

City of Bradford Metropolitan District Council

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Record of a Hearing of the Bradford, Keighley and Shipley Licensing Panel held on Thursday 16 August 2012 in Committee Room 1, City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

Councillor Dredge declared a personal interest in the item relating to Keighley Civic Centre, North Street, Keighley as he was acquainted with the applicant in his capacity as a Ward Councillor for the area but as the interest was not prejudicial he remained in the meeting.

ACTION: *City Solicitor*

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearings

Keighley and Shipley Panel

1. Application for a premises licence for Keighley Civic Centre, North Street, Keighley (Document "A")

Bradford Panel

- 2 Application for a review of a premises licence for Bradford Park Avenue AFC Social Club, Horsfall Stadium, Cemetery Road, Low Moor, Bradford (Document "C").



RECORD OF A HEARING FOR A PREMISES LICENCE FOR KEIGHLEY CIVIC CENTRE, NORTH STREET, KEIGHLEY

Commenced: 1430

Concluded: 1435

Present:

Members of the Panel:

Keighley and Shipley Licensing Panel: Councillors Ruding (Chair), Dredge and B M Smith.

Representations:

The report of the Assistant Director, Environmental and Regulatory Services (Document "B") presented an application for a new premises licence for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment.

The licensing officer in attendance reported that since the application had been withdrawn at the Keighley/Shipley Licensing Panel on 28 June 2012 a DPS had been appointed and agreement reached with the Police who had made a representation.

Resolved –

That the issue of the licence by the Assistant Director Environmental and Regulatory Services following agreement of licence conditions between the applicant and West Yorkshire Police be noted.

(Melanie McGurk – 01274 431873)

**RECORD OF A HEARING FOR A REVIEW OF A PREMISES LICENCE FOR
BRADFORD PARK AVENUE AFC SOCIAL CLUB, HORSFALL STADIUM, CEMETERY
ROAD, LOW MOOR, BRADFORD**

Commenced: 1435
Adjourned: 1620
Reconvened: 1650
Adjourned: 1705
Reconvened: 1710
Concluded: 1715

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Ruding (Chair), Dredge and B M Smith.

Parties to the Hearing:

Representing the Responsible Authority Applicant for Review:

PC Dawson, West Yorkshire Police (WYP)

Representing the Licensee:

Mr R Blackburn – Designated Premises Supervisor (DPS)
Mr K Hainsworth – Bradford Park Avenue AFC Finance Director
Mrs M Bruce – Secretary of Bradford Park Avenue AFC Supporters Club
Mr J Cordingley – Legal Representative

Representations:

The licensing officer in attendance reported that West Yorkshire Police (WYP) had applied for a review of the premises licence authorising the sale of alcohol and provision of regulated entertainment.

The representative of WYP reported that since the request for the review she had, on 14 August 2012, been presented with a DVD recording and three witness statements by the club's legal representative. Copies of the premises licence, the application for review and an extract from Government guidance on the review process were appended to Document "C". The DVD and witness statements were provided to the Panel Members.

The Chair confirmed that Members had studied all of the witness statements provided but they had been unable to view the DVD as its format was incompatible with equipment available to the Panel.

The representative of WYP said she understood that the DPS believed that the request for review was following incidents occurring at a play off match in May 2012 but this was not the case. The review was requested as a result of a catalogue of events contained in Document "C" and reiterated verbally at the meeting. The decision to review was not one which was taken lightly and Bradford South Police requested very few reviews. Prior to the current Premises Licence the club had held a Club Certificate. During the

summer of 2011 a number of complaints had been made by spectators that there appeared to be no control over the bar.

Following those incidents the Police had met with the Finance Director. It was agreed that the club would receive a Final Warning; the DPS would adhere to the club certificate as regards serving alcohol; no glass bottles or receptacles would be removed from the bar area and a security officer would be employed to control entrance to the club bar. The Finance Director was advised to submit an application for a Premises Licence if the club wanted to allow non members into the bar area. An application was submitted and a Premises Licence issued on 28 October 2011 which included conditions requested by the police.

Since that time further breaches of the licence had been observed. Details of incidents at matches on 2 January 2012 and 6 May 2012 were contained in Document "C". It was because of that catalogue of incidents, and the belief that the club were not fulfilling their responsibilities under the Premises Licence, that the Police were requesting that the licence be revoked.

In response to questions from Members it was explained that Mr Hainsworth had been contacted about issues at the match on 6 May 2012, as opposed to the DPS, Mr Blackburn, because his was the only contact number held by the police.

