

Report of the Assistant Director Environmental Health & Regulatory Services to the meeting of the Bradford Area Licensing Panel to be held on 24 August 2011.

B

Subject:

Application for a Review of a Premises Licence for Holmewood Social Club, Broadstone Way, Holmewood, Bradford.

Summary statement:

Application for review of a Premises Licence authorising the sale of alcohol, provision of regulated entertainment and provision of late night refreshment.

John Major
Assistant Director
Environmental & Regulatory Services

Portfolio:

Environment & Waste Management

Report Contact: Melanie McGurk
Senior Licensing Officer
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Overview & Scrutiny Area:

**Environment & Waste Management
Safer & Stronger Communities**



1. SUMMARY

The application is for the review of a Premises Licence authorising the sale of alcohol, provision of regulated entertainment and provision of late night refreshment.

2. BACKGROUND

2.1 Premises Licence holder

John Barrie Cordingley.

2.2 Designated Premises Supervisor

Andrew Prince.

An application to vary the Designated Premises Supervisor was submitted on 29 July 2011. Sarah Jane Gibson is the proposed DPS.

2.3 The Premises

Holmewood Social Club, Broadstone Way, Holmewood, Bradford.

A copy of the Licence is attached at Appendix 1.

3. APPLICATION RECEIVED ASKING FOR A REVIEW OF THE LICENCE

3.1 Responsible Authority

West Yorkshire Police have submitted an application for review of the licence following a serious incident taking place in Bradford South and the suspects found inside the premises, beyond permitted hours, drinking and taking drugs, with the main doors to the club open and unlocked, the lack of control by the DPS at the time, a serious assault taking place on the premises, breaches of the licence conditions, with CCTV footage not being available to assist the Police with their investigations and the lack of control by the current DPS and the Premises Licence Holder.

A copy of the application for review is attached at Appendix 2.

Included with the application are supporting documents from West Yorkshire Police.

A copy of the supporting documents is attached at Appendix 3. (In the interests of economy this document has been sent to Members of the Panel only.)

4. REPRESENTATIONS

4.1 Interested Parties

A representation has been received from a Ward Councillor who raises concerns regarding incidents of crime and disorder and anti-social behaviour taking place at the premises.

The representation is attached at Appendix 4.

5. OVERVIEW AND SCRUTINY COMMITTEE CONSIDERATION

Not applicable.

6. OTHER CONSIDERATIONS

Legal Appraisal

6.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

6.2 The Council must also have regard to the Guidance issued by the Department of Culture Media and Sport under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District. Paragraph 11.1 to 11.15 of the Guidance specifically details how applications for review of licences should be determined.

An extract of the Guidance is attached to this report at Appendix 5.

6.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.

6.4 Only "relevant representations" by or expressly on behalf of a defined "interested party" or "responsible authority" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.

6.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

7. STATEMENT OF POLICY ISSUES

7.1 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of Crime & Disorder) and Part 6 (prevention of Public Nuisance).

7.2 The Annexes to the Policy sets out various types of model condition that could be considered.

8. OPTIONS

8.1 Members may:

- (a) Refuse the application for review of the licence; or
- (b) Decide not to impose any further restrictions on the licence; or
- (c) Decide to impose additional restrictions or remove any licensable activities on the licence, where necessary in order to address the licensing objectives; or
- (d) Suspend the licence for a period not exceeding 3 months; or
- (e) Revoke the premises licence; or
- (f) Remove the named Designated Premises Supervisor from the Licence.

8.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

9. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

10. RISK MANAGEMENT

There are no apparent risk management implications.

11. LEGAL APPRAISAL

Referred to in part 6 of this report.

12. OTHER IMPLICATIONS

12.1 Equal Rights

There are no apparent equal rights implications.

12.2 Sustainability Implications

There are no apparent sustainability implications.

12.3 Greenhouse Gas Emissions Impacts

There are no apparent sustainability implications.

12.4 Community Safety Implications

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 6.1 of this report.

12.5 Human Rights Act

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance with the general interest. The Council's powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant's rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels' usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

12.6 Trade Union

Not applicable

12.7 Ward Implications

Ward Councillors have been notified of receipt of the application.

13. NOT FOR PUBLICATION DOCUMENTS

None.

14 RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application(s).

15. APPENDICES

1. Premises Licence
2. Application for review.
3. Supporting documents from West Yorkshire Police. (In the interests of economy this document has been sent to Members of the Panel only.)
4. Representation from a Ward Councillor.
5. Extract from the Government Guidance.

16. BACKGROUND DOCUMENTS

Application form, plan etc.

Licensing Act 2003

BD/PRA0482

Premises Licence

Date Issued: 13/06/2011

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Holmewood Social Club

Broadstone Way, Holmewood, Bradford, West Yorkshire, BD4 9D7.

Telephone 01274 681450

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

B. Exhibition of films (Indoors)

Sunday to Thursday	9:00am	Midnight
Friday and Saturday	9:00am	1:00am
Christmas Eve and Boxing Day	9:00am	1:00am
New Years Eve	09.00 hours until the start of permitted hours the following day.	

