

## Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Bradford Area Licensing Panel to be held on 16 August 2012.

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### Subject:

Application for a Review of a Premises Licence for Bradford Park Avenue AFC Social Club, Horsfall Stadium, Cemetery Road, Low Moor, Bradford.

### Summary statement:

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

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John Major  
Assistant Director  
Environmental & Regulatory Services

### Portfolio:

Environment & Waste Management

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### Overview & Scrutiny Area:

Environment & Waste Management  
Safer & Stronger Communities



INVESTORS  
IN PEOPLE



2009-2010  
Positive engagement  
of older people  
2006-2007  
Improving Rural Services:  
Empowering Communities



**1. SUMMARY**

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

**2. BACKGROUND**

**2.1 Premises Licence holder**

Bradford Park Avenue AFC Social Club.

**2.3 Designated Premises Supervisor**

Robert Stewart Blackburn

**2.2 The Premises**

Bradford Park Avenue AFC Social Club, Horsfall Stadium, Cemetery Road, Low Moor, 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 incidents of public disorder, a disregard of the public safety of spectators in attendance, a refusal to comply with the request made by the safety officer, no control of the bar and outside drinking area, no responsibility shown by the DPS or any Member of the Club Committee, no refusals made for the sale of alcohol to persons who were drunk and breaches of conditions of the licence.

The application for review and supporting documents are attached at Appendix 2.

**4. Representations**

None

**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 3.

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 an "individual, body or business" 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 5 (Public Safety).

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 received 27 June 2012.
3. Extract from the Government Guidance.

**13. BACKGROUND DOCUMENTS**

Application form, plan etc.

Licensing Act 2003  
Premises Licence

**BD/PRA1427**

Date Issued: 28/10/2011

## Part 1 - Premises Details

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

#### **Bradford Park Avenue AFC Social Club**

Horsfall Stadium, Cemetery Road, Low Moor, Bradford, West Yorkshire, BD6 2NG.

### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music.
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- the sale by retail of alcohol

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday	Noon	11:00pm
E. Performance of live music (Indoors & Outdoors)	Sunday to Thursday Friday and Saturday	Noon Noon	11:00pm Midnight
F. Playing of recorded music (Indoors & Outdoors)	Sunday to Thursday Friday and Saturday	Noon Noon	11:00pm Midnight
G. Performance of dance (Indoors & Outdoors)	Sunday to Thursday Friday and Saturday	Noon Noon	11:00pm Midnight
I. Provision of facilities for making music (Indoors & Outdoors)	Sunday to Thursday Friday and Saturday	Noon Noon	11:00pm Midnight
J. Provision of facilities for dancing (Indoors & Outdoors)	Sunday to Thursday Friday and Saturday	Noon Noon	11:00pm Midnight
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Sunday to Thursday Friday and Saturday	Noon Noon	11:00pm Midnight
M. The sale by retail of alcohol for consumption ON the premises only	Sunday to Thursday Friday and Saturday	Noon Noon	11:00pm Midnight



Licensing Act 2003

**Premises Licence**

**BD/PRA1427**

Date Issued: 28/10/2011

ANNEXES continued ...

- (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);
- (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. All persons primarily engaged under or employed on the premises to vet, regulate and control persons entering the premises; or engaged, used or employed in the supervision of patrons once inside in order to ensure the maintenance of good order, public safety and internal security shall -
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or.



Licensing Act 2003

**Premises Licence**

**BD/PRA1427**

Date Issued: 28/10/2011

ANNEXES continued ...

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

9. 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.
10. 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.
11. Notwithstanding the conditions above, a film may be exhibited, or person, or any class of persons, may be admitted thereto if the permission in writing of the Licensing Authority is first obtained and any conditions of any such permission are complied with.
12. 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:

13. The Licensee shall ensure that adequate supervision of the premises is maintained at all times during the carrying out of licensable activities and that any staff are trained in ensuring compliance with the licensing objectives at all times.

### **The Prevention of Crime & Disorder:**

14. No glass receptacles or bottles to be taken outside of the bar.
15. No sale or consumption of alcohol shall be allowed under any circumstances in the Main Stand or any Spectators Area.
16. Polycarbonate/plastic containers are to be used in the outdoor licensed area as outlined on the application and the area shall be controlled by at least one steward, this will apply only on all football match days.
17. A Check 18 policy shall be in place when sales of alcohol are taking place.
18. Staff shall be trained in appropriate circumstances ways to refuse custom e.g. to those appearing to be already drunk or underage.

