

Record of a Hearing of the Bradford Licensing Panel held on Wednesday 24 August 2011 in the Saville Room, 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 review of a premises licence for Holmewood Social Club, Broadstone Way, Bradford (Document "B")**



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BRADFORD
METROPOLITAN DISTRICT COUNCIL

RECORD OF A HEARING FOR A REVIEW OF A PREMISES LICENCE FOR HOLMEWOOD SOCIAL CLUB, BROADSTONE WAY, BRADFORD (DOCUMENT "B").

Commenced: 1005
Adjourned: 1130
Re-convened: 1200
Concluded: 1205

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Amin (Chair), Dredge and L'Amie.

Parties to the Hearing:

Representing the Responsible Authority Applicant for Review:

PC Dawson, West Yorkshire Police

Representing Interested Parties:

Councillor Wainwright

Representing the Licensee:

Mr Cordingley, Licensee
Ms Devanney, Management Company - Witness

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. It was explained that a variation to the Designated Premises Supervisor at the premises had been submitted and approved on 29 July 2011. West Yorkshire Police had requested a review of the premises following a serious incident and the local Ward Councillor had also raised concerns in relation to crime and disorder at the premises.

The representative of West Yorkshire Police (WYP) informed the Panel that the premise did not have a club licence but held a premise licence. The Police had worked with the Licensee but had requested a review as two serious incidents had occurred. In light of the first incident the premise had been placed on an Action Plan and had been requested to remove the Designated Premises Supervisor (DPS) at that point and close for a period of time. All of which had been adhered to. A condition regarding the CCTV system in the premises had also been requested and agreed to by the Licensee. The representative of WYP reported that the Club re-opened in April 2011 and was covered by the Action Plan until May 2011. On 3 June 2011 a second serious incident took place at the premises and it had been ascertained that the DPS was not in control of the premises, there was no CCTV footage available and conditions had not been adhered to. The representative of WYP stated that an Action Plan was no longer appropriate and requested that eight conditions be placed on the licence in relation to the removal of the DPS; a fully operational CCTV system; the Personal Licence Holder to be present on Friday and Saturdays; no persons under 18 years allowed on the premises; no drinking vessels to be

taken off the premises; an incident book to be kept and maintained; prominent signage and the police to be given seven days notification of any events at the premises.

In response to questions from the Panel and the Council's legal officer the representative of WYP confirmed that:

- The Police were aware that there was already a condition on the licence regarding CCTV, however, it needed expanding upon.
- There had been a breach of the conditions on 3 June 2011.
- The Police had requested that the premises be closed following the serious incident from 17 November 2010 to 14 December 2010. The closure of the premises to 29 April 2011 had been extended by the Licensee.
- There was a family connection between a previously removed DPS and the new DPS, though it was not an immediate connection. The new DPS was already a DPS at another premise in Holmewood, but a further variation would be submitted for the premise in question in respect of the DPS.
- The other premise was nearby and there was another person who was currently being trained to be the DPS at the premises.
- The CCTV system was not in working order at the time of the incident on 3 June 2011.
- The CCTV system had been seized and retained until the Court Case for the first incident had been heard last month. The Licensee should have maintained and ensured that the system was in good working order prior to the re-opening of the premises.
- The hard drive of the CCTV system was usually seized.
- Due to the serious incident that had occurred CCTV equipment had been seized and the police had requested that the premises be closed for 28 days, but the Licensee had kept the premises closed until 29 April 2011. He had also submitted a variation to the licence which the Police had been informed of and had requested that a condition regarding the CCTV system be placed on the licence. This had been agreed, however, when the premises re-opened in April the CCTV system was not operational and this was a breach of the conditions on the licence.

The Licensee then questioned the representative of WYP and was informed that:

- There was not a requirement for CCTV at the premises when the first incident took place in November 2010.
- The hard drive had been seized in order for it to be used in the Crown Court case and it would be returned once the case had been concluded.
- The Licensee was aware that the hard drive had been removed as evidence in November 2010.
- The Licensee had attended three meetings with the Police, one to discuss the Action Plan and closure of the premises; another after the second incident; and the third which had been requested by the Licensee in order to discuss the proposed conditions of the Review application.