C. Indoor sporting event

Sunday to Thursday	9:00am	Midnight
Friday and Saturday	9:00am	1:00am
Christmas Eve and Boxing Day	9:00am	1:00am
New Years Eve	09.00 hours until the start of permitted hours the following day.	

E. Performance of live music (Indoors)

Monday to Sunday	10:00am	Midnight
Christmas Eve and Boxing Day	10:00am	1:00am
New Years Eve	10.00 until the start of permitted hours the following day	

F. Playing of recorded music (Indoors)

Sunday to Thursday	9:00am	Midnight
Friday and Saturday	9:00am	1:00am
Christmas Eve and Boxing Day	9:00am	1:00am
New Years Eve	09.00 hours until the start of permitted hours the following day.	

Licensing Act 2003 Premises Licence

BD/PRA0482

Date Issued: 13/06/2011

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
G. Performance of dance (Indoors)	Sunday to Thursday	9:00am	Midnight
	Friday and Saturday	9:00am	1:00am
	Christmas Eve and Boxing Day	9:00am	1:00am
	New Years Eve		
	09.00 hours until the start of permitted hours the following day.		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Thursday	9:00am	Midnight
	Friday and Saturday	9:00am	1:00am
	Christmas Eve and Boxing Day	9:00am	1:00am
	New Years Eve		
	09.00 hours until the start of permitted hours the following day.		
I. Provision of facilities for making music (Indoors)	Sunday to Thursday	9:00am	Midnight
	Friday and Saturday	9:00am	1:00am
	Christmas Eve and Boxing Day	9:00am	1:00am
	New Years Eve		
	09.00 hours until the start of permitted hours the following day.		
J. Provision of facilities for dancing (Indoors)	Sunday to Thursday	9:00am	Midnight
	Friday and Saturday	9:00am	1:00am
	Christmas Eve and Boxing Day	9:00am	1:00am
	New Years Eve		
	09.00 hours until the start of permitted hours the following day.		
L. Late night refreshment (Indoors)	Sunday to Thursday	11:00pm	12:30am
	Friday and Saturday	11:00pm	1:30am
	Christmas Eve and Boxing Day	11:00pm	1:30am
	New Years Eve	11:00pm	5:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	9:00am	Midnight
	Friday and Saturday	9:00am	1:00am
	Christmas Eve and Boxing Day	9:00am	1:00am
	New Years Eve		
	09.00 hours until the start of permitted hours the following day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	8:00am	12:30am
Friday and Saturday	8:00am	1:30am
Christmas Eve and Boxing Day	8:00am	1:30am
New Years Eve		
08.00 hours until the start of permitted hours the following day.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Licensing Act 2003

Premises Licence

BD/PRA0482

Date Issued: 13/06/2011

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

John Barrie Cordingley

14 Hallfield Road, Bradford, West Yorkshire, BD1 3RQ.
Telephone 01274 736646

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Andrew PRINCE

Holmewood Social Club, Broadstone Way, Bradford, West Yorkshire, BD4 9DY.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. LEEDS/033424/06

Issued by Leeds

ANNEXES

Annex 1 - Mandatory Conditions

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.
3. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

Date First Granted: 31/08/2005

(Annual Fee Date - Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

Licensing Act 2003

Premises Licence

BD/PRA0482

Date Issued: 13/06/2011

ANNEXES continued ...

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

7. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

8. The Licensee must ensure that any film which has received a Classification Certificate from the British Board of Film Classification is viewed only by persons as specified in the suitability category of this Certificate.

9. Films which have not received a Classification Certificate from the British Board of Film Classification must not be exhibited (subject to the proviso in Condition 5 below) unless, if taken as a whole, they are exempted works within Section 2 of the Video Recordings Act, 1984 or are:

(a) an event of local interest; or

(b) a programme lawfully recorded for public viewing from a television broadcast exhibited by the television broadcasting authorities;

(c) have been specifically approved by the Licensing Authority in writing.

10. Notwithstanding the conditions above, a film may be exhibited, or person, or any class of persons, may be

Licensing Act 2003

Premises Licence

BD/PRA0482

Date Issued: 13/06/2011

ANNEXES continued ...

admitted thereto if the permission in writing of the Licensing Authority is first obtained and any conditions of any such permission are complied with.

11. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Classification or approved for exhibition by the Licensing Authority, as the case may be.

Annex 2 - Conditions Consistent with Operating Schedule

All four Licensing Objectives:

None

The Prevention of Crime & Disorder:

12. A CCTV system shall be installed at the premises, be of a standard acceptable to the Licensing Authority and West Yorkshire Police and be maintained in good working order and used at all times the premises remains open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and available to the Licensing Authority or a Responsible Authority on request.
13. A Challenge 21 policy shall be implemented, with appropriate posters on display.
14. The Designated Premises Supervisor will co-operate with any local "Pub Watch" scheme or similar schemes being promoted by West Yorkshire Police or other local Licensees.
15. The Designated Premises Supervisor or his appointed agent will monitor customers leaving the premises and where necessary remind them to leave in a quiet and orderly manner.
16. The Licensee shall at all times maintain a "zero tolerance" policy with regard to illegal drugs (including appropriate staff training in detection and prevention), violence and any form of anti-social behaviour or disorder.
17. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external facility provided by the Licensee for that purpose.