### **Public Safety:**

19. Access and egress doors into and out of the premises shall be kept clear and free from obstruction at all times.

Licensing Act 2003  
**Premises Licence**

**BD/PRA1427**

Date Issued: 28/10/2011

ANNEXES continued ...

20. All fire fighting equipment shall be maintained in good working order and all staff adequately trained in its use.

**The Prevention of Public Nuisance:**

21. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premise shall not be audible at the nearest noise sensitive premises.
22. All external doors and windows to the licensed premises where regulated entertainment is being provided shall remain closed during the course of the entertainment other than for normal access and egress.

**The Protection of Children from Harm:**

23. Children under 18 years of age shall only be allowed access into the Social Club when accompanied by an adult.

**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\Bradford Park Avenue (Grant 2011) - BDPRA1427

Licensing Act 2003

**BD/PRA1427**

## Premises Licence Summary

Date Issued: 28/10/2011

### Premises Details

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

### Bradford Park Avenue AFC Social Club

Horsfall Stadium, Cemetery Road, Low Moor, Bradford, West Yorkshire, BD6 2NG.

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- the sale by retail of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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	Friday and Saturday	Noon	Midnight
F. Playing of recorded music (Indoors & Outdoors)	Sunday to Thursday	Noon	11:00pm
	Friday and Saturday	Noon	Midnight
G. Performance of dance (Indoors & Outdoors)	Sunday to Thursday	Noon	11:00pm
	Friday and Saturday	Noon	Midnight
I. Provision of facilities for making music (Indoors & Outdoors)	Sunday to Thursday	Noon	11:00pm
	Friday and Saturday	Noon	Midnight
J. Provision of facilities for dancing (Indoors & Outdoors)	Sunday to Thursday	Noon	11:00pm
	Friday and Saturday	Noon	Midnight
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Sunday to Thursday	Noon	11:00pm
	Friday and Saturday	Noon	Midnight
M. The sale by retail of alcohol for consumption ON the premises only	Sunday to Thursday	Noon	11:00pm
	Friday and Saturday	Noon	Midnight

Licensing Act 2003

## Premises Licence Summary

**BD/PRA1427**

Date Issued: 28/10/2011

### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	Noon	11:30pm
Friday and Saturday	Noon	12:30am

### 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 the premises only

### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Bradford Park Avenue AFC Social Club  
Horsfall Stadium, Cemetery Road, Low Moor, Bradford, BD6 2NG.

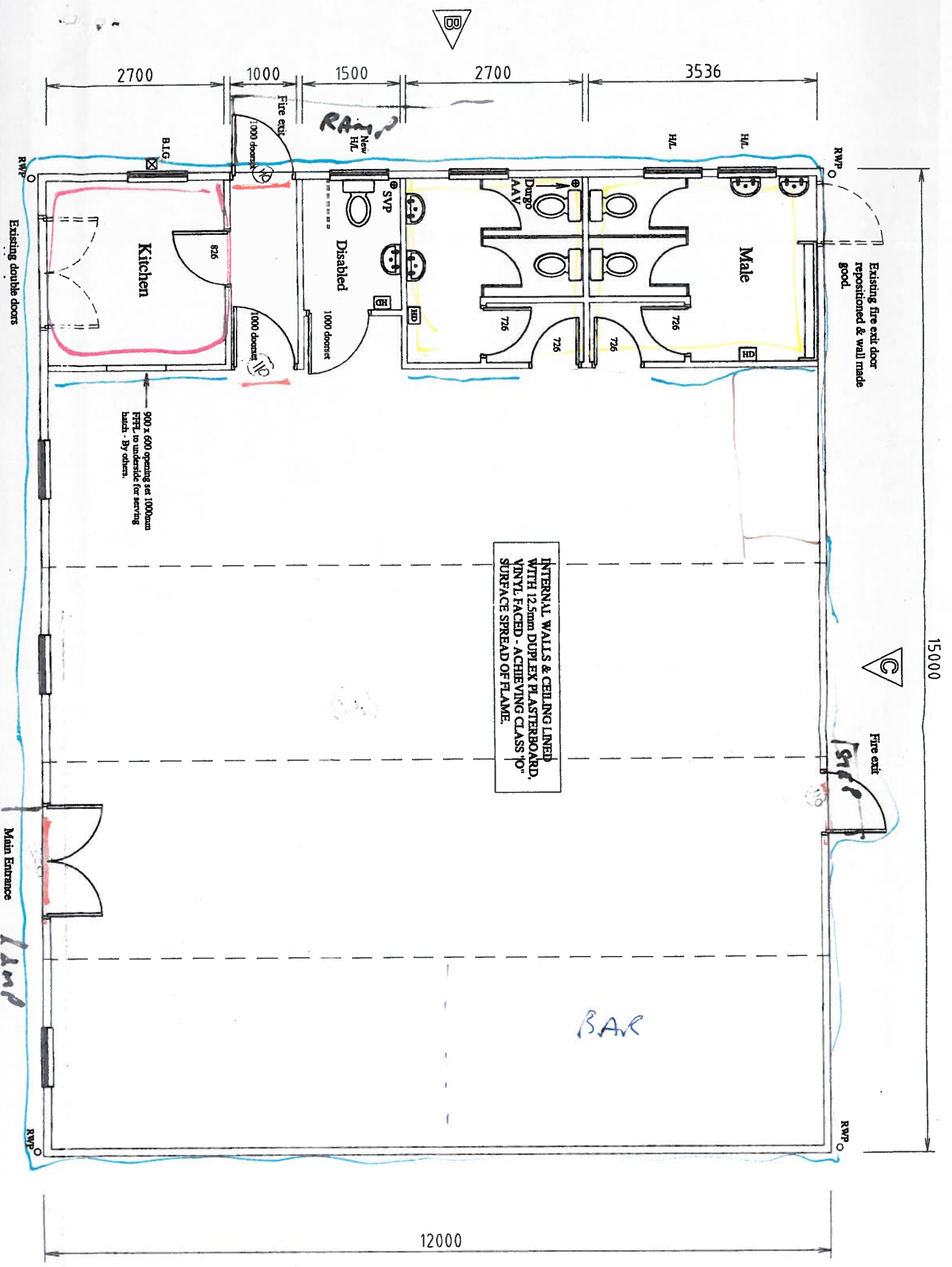
### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

