises.

The Licensee addressed the meeting reporting that he had owned the property since 2002. It was maintained that it was a well established venue occupying an isolated location with a large car park and was fenced off from nearby woodland and streams. The distance of the nearest neighbouring properties was discussed.

The licensee claimed he previously had no direct involvement in the running of the premises as they were managed through a formal tenancy agreement. The application for the current DPS had been made in February 2008, no objections had been raised and the licence granted. The certificate was displayed at the venue. Delegated authority forms were available for the DPS

The Council's Legal Representative reminded the Licensee that he was responsible for adherence to the conditions of the license and his authority could not be delegated to others.

The Licensee stated that the police had met with the named DPS and the tenant but that he had not been party to the discussions. He claimed that he ought to have been involved in those discussions and the police should have made him aware of the problems at the premises. He believed the conduct of the DPS had been precipitated by personal problems; his conduct was not condoned and he had since been dismissed.

In response to questions the Licensee argued that his tenant was the conduit through which he would be informed of events at the premises and that, since June 2008, steps had been put in place to ensure he was made aware of any issues at the venue.

The Council's Legal Representative reminded the Licensee that in the absence of a valid DPS alcohol should not be served. In response the Licensee believed the DPS had been suspended but was unable to provide details of precisely when such disciplinary action was taken.

The Licensee reported that he had applied for a variation of the DPS license and the prospective DPS would highlight her experience in the licensed trade and improvements at the premises when the application for review was heard. This had been scheduled to be heard immediately following the review procedure. The previous tenancy arrangement had been terminated; considerable improvements had been made to the premises and it was intended that the premises would be operated by a person with considerable experience in the licensed trade.

In agreement with the Police the Licensee called the prospective DPS as a witness to the current operation of the premises. In response to questions she provided the following information:-

- She was a 46 year old who had begun employment at the Blue Pig on 20 May 2008.
- She had considerable experience in the licensed trade and held a Personal Licence which was valid until August 2016.
- The police had been called, at her instigation, to an incident on 4 August 2008. This demonstrated her unwillingness to accept bad behaviour on the premises. The police had also been asked to undertake 'walk ins' which were unscheduled visits during hours of operation.
- It was disputed that she had been off the premises when police had visited in August and she maintained she had been in her accommodation upstairs at the time.
- The premises had now undergone various improvements including the installation of a children's area with ball pool; a football table; cleaning, repainting and fencing to prevent motorbikes riding across the car park and for child safety.
- CCTV was in operation and monitored both inside and outside of the premises.
- The venue had been 'turned around' and was operating as a family pub.
- No complaints about the premises had been received from neighbours.

Members questioned the role of the previous tenant and were advised that he was now no longer in charge of the property; orders and cash and no longer had a licensing role in the business. He was employed as a self employed consultant and the overall management had been undertaken by the licensee.

In summary the police representatives reiterated that between February and July 2008 they had, on various visits to the premises, been unable to ascertain the supervisory arrangements in place. The previous incidents referred to were outlined and it was claimed that breaches of the licensing conditions had occurred even after the police had undertaken discussions with the prospective DPS. The lack of supervision at the premises had caused concern and they stressed that the premises must be properly supervised and the licensing conditions adhered to.

The Licensee concluded by reporting his personal intervention in the management of the premises and his application to replace the current named DPS.

Resolved –

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel finds as follows:

- 1. That Christopher Mark Wilmore be removed as Designated Premises Supervisor from the licence forthwith.**

Reason: Having listened to Police evidence of Mr Wilmore's conduct and lack of control over activities taking place at the premises; the Panel considers that his continuing as Designated Premises Supervisor would seriously prejudice the prevention of crime and disorder objective.

- 2. That the premises licence be suspended for a period of 28 days.**

Reason: In the light of persistent incidents outlined by West Yorkshire Police of disorder and breaches of licence conditions at the premises; including evidence of the Licensee's failure to prevent incidents of crime and disorder taking place, to ensure that the named designated premises supervisor exercised effective day to day control of the premises, and to ensure compliance with licence conditions; the Panel found that suspension of the licence was justified - prevention of crime and disorder objective.

- 3. That on resumption of the licence the following additional conditions shall apply:**

- 3.1 That prominent signs be displayed at all public exits to the premises requesting patrons to be quiet on leaving and entering.**

Reason: To limit noise and disturbance to local residents late at night from patrons using the external area and resulting from noise emanating from the premises caused by more regular opening of exit doors for the purpose of access and egress and to provide adequate supervision to ensure that relevant licence restrictions are complied with - prevention of public nuisance objective.

- 4. That the Licensee cooperates fully with any Pubwatch initiative promoted by local licensees and West Yorkshire Police in the area.**

Reason: To ensure the licensee liaises with other licensed operators to secure coordinated steps are taken to address the licensing objectives - all the licensing objectives.