Public Safety:

18. All emergency lighting; fire fighting equipment; fire alarm and first aid facilities (including the accident book) shall be maintained in good working order and all staff (including temporary staff) adequately trained in their use, including evacuation procedures for the premises.
19. The Licensee shall take all steps necessary in order to ensure that all exits and entrances (including emergency escape routes) are not obstructed by furniture, appliances or for any other reason during licensable activities.
20. All areas of the premises shall be cleared of bottles and glasses on a regular basis.

The Prevention of Public Nuisance:

21. The Licensee will instruct all staff (including temporary staff) to conduct regular internal and external patrols of the premises in order to monitor and eliminate any noise nuisance during regulated entertainment.
22. All outward opening external doors and windows shall be kept closed when regulated entertainment is taking place, other than for normal access and egress.

Licensing Act 2003

Premises Licence

BD/PRA0482

Date Issued: 13/06/2011

ANNEXES continued ...

23. No amplified sound, including music, is to be projected outside the premises.
24. The Licensee shall ensure that deliveries and removal of refuse does not take place between 23.00 and 07.00 hours.
25. Notices shall be displayed in prominent positions near exits reminding patrons to leave in a quiet and orderly manner.

The Protection of Children from Harm:

None

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not Applicable.

G:\Legal Services\LLC & Licensing\Licensing\DEV\TEMPLATE\LIC.STD\LICENCE CONDITIONS\HOLMEWOOD SOCIAL CLUB - BDPRA0482

Licensing Act 2003

BD/PRA0482

Premises Licence Summary

Date Issued: 13/06/2011

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Holmewood Social Club

Broadstone Way, Holmewood, Bradford, West Yorkshire, BD4 9D7.

Telephone 01274 681450

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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	Friday and Saturday	9:00am	1:00am
	Christmas Eve and Boxing Day	9:00am	1:00am
	New Years Eve		
	09.00 hours until the start of permitted hours the following day.		
C. Indoor sporting event	Sunday to Thursday	9:00am	Midnight
	Friday and Saturday	9:00am	1:00am
	Christmas Eve and Boxing Day	9:00am	1:00am
	New Years Eve		
	09.00 hours until the start of permitted hours the following day.		
E. Performance of live music (Indoors)	Monday to Sunday	10:00am	Midnight
	Christmas Eve and Boxing Day	10:00am	1:00am
	New Years Eve		
	10.00 until the start of permitted hours the following day		
F. Playing of recorded music (Indoors)	Sunday to Thursday	9:00am	Midnight
	Friday and Saturday	9:00am	1:00am
	Christmas Eve and Boxing Day	9:00am	1:00am
	New Years Eve		
	09.00 hours until the start of permitted hours the following day.		

Date First Granted: 31/08/2005

(Annual Fee Date - Statutory Instrument 2005 No. 79 - Licensing Act 2003 (Fees) Regulations 2005)

Licensing Act 2003

Premises Licence Summary

BD/PRA0482

Date Issued: 13/06/2011

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
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	New Years Eve		
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I. Provision of facilities for making music (Indoors)	Sunday to Thursday	9:00am	Midnight
	Friday and Saturday	9:00am	1:00am
	Christmas Eve and Boxing Day	9:00am	1:00am
	New Years Eve		
	09.00 hours until the start of permitted hours the following day.		
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	New Years Eve		
	09.00 hours until the start of permitted hours the following day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	8:00am	12:30am
Friday and Saturday	8:00am	1:30am
Christmas Eve and Boxing Day	8:00am	1:30am
New Years Eve		
08.00 hours until the start of permitted hours the following day.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Date First Granted: 31/08/2005