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

Robert Stewart BLACKBURN

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

Children under 18 years of age shall only be allowed access into the Social Club when accompanied by an adult.



2700 1000 1500 2700 3536

Kitchen

Disabled

Male

INTERNAL WALLS & CEILING LINED WITH 12.5mm DUPLIX PLASTERBOARD, VINYL FACED - ACHIEVING CLASS '0' SURFACE SPREAD OF FLAME.

900 x 600 opening set 1000mm FFFL, no underside for serving hatch - By others.

Existing fire exit door repositioned & wall made good.

BAR

Main Entrance

Lamp

12000

15000



RWP

RWP

RWP

RA...  
New HL

Fire exit  
1000 doorset

Fire exit

Existing double doors

BIG

826

SVP

1000 doorset

Dump

AAV

726

726

726

726

HL

HL

826

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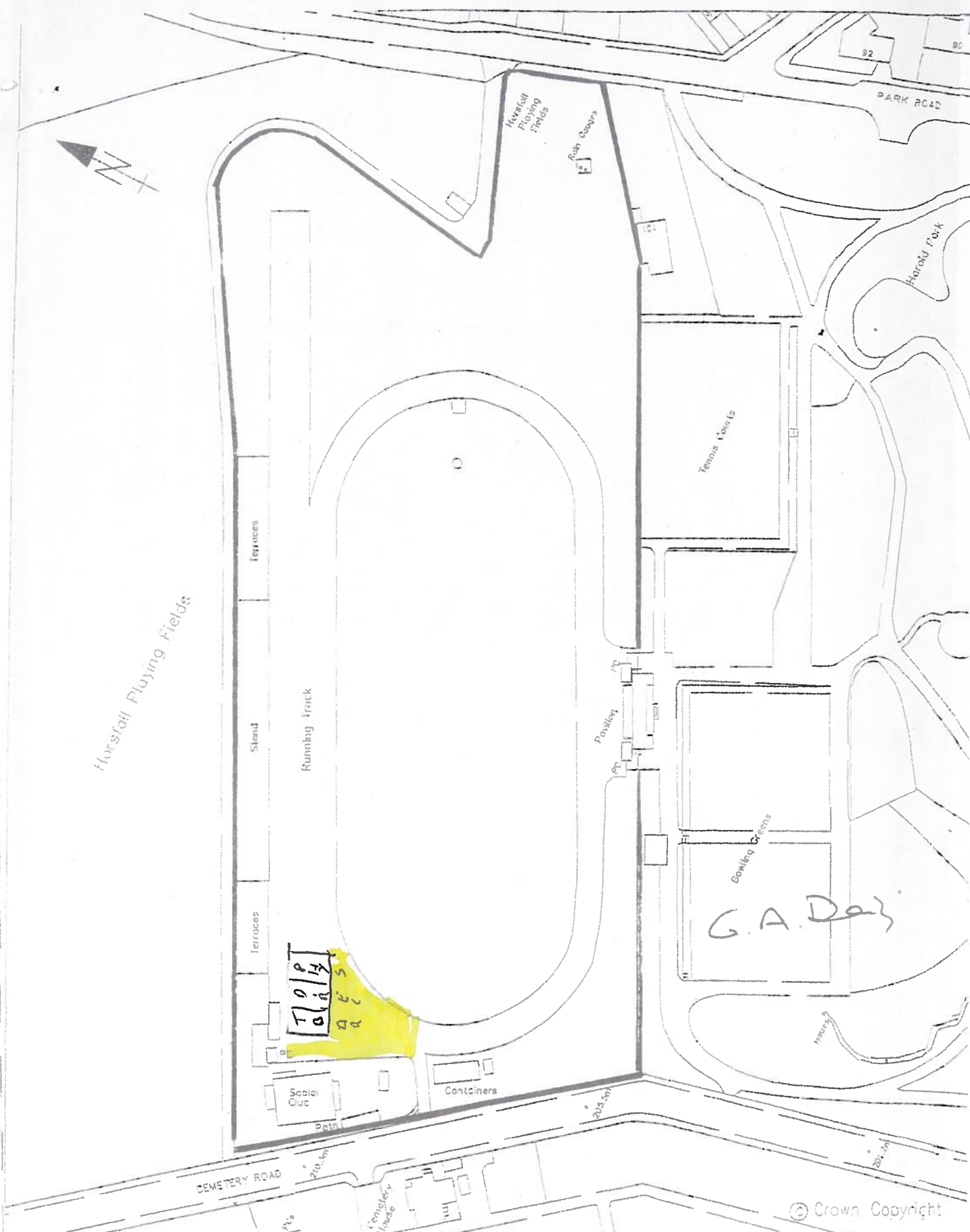
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CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL  
 Department of Transportation,  
 Design and Planning  
 Director: Alan Mairwaring

Design unit	LAND SURVEY UNIT JACOBS WELL BRADFORD BD1 5PW
Client	Engineer to Contract
Scales	A4
Approved	<i>NTS</i>

A	Original	SCS	APS						
Revision		Survey	Draw	Check	Release				MAY '03
Project/Drg Title		HORSFALL PLAYING FIELDS CABIN POSITIONS							
Date	MAY '03	Drg No	S/35995/SS-274/4			Doc Sheet No			





**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:

**Bradford Park Avenue AFC Social Club – Horsfall Stadium, Cemetery Road, Low Moor**

Town/City: **Bradford**

Postcode: **BD6 2NG**