The club's legal representative raised a number of questions to which the representative of WYP provided the following responses:-

- The Police Licensing Officer had been undertaking a dual role at the match on 6 May where she was evidence gathering and also acting as licensing officer. Her role was to ensure crowd safety and maintain a gap between opposing supporters.
- There had been no contention about the conversion of the club certificate in 2005. Problems had been reported last season that the club certificate was not being operated properly and guests were not signing into the bar. The Police had chosen not to prosecute but had advised the club to apply for a Premises Licence. This advice was provided to enable the bar to be available to non members that the club certificate did not allow. There were conditions attached to the Premises Licence.
- The visit to the premises in September 2011 was not a routine inspection but a response to complaints that the premises were not being properly run. Breaches of the licence had been found at that time.
- It was acknowledged that the game on 6 May 2012 had been the 29th of the season. The police visits to the ground during games between the club and FC United of Manchester were because of fears of potential disturbance. There had been one arrest made on 6 May.
- The Ground Safety officer employed on 6 May was not the usual officer employed but a safety officer from FC United of Manchester. He was a qualified safety officer.
- The decision to close the bar was made to cut the supply of alcohol to prevent further consumption by supporters following a significant change in the mood of the crowd. That decision was made by the Police Duty Officer and the Ground Safety Officer.

The Licensee's legal representative addressed the meeting as follows:-

- Three witness statements had been provided; those people were present at the meeting and could be called to testify to the Panel if they wished.
- A DVD had been provided to the Police and the Panel. It was hoped that the DVD could be viewed as it depicted the final stages of the match on 6 May.
- Formal meetings had not taken place between the Police and the Club since the issuing of the Premise Licence although some dialogue had taken place regarding the club's two matches with FC United of Manchester.
- The Finance Director was a respectable, conscientious person with a commitment to the Club. He liaised with Bradford Council as the owners of the ground; security teams; the Fire Service, Police, sponsors of the club and his fellow directors. The DPS was a Personal Licence Holder. Under the stewardship of both men the club had been transformed and facilities upgraded. The club were now participating in the Conference League.
- The Club encouraged sportsmanship, camaraderie and operated in a friendly atmosphere. The bar was a fundamental requirement for the club to play in a higher league and without those facilities football at the stadium would be in jeopardy.
- The Club did not accept what they believed was unfair criticism and this was the reason that three witness statements had been provided.
- Police evidence about a licence held by the DPS in Leeds should be excluded as it was highly prejudicial and inappropriate. The licensee on that occasion had been vindicated by a review.

The Finance Director, acting as witness, highlighted the following points from his statement:-

- The Club had increased the number of stewards and had limited ticket sales at the match on 6 May 2012. The costs incurred demonstrated that the club were not putting profit before public safety.
- He had undertaken many roles in the organisation of the match on 6 May and could not have concluded his duties if he had been 'in drink', as it had been alleged, on that day.
- The Club had received independent advice about the operation of its previous club certificate. It was acknowledged that the advice had been inaccurate and had they been aware of that they would have applied for a premises licence.
- Following incidents of glasses being taken out of the bar area the steward had been approached and the issue rectified. No glasses had been allowed out of that area during the match on 6 May 2012. All drinks at a subsequent match against Bradford City FC had been served in plastic receptacles and no trouble had been encountered at that event.

The Secretary of the Supporters Club addressed the meeting and explained that she had not witnessed any trouble at the game on 6 May 2012. Opposing fans had been

applauding each other at that event. The Club operated in a family friendly manner and the players and staff brought their children and wives to games. There were 500 members of the Supporters Club.

The DPS commented on his witness statement and provided additional information to the Panel:-

- He was Chief Executive of the club and he had invested a significant amount of money bringing the club back from obscurity.
- He had been on the viewing gallery on 6 May; had seen PC Dawson at that match but she had failed to contact him.
- An overview of the ground was provided from the viewing gallery. No fights had been witnessed. A couple of boisterous Manchester fans had been ejected from the bar area.
- There was no need for segregation of fans at non league football matches.
- It was admitted that there was a rogue element from FC United of Manchester and it had been agreed with the Police and Council to restrict the number of tickets to 2,000. The tickets had been divided equally between the clubs. It was disputed that the Bradford fans were outnumbered by those from Manchester.
- Revenue lost through restricting ticket sales together with the increased costs incurred through employment of additional stewards demonstrated that the club put safety first.

The representative of the Police declined to question the representatives of the club. She explained that she was attending the hearing in her capacity as Police Licensing Officer and the organisation of the football game was not her concern.

Following discussions about the inability to view the DVD of the match on 6 May the Council's Legal Officer explained that two separate pieces of equipment had been available neither of which could produce a picture from the disc. The Licensee did have the opportunity to provide his own equipment. The validity of a DVD produced by the club as opposed to official CCTV footage was questioned by Members.

The Finance Director maintained that the DVD would portray the fans leaving the match in May in a jovial atmosphere and reveal that there had been no tension at the ground. He agreed that the evidence provided in the witness statements and at the meeting was sufficient to portray events on that day.

Members raised a number of questions following the club's legal representation and witness accounts to which the following responses were provided:-

- The DPS was aware of his responsibilities and a steward had been employed on the door to the bar. He had been briefed prior to the game that no glasses or bottles should be taken outside.
- There was no conflict between the Club and the Police although they felt victimised. Occasions when the Police had attended in riot gear had resulted in fans being ushered on to the running track and accused of rioting. It was believed that incidents with traffic congestion had not been handled satisfactorily.