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Licensing Act 2003

Premises Licence Summary

BD/PRA0482

Date Issued: 13/06/2011

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

John Barrie Cordingley

14 Hallfield Road, Bradford, West Yorkshire, BD1 3RQ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

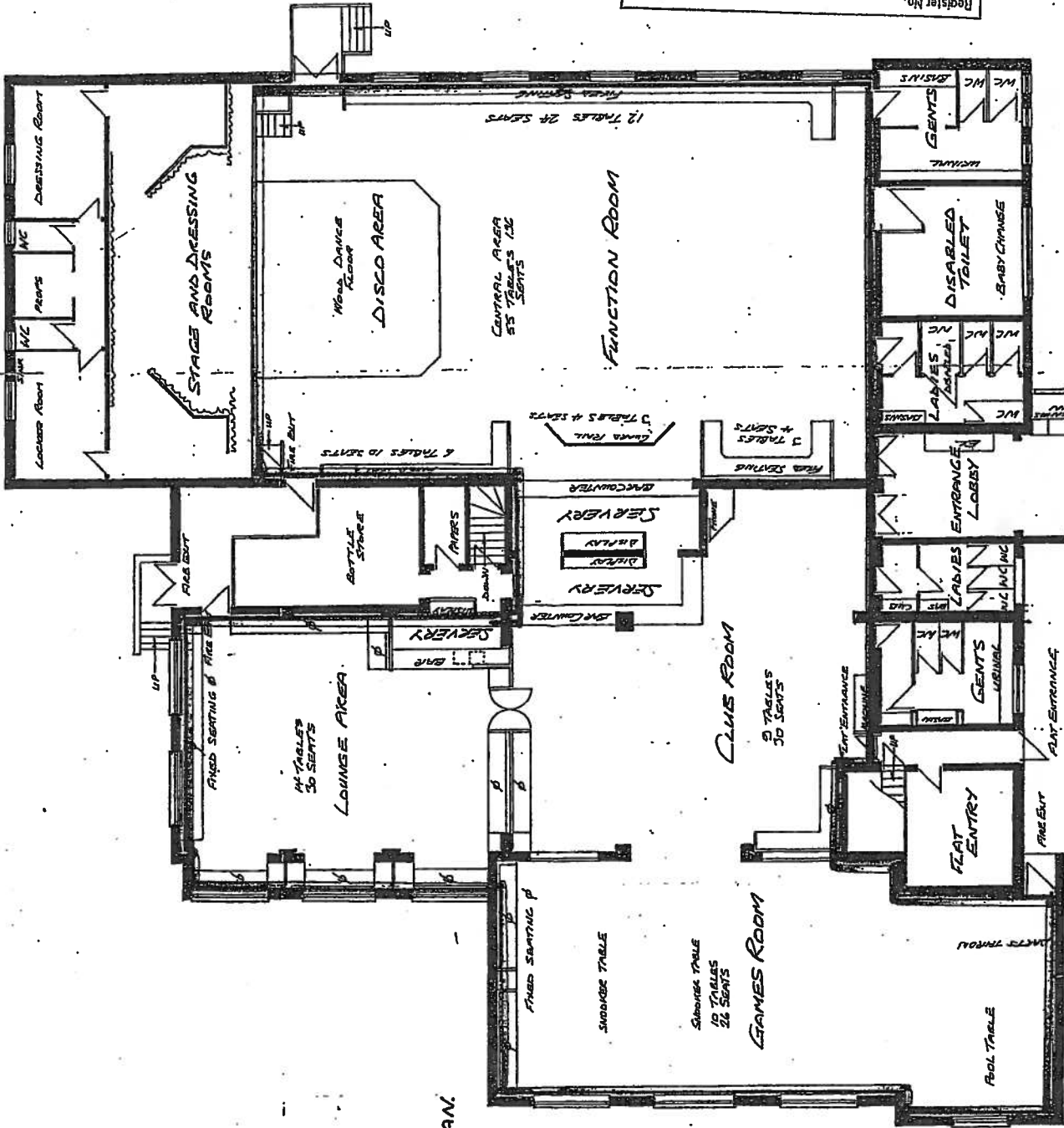
Andrew PRINCE

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

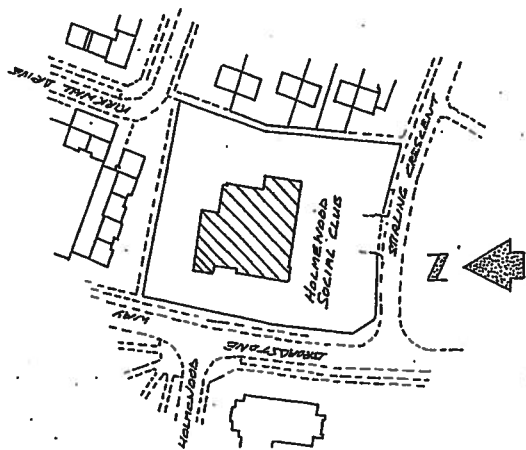
No restrictions

Plans prepared day of 4/10/04
 Approved this 4/10/04
 Register No. [blank]
 Given under the official stamp of the Licensing Justices which is hereto affixed under their Authority by me.
 Clerk to the Licensing Justices

TEL/FAX 01274 403001
 101-103
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LICENSING FLOOR PLAN.



LOCATION PLAN 1:1250 SCALE.



WEST YORKSHIRE POLICE

**Licensing Department
Trafalgar House
Nelson Street
Bradford
BD5 0EW**

Tel No:- 01274 376695
Fax No:- 01274 376787
Email:
bradfordlicensing@westyorkshire.pnn.police.uk

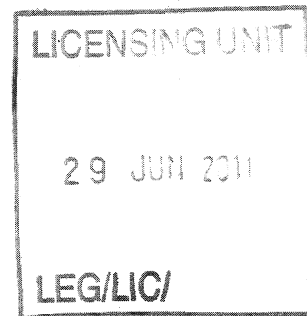
This matter is being dealt with by: Pc 5413 Dawson

Our Ref:
Your Ref: BD/PRA 0428

29th June 2011

BY HAND

The Licensing Team
Legal Services
6th Floor
Jacobs Well
BRADFORD
BD1 5RW



Dear Sirs

Proposed Review of Licence at: Holmewood Social Club – Broadstone Way, Holmewood, Bradford BD4 9DY Premises Licence No. BD/PRA 0428

Bradford South Licensing Department of West Yorkshire Police request a review of the premises licence held at, *Holmewood Social Club – Broadstone Way, Holmewood, Bradford BD4 9DY*. I therefore enclose a copy of the application for review, together with the supporting documentation.