A Ward Councillor then addressed the Panel and stated that he had a number of concerns and issues with the premises. He explained that he had been contacted by his constituents and was representing local residents, the Parish Council and the local Church amongst others. He then informed the Panel that Horse Fairs had taken place in the car park of the premises and that his constituents believed that it was a breach of the covenants for such event to take place. The Council's legal officer stated that the issue could not be taken into consideration as it was not licensable. The Ward Councillor then reported that people drank alcohol in the streets purchased from the premises and that serious incidents had taken place inside. He confirmed that efforts were being made by

the Council to entice developers into the area as housing was required, however, the reputation and bad publicity could deter them.

In response to questions made by the Licensee, the Ward Councillor confirmed that he had been a Councillor since May 2010 and had not objected to the variation of the licence submitted in December 2010. The licensing officer explained that WYP and the Council's Environmental Health Team had requested that conditions be placed on the variation application and the Council's legal officer stated that representations had been received from the Councillor in respect of the Review of the licence.

The Licensee informed the Panel that he had been involved in the area for many years and was the licensee of another premise nearby. He had purchased the premise in 2004 and it had been held on a formal tenancy through out. The tenant since March 2010 had been the Holmewood Social Club Management Company. The Licensee acknowledged that the appointment of a previous DPS had been a mistake, however, the premises did benefit from local people being in charge. In response to a point raised by the Ward Councillor, he stated that the premise was not connected to the Horse Fairs and he had fully co-operated with WYP on the matter. The event had been allowed to use the car park of the premises so that they did not block the surrounding roads. The premise had been closed during the entire event and signs disclaiming its involvement had been displayed.

With regards to the first incident at the premise, the Licensee reported that the DPS had left the premise early and delegated its management to staff. At that point there was not a condition on the licence regarding the requirement of a CCTV system, but it was in place and had recorded the incident. The hard drive had been seized by WYP and had not been returned as yet. Following the incident he had met with WYP and had been requested to remove the DPS and close the premise for 28 days, which he had undertaken. During this time period it had been decided that the premise would be refurbished and, therefore, it remained closed until 29 April 2011. The Licensee confirmed that a variation to the licence had also been submitted and that he had contacted WYP in relation to their suggested conditions as the premise already had a CCTV system installed and operated the Challenge 21 Policy. The variation to the licence was granted on 24 January 2011 and the Ward Councillor had not submitted any objections. The Licensee reported that he had interviewed for a replacement DPS and a variation to the position had been submitted on 24 April 2011.

The second incident at the premises on 3 June 2011 had taken place during a wedding anniversary party for an elderly couple. It had been an isolated tragic occurrence and the premise had fully co-operated with WYP. The Licensee stated that he regretted that the CCTV hard drive had not been returned and that the system had been inoperable at the time. A replacement hard drive had been installed shortly after 3 June 2011. Both he and the then DPS had met with WYP and the premise had been closed and a Management Plan established. The Licensee confirmed that a new DPS had now been installed at the premise and that they were already the DPS at another premise in Holmewood. He stated that the Club had unmatched facilities in the area, though he acknowledged that safeguards were required and that liaisons with WYP would continue. With regards to the conditions proposed by WYP, the majority were accepted with the exception of the restriction of persons under the age of 18 years being allowed onto the premises during Licensable Activities. The Licensee requested that the Function Room be excluded as family events were held on the premises.

In conclusion the Licensee acknowledged that errors had been made and indicated that they would not be repeated. Conditions were now in place and would be adhered to. He had learnt from the mistakes and had a significant commitment in the Holmewood area.