- 5. That a CCTV system with internal and external coverage, is first approved to a specification that satisfies the requirements of the Licensing Authority in consultation with West Yorkshire Police, and used at all times the premises remain open to the public for licensable activities and maintained in good working order thereafter. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.**

Reason: In order to ensure that the Licensee takes all steps in his control to limit noise and disturbance to local residents late at night from patrons using and leaving the premises – prevention of public nuisance objective and to ensure that the existing CCTV system operates effectively in deterring/monitoring crime and unruly behaviour – prevention of crime and disorder.

Chair

Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.

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THESE RECORDS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

RECORD OF A HEARING FOR AN APPLICATION TO VARY THE DESIGNATED PREMISES SUPERVISOR FOR THE BLUE PIG, FAGLEY ROAD, BRADFORD (DOCUMENT "E").

Commenced: 1220
Concluded: 1335

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Hill (Chair), Love and Pullen.

Parties to the Hearing:

Representing Responsible Authorities:

Sergeant C Colligan, West Yorkshire Police
Mr J Tyson, Licensing Officer, West Yorkshire Police

Representing the Licensee:

Mr J Cordingley, Licensee
Ms J Bray, Proposed Designated Premises Supervisor - Witness

Observers:

PC S Dawson, West Yorkshire Police
Ms L Jackson

Representations:

The licensing officer in attendance summarised the background to the application which included details of the current Designated Premises Supervisor and valid representations received as set out in the report.

West Yorkshire Police had submitted representations to the variation due to the proposed DPS having a previous unspent conviction. A review of the premises had been undertaken. The police were concerned that the premises could be difficult to control and that the variation would undermine the crime prevention objective. A copy of the representation was contained at Appendix 2 to Document "E".

The Licensee provided a detailed account of the career and previous licensing experience of the proposed DPS. It was stressed that she had gained considerable experience over a 30 year period in the licensed trade. Her involvement at the premises to date was reported and it was maintained that she had demonstrated her authority on the premises and her ability to supervise the venue correctly. The premises were now operated as a family venue with the provision of sports television. She had the support of her partner who lived at premises and who herself had over 15 years experience in the licensed trade. Details of meetings which the proposed DPS had attended with the police, in an attempt to ensure the venue was operated correctly, were reported.

A previous drink driving conviction incurred by the proposed DPS was detailed by the Licensee. The Council's Legal representative advised her that although the conviction had expired she should have notified the Licensing Authority of that conviction. In response she explained that she had told the court she was a personal licence holder and the police in the area were aware she worked in the licensed trade. She realised that she had been irresponsible but had believed at the time that she was not over the drink drive limit.

An incident occurring on 24 October 2007 was discussed and it was explained that a person who the police were looking for had entered the premises where she was working previously. She had been convicted of harbouring that person but maintained that he had entered her premises without her knowledge. An application which she had previously made to become DPS at a venue in Lyme Kiln was discussed and it was reported that she believed that the company for which she was working had withdrawn the application. The Council's legal representative reminded her that she could not enter premises and work as the DPS unless this was formally agreed on the licence. It was further explained that a condition of her personal licence was to inform the relevant licensing authorities when moving to alternative premises.

The police representative maintained that records showed her as the DPS for premises at Acre Gate. The Council's legal officer explained that it was not illegal to be DPS at more than one premise but that sufficient control must be maintained at each venue. In response the proposed DPS reported that the premises at Acre Gate were no longer operational.

The police's district licensing officer addressed the meeting and provided details of an interview he had conducted with the proposed DPS on 28 July 2008. He had raised concerns about the operation of the premises and asked her what measures she had employed to address police concerns. At that time she had been running the premises, under the authority of the previous DPS, for 11 weeks. It was reported that she could not explain any positive steps taken to improve the operation of the venue. At the interview she was provided with details of the local Pubwatch scheme and asked to contact other premises to identify trouble makers in the area. It was believed that she had made no effort to contact Pubwatch co-ordinators or other licensees.

At the time of interview she was also advised of incidents when loud music had been played at the venue despite there being no permission for regulated entertainment. Drinking after time was also raised as a matter for concern. In response to questions about the last time she had seen the DPS she had replied that she had seen him on the previous Friday evening at a venue in the city centre. The police maintained that the premises were 'challenging' and the interview had confirmed that both the DPS and proposed DPS were not at the premises on a busy Friday evening. It was reported that the premises had been left in the control of a person who was barred from all other pubs in the area.

In response the licensee claimed that she had been given incorrect information about the Pubwatch scheme. The details had now been clarified and the proposed DPS was to attend her first Pubwatch meeting on 9 September 2008.

In summary the police representatives stressed that the premises were challenging to operate. They referred to previous breaches of the licensing conditions. It was maintained that in view of the previous convictions of the proposed DPS; the challenging nature of the premises and the recent incidents when the premises had been left unsupervised, that the variation should be refused.

In response the licensee maintained that the proposed DPS had been on the premises when the police claimed it was unsupervised and that bar staff had been having drinks with friends after hours and the pub was not open at the time of the alleged “after hours” drinking incident.

In conclusion the licensee claimed that the proposed DPS was an experienced and competent person to undertake that role.

Resolved –

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the application is granted as applied for.

Chair

Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.

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