Please note that I have submitted two bundles, one bundle with documents signed.. for your own evidential purposes.

The second bundle has had all signatures edited, and is for use in disclosure and use at the hearing etc.

I would be grateful if you could take steps to advertise this application and make arrangements for the hearing.

Could I also remind you of the following period of annual leave that I have had booked for over 12 months:-

15th July until 8th August 2011

9TH August 2011 due to a pre-planned operation not now available

19th August until 23rd August 2011

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours faithfully

Su Dawson
Pc 5413
Licensing Officer
Bradford South



RESTRICTED

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, (insert name of applicant) **West Yorkshire Police**

- **Apply for the review of a Premises Licence under Section 51**
- **Apply for the review of a Club Premises Certificate under Section 87 of the Licensing Act 2003 for the premises described in Part 1 below**

Part 1 – Premises or Club Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

Holmewood Social Club – Broadstone Way, Holmewood

Town/City: **Bradford**

Postcode: **BD4 9DY**

Name of premises licence holder or club holding club premises certificate (if known):

John Barrie Cordingley – 14 Hallfield Road, Bradford BD4 9DY

Number of premises licence or club premises certificate (if known): **BD/PRA 0428**

Part 2 – Applicant details

Please 'check' appropriate box(es)

I am:

1. An interested party (please complete A or B below)

(a) a person living in the vicinity of the premises

(b) a body representing persons living in the vicinity of the premises

(c) a person involved in business in the vicinity of the premises

(d) a body representing persons involved in business in the vicinity of the premises

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

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

B – Details of other applicant

Surname: Forename(s):
Address: Town/City: Postcode:
Daytime contact telephone number:
E-mail address (optional):

C – Details of responsible authority applicant

Mrs Police officer
Surname: Dawson Forename(s): Susanne
Address: Bradford South Police Licensing Department
Trafalgar House, Nelson Street
Town/City: Bradford Postcode: BD5 0DX
Daytime contact telephone number: 01274 376695
E-mail address (optional): bradford.licensing@West Yorkshire Police

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

- (a) The prevention of crime and disorder
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

These premises have the benefit of a Premises Licence which authorises the sale by retail of alcohol for consumption ON and OFF the premises between the following hours:-

Sunday – Thursday

09:00am until Mid-night

Friday and Saturday

09:00am until 01:00

The licence also includes a number of other Licensable Activities.

The original Licence was converted under Grandfather rights in 2005.

On 23rd December 2010 a Full Variation was submitted which included the following:-

- a. Extension of licensable hours
- b. Removal of some embedded conditions
- c. Licensing an outside area.

Upon discussion with Bradford South Licensing Dept it was agreed that the Licensed outside drinking area would not take place and that CCTV must be a condition of the licence and be in full working order.

On the evening of 10TH November 2010 a serious incident took place within Bradford South Division, the suspects were known to the complainant and vehicle details were provided to the police.

This vehicle was subsequently located in the car park of the Holmewood Social Club – Broadstone Way, Holmewood, Bradford at approximately 03:12am 11th November 2010.

Due to the nature of the original incident, the suspects were arrested under a Planned Operation.

At this time the suspects were seen to be inside the premises, drinking, taking drugs and with the main doors to the club open and unlocked.

At this time the Designated Premises Supervisor was a Marie Gibson who attended at the club at approximately 04:15am that same morning and spoke with officers.

She confirmed that she had no idea that the premises were open and that no-one should have been on the premises at all.

Due to this incident a meeting took place with **John Cordingly – Premises Licence Holder** to discuss the problems at the club this took place on Wednesday 17th November 2010.

These were outlined to him as

- a. **Breach of Alcohol Licence – namely opening hours**
- b. **Obvious lack of control by the current DPS**
- c. **Open use of drugs within the premises**

At this time Mr Cordingly agreed to the following:-

- a. **Removal of DPS namely Marie Gibson**
- b. **Marie Gibson to have NO managerial responsibilities at the premises under any circumstances and not to live at the premises.**
- c. **Closure of the premises between Wednesday 17th November and 14th December 2010.**
- d. **Change of locks**

- e. **Check that the CCTV that it was in good working order. At this time it was NOT a condition of the licence.**

The premises were subsequently closed forthwith.

It was only by chance that both the Local Police and the Licensing Department became aware that the Premises were to re-open on the evening of Friday 29th April 2011, this was due to intelligence gathering regarding a Horse Fair that was due to take place on Holmewood.

The new Designated Premises Supervisor being Mr Andrew Prince.

During the evening of Friday 3rd June 2011 a birthday party took place at the premises with full knowledge of the Designated Premises Supervisor – Andrew Prince.

At approximately 11:36pm that evening a 999 call was received by the police stating that there was a large fight taking place within the club and that a male had been seriously assaulted.

A call was also received from Ambulance that they were attending to a report of a serious assault within the club.

It was soon established that the injuries to the person involved were extremely serious.

At the time of writing the person assaulted is still in hospital in the intensive care unit and there is an on going investigation taking place.

It was established that **NO cctv** was available at the club which would have provided excellent footage of the incident and persons involved.