- The DPS had held his Personal Licence for two years.
- The Police had contact numbers for the DPS. A business card had been provided to the Police Licensing Officer which contained mobile contact details. Due to the close proximity of the Police Licensing Officer to the DPS at the match on 6 May 2012 personal contact could have been made. The DPS was unaware of any bad behaviour during the match and only informed after the game that the bar had been closed.
- The bar did not have CCTV coverage as this was not a requirement of the licence.
- It was believed any tension in the ground was the result of fans hoping their team would win and was different to tension prior to trouble being caused.
- Two additional barrels of beer had not been ordered. The statement that the club were concerned about a loss of revenue was contested.
- Glasses being taken out of the bar area had been witnessed at the game in January 2012. Action had been taken and the problem did not recur at the game in May 2012.
- No disturbances were witnessed by the management at the Club. A few people were seen celebrating but it was not felt that they were drunk. The Police could not say that people who were drunk were not refused service as they were located outside of the bar area and would not witness that happening.
- The Club's interpretation of the events outlined by the Police was different to theirs.

In summation the representative of WYP explained that there was a log of public disorder which had taken place at the football ground. The concern of the Police had been to cut off the supply of alcohol to prevent a worsening situation. It was believed that the licensee had a disregard for public safety; he had refused to comply with requests from the Safety Officer and it was felt that he had been dismissive of his responsibility under the Licensing Act 2003. It was requested that the licence be revoked. If the Panel did not agree to revocation a number of conditions which the Police would like imposing on the licence were suggested.

It was stressed that lessons had been learned by the Police and that they would consider applying for an immediate S161 Police Closure Powers in the future where they feared disorder.

The Club's Legal Representative, in summary, claimed that revocation of the licence would have unthinkable consequences for the Club. Conditions could have been considered if they had been provided by the Police previously.

He reiterated that no formal meeting between the Police and DPS had been arranged after the premises licence had been issued. No action plan had been provided by the Police after the incidents which he believed should have been the case.

The Club had followed advice and done more than they were required to do. Measures they had taken to adhere to conditions on the licence were outlined.

The Chair referred to existing conditions on the licence which had not been adhered to; requested comments on the conditions suggested by the Police and reminded the DPS

that he would have to adhere to further conditions if they were imposed. He reminded all those present that their cooperation with responsible authorities was expected.

The club's Legal Representative requested amendments to the suggested condition tabled by the Police representative requiring that CCTV equipment to be monitored daily, as the bar was not used on a daily basis. He agreed that a Challenge 21 Policy would be acceptable but suggested that the removal of the current DPS was harsh. It was requested that the necessity to use SIA staff to control access and egress to the bar be only required when over 1500 people were in attendance.

In response the Council's Legal Officer questioned how it would be possible to know with certainty in advance the number of customers expected in the bar. The Chair reminded the DPS of his responsibility to supervise the bar area.

Resolved -

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 That Mr Blackburn be removed as DPS from the licence forthwith.

Reason: The Panel have serious concerns in relation to the breaches of the conditions of the current premises licence and consider that his continuing as DPS would seriously prejudice the Prevention of Crime and Disorder objective.

Prior to the resumption of licensable activities the following conditions must be in place and adhered to:-

- 2.1 That the DPS or a Personal Licence Holder be present in the club house at all times whilst licensable activities are taking place.**
- 2.2 Designated Stewards be employed during all home match days to control the access and egress to the licensed club house.**
- 2.3 A CCTV system of a standard acceptable to West Yorkshire Police and the Licensing Authority shall be installed at the premises prior to the commencement of licensable activities.**
 - i. The CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.**
 - ii. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas and all areas where the sale/supply of alcohol occurs.**
 - iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to the police on demand.**
 - iv. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage**

in a recordable format, either disc or digital to the police or licensing authority on request.

- v. The recording equipment and tape/discs shall be kept in a secure environment under the control of the DPS or a designated duty manager.
- vi. An operational log report must be maintained endorsed by signature of a competent person indicating the system has been checked and is compliant prior to any licensable activities taking place. In the event of any failings, actions taken are to be recorded.
- vii. In the event of a technical failure of the CCTV equipment the premises licence holder/DPS must report the failure to the police licensing officer immediately.

2.4 That an appropriate proof of age policy, incorporating the principles of the 'Challenge 21' Campaign be implemented, incorporating measures to ensure that any patron wishing to purchase alcohol who may reasonably appear to be under 21 years of age are asked to prove they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new style driving licence displaying their photograph

3. That the Licensee be warned that the Licensing Authority have serious concerns in relation to the breaches of the premises licence and evidence of lack of cooperation with West Yorkshire Police that have occurred at the premises and the Licensee is therefore 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.

Reason: It is considered that the above conditions are necessary in order to ensure that the licensee takes all steps in their control to monitor compliance with the law, conditions of licence and appropriate levels of public order are maintained in connection with licensable activities. - Prevention of Crime and Disorder and, Public Safety and Protection of Children from Harm 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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