

## Record of a Hearing of the Bradford Licensing Panel held on Monday 1 September 2008 in Committee Room 1, 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.

### Hearing

1. **Application for a full review of the Premises Licence (authorising the sale of alcohol, regulated entertainment and late night refreshment) under Section 53c of the Licensing Act 2003, following a summary review application from West Yorkshire Police (Document "F")**



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



**RECORD OF A HEARING FOR A REVIEW OF THE PREMISES LICENCE  
AUTHORISING THE SALE OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE  
NIGHT REFRESHMENT) UNDER SECTION 53C OF THE LICENSING ACT 2003,  
FOLLOWING A SUMMARY REVIEW APPLICATION FROM WEST YORKSHIRE  
POLICE (DOCUMENT "F")**

Commenced: 1515  
Adjourned: 1700  
Re-convened: 1720  
Concluded: 1725

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors McCabe (Chair), Flowers and McPhee.

**Parties to the Hearing:**

**Representing Responsible Authorities:**

Mr A Strong, Barrister representing West Yorkshire Police  
Mrs H Day, Force Solicitor's Office, West Yorkshire Police  
Detective Inspector T Gasson, West Yorkshire Police  
PC S Dawson, West Yorkshire Police

**Representing the Licensee:**

Mr P Wenham, representing the Licensee and proposed Designated Premises Supervisor  
Ms G Gordon, Licensee and Designated Premises Supervisor  
Mr Grinion, Wizard Security - Witness  
Mr Dyson, Wizard Security - Witness

**Representations:**

The licensing officer in attendance summarised the background to the licensed premises which included details of the current Premises Licence which authorised the sale of alcohol, the provision of regulated entertainment and provision of late night refreshment on the premises. It was reported that, in accordance with legislation, Members had considered whether it was necessary to take any interim steps at a Licensing Panel hearing held on 5 August 2008. At that meeting, in light of the evidence provided, Members had resolved to suspend the Licence with immediate effect, under the prevention of crime and disorder objective, pending full review.

The police's legal representative confirmed that a fatal shooting had taken place at the premises on 3 August 2008, however, it was the first time that the premises had been reviewed. The Licensee had been the Designated Premises Supervisor (DPS) at the premises since December 2007 and the police indicated that they believed a number of conditions under the prevention of crime and disorder objective had been breached. They related to the use of the CCTV system, Security Industry Authority (SIA) registered doormen and the requirement to notify the police of an event extending beyond 03.00 hours.

The police's legal representative then questioned the police's licensing officer who made the following points:

- That she had been the Licensing officer for Bradford South Division since 2005.
- That she had been aware of the premises prior to and after the incident on 3 August 2008.
- That three breaches of the Premises Licence had been identified, which included that the premises should not have been open until the CCTV system was fully operational and that of the five door staff only two were SIA registered, another's licence had expired and two were not registered. The door staff book had also been completed incorrectly.
- That the door staff book identified who had been working and the information had not been acceptable to that required.
- That the police should have been informed of the event seven days in advance. That this condition had been agreed by the Licensee. That the event had been pre-arranged and advertised on the internet and by leaflets, however, the police had not been made aware of it.
- That the Licensee was also the DPS and had overall control of the premises.

The police's legal representative requested that the premises be closed in order to allow it to regenerate and re-open under a new identity. The opening hours would need to be brought in line with other premises, however, a variation could be applied for in the future.

The Council's legal officer confirmed that an appropriate number of door staff was not specified within the premises licence, however, it did state that those employed should be licensed with the SIA.

In response to questions, Members were informed of the following:

- That the police had never been made aware of an event at the premises that would extend beyond 3am or had been arranged by an external organiser.
- That it was clear that the 'flyers/leaflets had been distributed through commercial premises' in Manchester and the event on 3 August 2008 was therefore not just a private birthday party.
- That the birthday party event had been organised by people from Manchester.
- That as the club was on the outskirts of the city, it would be better for the police if it closed at 3am.
- That prior to the incident on 3 August 2008 there had not been any complaints about the premises.

The Licensee's representative accepted that three of the conditions had been breached and that the Licensee was responsible, as the DPS, for the CCTV system. With regard to the CCTV system, the Licensee explained that on the evening of 1 August 2008 there had been a break in at the club, however, the police had not been notified. The security room had not been checked and it had been assumed that the CCTV system was still operational. The Licensee reported that she had been informed by a CCTV company that the system would need to be updated. In relation to the registered door staff, the Licensee confirmed that they were employed through a security company who would send the requested number to the premises. On the night of the incident four door staff had been present, three supplied by the security company and one employed by the Licensee to monitor the no smoking ban on the premises. The register used to record those working on the premises was inherited when the Licensee took over.

In response to questions the Licensee advised Members:

- That the CCTV company had checked the CCTV system prior to when the club had commenced trading.
- That the CCTV company was due to come back and update the system.
- That she did not know how to operate the CCTV system.
- That the system had been working in March 2008.
- That she had not seen any recordings from the CCTV system.
- That the security company were contracted to supply licensed door staff.
- That she expected the security company to send licensed door staff and she did not check their credentials.
- That she had been made aware that details of the door staff should have been placed in the police door staff register.
- That she only checked if the time worked and the person's identification number was placed in the register.
- That the premises employed one SIA trained door person.
- That she believed that the security company was responsible for the door staff.
- That the security company would be contacted and the issues resolved regarding SIA staff.
- That the police had not been informed as she had not realised that they should have been notified of every event that would extend beyond 3am.
- That she did not know the promoter of the event personally, but was aware that he came from Manchester.
- That three events had been held at the premises that were promoted by people that she did not personally know.
- That the details of the event had been placed in the premises diary.
- That the event in question had been a birthday party that had charged an entrance fee.

The Council's legal officer questioned what the likelihood was of a re-occurrence if the licence was not altered. The police's legal representative reported that the club had intended to change its direction and clientele prior to the incident occurring. The DPS had lost control of the premises to a degree and in light of the alleged breaches further problems were likely. There was a clear intent to alter the DPS and the proposed DPS was a more experienced and professional person. The police's legal representative then requested that the premises had a sterile period of approximately three months and then re-opened with a new identity.

The Licensee's representative confirmed that the role of the Licensee would be to work alongside himself as an additional DPS. He acknowledged that she required support from a professional person in the licensing trade. The intention for the premises was to move away from individual private hires and towards a showcase for young, up and coming bands. The Licensee accepted the police's proposal for a sterile period, especially as the investigation was still ongoing at the premises. The Licensee's representative reported that the police did not have any problems with the premises and that the incident could have happened anywhere.

**Decision**

That having considered all valid representations made by the parties to the hearing; the published statement of licensing policy and relevant statutory guidance; the Panel revokes the premises licence.

**Reason:** Having regard to the evidence, presented by the West Yorkshire Police review applicant, of the circumstances regarding a fatal shooting incident at the premises, including evidence relating to breaches of licence conditions (particularly those relating to the use of CCTV, SIA registered door staff and the requirement to prior notify the Police of externally organised events extending beyond 03.00 hours), leading to a lack of reasonable control and proper management of the premise, the Panel considers revocation of the Licence is justified in order to address serious issues related to the prevention of Crime and Disorder objective.

Chair

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

i:\minutes\lpb1Sep

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