Both Andrew Prince and his partner Lynda Debenham who were both present, were very much under the influence of alcohol and due to this, in the opinion of attending officers had no control over the running of the premises at that time.

On Wednesday 15th June 2011 at 11:00am a meeting was requested with the Premises Licence Holder John Cordingley and the DPS – Andrew Prince with Bradford South Licensing Department, to discuss the Holmewood Social Club and at that time John Cordingley was informed that a review of the premises would now take place.

During this meeting it had to be pointed out, that Andrew Prince smelt extremely strongly of Intoxicants, his eyes were red and glazed and it was the opinion of the Licensing Officer, that he was still very much under the influence of alcohol.

Andrew Prince did agree that he had been drinking the previous evening whilst at the Club as it had now re-opened.

In conclusion:-

There has been a serious breach of the conditions set out on the Premises Licence by there being 'No cctv' available or in fact working at the premises.

The lack of CCTV has had an impact on the investigation regarding the serious assault that took place within the premises.

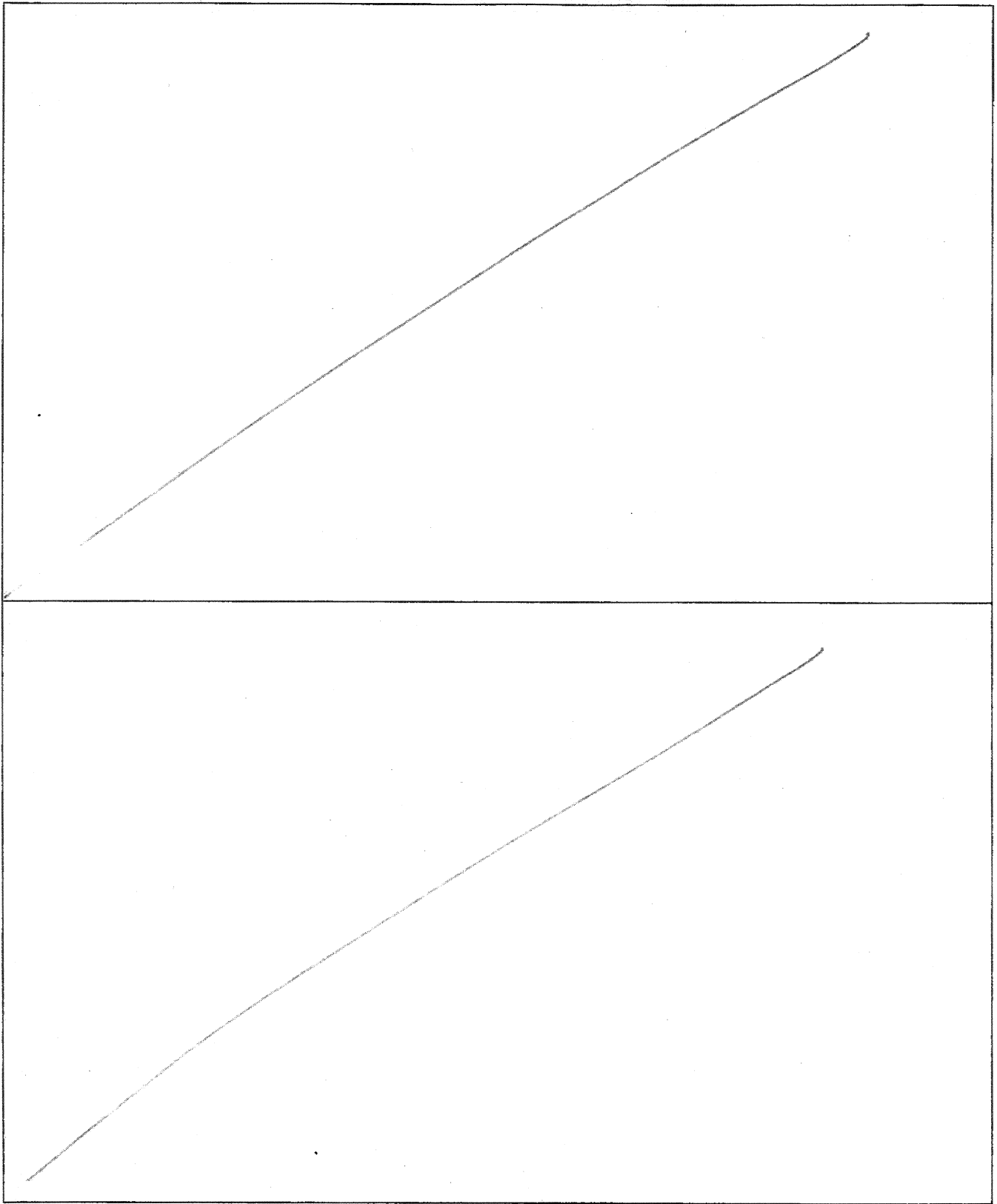
A number of Breaches had also taken place during the incident on the 11th November 2010.

Lack of control over the premises by two individual Designated Premises Supervisors on two separate occasions.