In response to questions the Licensee confirmed the following:

- The DPS had to hold a Personal Licence and a person was currently being trained to become the new DPS at the premise. It was not necessary to have two Personal Licence holders on the premises at the same time.
- The Premises Licence was historically in his name as he owned the property. He had been informed of the incidents and had liaised with WYP. A management company was in charge of the running of the premises.
- The current DPS had significant experience, however, this was only an interim position as a new DPS would be taking over once trained.
- He had not been involved in the previous DPS appointments and the management company had made mistakes. He was now fully involved in the recruitment process and the same mistakes would not be made.
- He had previously just dealt with the administration of the premises, but now realised the requirement to be more involved.
- The first DPS had experience but failed in the role. The second DPS appointed had experience and came recommended, however, it had become apparent late in the day that there was problem.
- The CCTV system had been serviced and the management company had thought that the hard drive would be replaced. When he had found out after 3 June 2011 that the CCTV did not have a hard drive he had replaced it.
- The CCTV system had 16 cameras, was in full working order and the police were welcome to inspect the system at any time.
- He had ensured that the CCTV system was operational as the condition on the licence needed to be adhered to.
- He would accept a suspension of the licence until the police had confirmed that the CCTV system was fully operational.
- A security gate had been installed , however, it had been stolen and there was also a betting facility on the site. The community were aware that events would not take place on the car park and he had liaised with WYP in relation to this matter.

In summation the representative of WYP stated that they had concerns in relation to the operation of the premises. Two serious incidents had occurred which had resulted in breaches of the conditions on the licence and had raised doubts regarding the suitability of the DPS at the time. With regards to the proposed additional conditions, the representative of WYP acknowledged that the premises were family oriented and that the Licensee had requested that persons under the age of 18 years be permitted in the function room. It was also noted that the premise had a beer garden, however, it was not licensed and it was suggested that the use of plastic receptacles could be considered. In conclusion the representative of WYP requested that the submitted conditions be taken into consideration.

The Council's legal officer questioned whether WYP would accept a condition that no licensable activities would be permitted on the premises until the police were satisfied that the CCTV system was in full working order. In response the representative of WYP confirmed that they would and undertook to arrange a date to visit the premises.

The Licensee expressed his disappointment that the Ward Councillor had not contacted him personally. He confirmed that he would be happy to liaise with WYP in respect of the CCTV system and indicated that it was regrettable that two incidents had taken place at the premises. In relation to the proposed conditions from WYP he confirmed that he would be happy to accept them, with the exception that persons under 18 years of age be permitted in the function room.

Decision

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

- 1.1 That the premises licence be suspended until the Licensing Authority have received written confirmation from West Yorkshire Police that the CCTV system installed in the premises is fully operational and compliant with the relevant licence conditions.
- 1.2 That the Licensee be warned that the Licensing Authority have serious concerns in relation to the serious allegations of crime and disorder that have occurred at the premises and the Licensee is put on notice that if similar incidents are brought to the attention of the Licensing Authority by way of a review of the licence, that the Licensing Authority will seriously consider the need to suspend the licence for a substantial period of time or to revoke the licence taking into account the weight of the evidence presented.
- 1.3 Alcohol or other drinks shall not be allowed to be consumed outside, nor shall glasses or drinks receptacles be taken outside the premises at any time and signs shall be prominently displayed for information of patrons to that effect.
- 1.4 That persons under the age of 18 years shall not be allowed access to the premises unless they are attending a private event in the function room and are accompanied by a responsible adult.
- 1.5 That the Designated Premises Supervisor be present on a Friday and Saturday during licensable activities and at all times during private functions.
- 1.6 That an incident book shall be kept and maintained on the premises at all times. The book shall detail in brief incidents of injury/ejection/refusals/drug misuse and seizure, age challenge. Such matters shall be timed, dated and signed by the author and produced to West Yorkshire Police/Licensing Authority on demand.
- 1.7 That signage shall be clearly displayed prominently at the point of access and toilet areas in relation to the relevant admission, age and drug prevention policies.
- 1.8 That seven days notice be provided to West Yorkshire Police of any private party bookings that have been taken, with full details of the event, number of persons attending and the name of the person booking.

Reason: It is considered that the above conditions are necessary in order to ensure proper supervision of the premises in order to deter and ameliorate any anti-social or criminal behaviour. Prevention of crime and disorder and prevention of public nuisance objectives.

Chair

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

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