It is the view of the police that these premises are impacting on the four Licensing Objectives in that Mr Cordingley and any Designated Premises Supervisor that have been employed by him are failing to operate the premises in line with the requirements of the conditions of the premises licence and that despite continuing advice and consultation with the police, it continues to open with apparent blatant disregard for legislation and the Licensing Authority.

It is requested therefore that the Premises Licence be reviewed by the Licensing Authority with a consideration for the following:-

1. Removal of the Designated Premises Supervisor – Andrew Prince
2. CCTV to be present which shall cover all ingress and egress points, fire exits, outside areas and all areas where the sale/supply of alcohol occurs. It must be maintained in good working order, be correctly timed and dated and recorded and kept for a period of 28 days and made available to the police and licensing authority on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent to download CCTV footage when requested by the Police/Licensing Authority on demand. A daily checklist to be maintained and endorsed by signature, indicating that the system has been checked and is compliant, in the event of any technical failure then this must be recorded, acted upon and report the failure to both the Licensing Departments at the Local Authority and the Police.
3. A Personal Licence Holder to be present on a Friday and Saturday during Licensable Activities and at all private events, in addition to the Designated Premises Supervisor being present.
4. No person under the age of 18 years allowed onto the premises during Licensable Activities.
5. The DPS and all other staff shall ensure that no vessels are taken off the premises by customers.
6. An incident book shall be kept and maintained on the premises at all times. The book shall details in brief incidents of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to Police/Authorised Licensing Officers on demand.
7. Signage shall be clearly displayed prominently at the point of access and toilet areas in relation to Admission Policy, Age Policy, Drug policy.
8. 7 days notice to the police of any private bookings that have been taken, with full details of the event, number of persons attending and the name of the person booking.



Please provide as much information as possible to support the application (please read Guidance note 2)

RESTRICTED

Have you made an application for review relating to this premises before? YES NO
If 'YES', please state the date of that application:

RESTRICTED

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

(This area is currently blank, crossed out with a diagonal line.)

Please 'check' appropriate box(es)

- 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
- I understand that if I do not comply with the above requirements, my application will be rejected

It is an offence, liable on conviction to a fine up to Level 5 on the standard scale, under Section 158 of the Licensing Act 2003, to make a false statement in, or in connection with this application

Part 3 – Signatures (please read Guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant, please state in what capacity:

Signature: PC 5413 Date: 29/06/11

Capacity: licensing officer Bradford South Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Mr

Surname: _____ Forename(s): _____

Address: _____

Town/City: _____ Postcode: _____

Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):

Notes for Guidance

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

DELEGATION OF AUTHORITY

Under the Licensing Act 2003, West Yorkshire Police is a 'Responsible Authority' which enables the Chief Officer of Police to make representations and applications in order to promote the licensing objectives.

I am the Chief Constable of West Yorkshire Police.

For the avoidance of doubt, I can confirm that you are one of the Licensing Officers employed by West Yorkshire Police and as such, you and any of your successors, have my delegated authority to:

(a) Make any applications and/or representations under the Licensing Act 2003 to promote the licensing objectives, and/or

(b) Appear before the Magistrates Court on behalf of West Yorkshire Police to prosecute or defend any licensing proceedings. The Licensing Officers have my specific authority to do this under section 223 of the Local Government Act 1972.

SIR NORMAN BETTISON

CHIEF CONSTABLE

Melanie McGurk

From:

Sent: 11 July 2011 15:17

To: Melanie McGurk

Subject: Licencing Panel Holme Wood Club

Hello Melanie. Please find attached correspondence regarding the Holme Wood Social Club. I would like to attend the meeting to put forward views on problems caused by this club. Please could you inform me when the panel meets.

Many thanks .

Melanie McGurk.
Senior Licensing Officer.
Environment and Regulatory Services.
City of Bradford Metropolitan District Council.
6th Floor, Jacobs Well.
Bradford,
BD1 5RW.
July 8th 2011.

Dear Melanie McGurk.

I am informed that West Yorkshire Police have applied to your department for a review of a Licence for Holme Wood Social Club Broadstone Way, Holme Wood, Bradford, BD4-9DY.

I have been extremely concerned about some events that have happened on this site for a number of years. But from April there have been a number of incidents that I consider very serious. I was elected as a councillor for Tong Ward in May 2010 and I have lived in the area for the last 13 years.

Some background information on myself.

I was elected as a councillor for Tong Ward in May 2010 and I have lived on Holme Wood for 13 years my wife has lived there for 40 years so we have good knowledge of the area.

I am a Director and Trustee of Meridian Healthcare Holdings Ltd who employ over 1200 people in Northern England, a position I have held for over 20 years. I am a former Chair of the company and I am the longest serving director of the company.

I have been Chair of Incomunitas Housing East Local Management Trust for a number of years and I am Chair of the Holme Wood and Tong Strategic Partnership Board this is a group of people including Local Councillors, Bradford Council Officers, Incommunitas Housing Association, Holme Wood Community Council, Residents Representatives and The Police who for the past few years have been engaged in working on ideas to review Holme Wood to ensure Sustainability of the area over the next 20 years or so. We have been working with consultants employed by Bradford Council and the results of this work will be going out to public consultation in October this year.

Some issues regarding the Club.

In April 2010 a horse fair was held on the site of Holme Wood Club, it was held in the car park, there were stalls selling food and goods, there were hundreds of people in the area, there were horses and carts being raced up and down Broadstone Way during the day, there is a covenant on the site that does not allow this sort of event to be held on this site. There was absolute chaos on the roads buses had to be diverted because of obstructions caused by horses, and horses and carts and horse boxes. Horses were being ridden all around the

roads in the area.

Adjacent to the Club there are many bungalows occupied mainly by elderly people. Most were house bound that day, those who ventured out were subjected to verbal abuse from some of those attending the horse fair.

There was a large police presence to keep order in the area. The site is opposite a local church and worshipers were subjected to forms of verbal abuse as they left the church that morning.

There were children as many as five at a time in carts and small traps racing up and down the roads. Not only did the event use the Club Car Park they used the car park at the local library and this also was left in a filthy condition after the event with horse muck everywhere and litter also abounded.

I was informed by Council officers that to clean up the mess left in the area it took two of Bradford councils clean teams nearly all day to make the area clean and tidy.

On September 12th 2010 there was a similar event held on this site again without permission from the Council again it breached covenants. Children riding up and down the roads without proper helmets and protective clothing, no saddles were on the horses, I understand that it is illegal for children so young to ride horses in such a manner without protective clothing. It was policed very well, but it must have cost a lot of money yet again to police and for the council to clean up the mess left by the horse fair.

On November 11th 2010 I was contacted by Commander Allison Rose who informed me as a local councillor that there had been a major incident at Holme Wood Social Club. I was informed that a serious incident had taken place in Bradford and that armed police had arrested suspects from this incident who were armed in the early hours of the morning.

I was led to believe that the club doors were wide open, the suspects were drinking and partaking in drugs, they were armed and there was no responsible person available on the premises.

Following this incident the club was closed for about five months.

In late April this year I was contacted by Bradford Police that they had received information that a horse fair was to be held over the Easter weekend at the Holme Wood Bound Public House on Broadstone Way, Holme Wood. This public house has a small car park and it was obvious that if a Horse Fair was held there then it would overflow onto the local streets. Quite soon after this information was received and from what I understand was pressure from the police signs were fastened to the railings of the Pub informing people that the event had been cancelled.

On Sunday May 1st 2011, I drove my wife to the Sunday morning service at St Christopher's Church on Holme Wood Road, on driving past the Holme Wood Club I noticed a hot food stall being driven onto the club car park.

As the club had been closed since November 2010, I was surprised to see the club doors open. As a local councillor I had not been informed the club was to re-open.

Later that morning many people turned up on the site with horses, horses and carts and horse boxes. Again the covenants on the land were breached with food being sold in the car park and a horse fair taking place.

There were people drinking in the car park and many young children riding horses without prescribed protective gear. that the law demands people under 14 years of age wear.

Some three days later I was contacted in my role as a councillor for Tong Ward by a number of residents who were assisting the Organisation known as the Holme Wood Executive to move items stored at the Activity Centre to Holme View Residential Home where they were setting up a allotment scheme in the grounds of the home for local residents to grow vegetables. These people suffered torrents of abuse from drinkers and some young children who were sat outside on the benches at the Holme Wood Social Club.

Finally on June 3rd 2011 there was another extremely serious incident where a man was attacked inside the

club as he attended a private function where there were people of all ages from young children to the elderly.

As I write this on July 8th 2011 I am led to believe from the local news paper that the person attacked is still critically ill in Leeds Infirmary.

There are many people in Holme Wood who have approached me since I was elected to the Council last year expressing concern about how they feel intimidated when passing the club. There are many people drinking outside the club when it is sunny there are some quite young children some in push chairs outside the club with the drinkers.

I understand that the West Yorkshire Police are applying for restrictions to be placed on the club as a condition of the licence. One of these is for camera to be placed at strategic points inside and outside the club. If this is granted I honestly do not see how it could be effected as in my experience if there was a incident then I would doubt that the cameras would be working.

In view of the number of incidents in and around the club premises some that are indeed extremely serious I would ask that the licence be revoked.

I would wish to attend the meeting of the panel to express my views on behalf of many residents.

Please could you let me know when the hearing for application from the police for the review of the licence is due to be held?

Yours truly,

1.

Rushmoor Road.
Holme Wood,
Bradford,
West Yorkshire.
BD4-9BA.
Tel 01274

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 The Regulations allow applications for reviews to be made electronically, as long as the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via businesslink or the licensing authority's electronic facility.
- 11.4 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.5 Licensing officers may not initiate their own reviews of premises licences, but elected members of the licensing authority may request reviews if they are concerned about licensed activities at a premises or such matters are brought to their attention (see paragraph 8.15 above). Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may also request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.6 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.7 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.9 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common

aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

- 11.10 Where the request originates with an interested party – e.g. a local resident, residents’ association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 11.11 Further information for interested parties about the review process is available in “Guidance for interested parties: applying for a review” which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

- 11.12 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
 - representations considered by the licensing authority when the premises licence was first granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.
- 11.15 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority

to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the

licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being

undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review: The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.