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

**Bradford Park Avenue AFC Social Club**

Number of premises licence or club premises certificate (if known): **BD/PRA 1427**

**Part 2 – Applicant details**

Please 'check' appropriate box(es)

I am:

- An interested party (please complete A or B below)
  - a person living in the vicinity of the premises
  - a body representing persons living in the vicinity of the premises
  - a person involved in business in the vicinity of the premises
  - a body representing persons involved in business in the vicinity of the premises
- A responsible authority (please complete C below)
- 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:

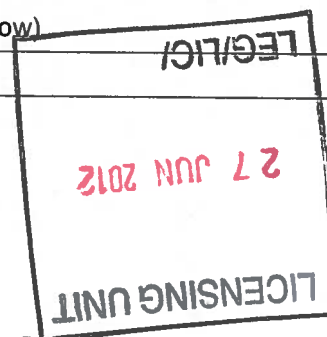
Current postal address if different from premises address:

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 the premises between the following hours:-

Sunday - Thursday

Noon – 11:00pm

Friday and Saturday

Noon - midnight

The Premises Licence was issued on 28<sup>th</sup> October 2011.

At this time the police requested that a number of conditions be placed onto the Licence under the Four Licensing Objectives:-

- a) No sale of consumption of alcohol shall be allowed under any circumstances in the Main Stand or any Spectators area.
- b) No Glass receptacles or bottles to be taken outside of the bar.
- c) Polycarbonate/plastic containers to be used in the outdoor area and defined on the application.
- d) Check 18 policy.
- e) Staff shall be trained in appropriate circumstances ways to refuse custom eg those appearing to be already drunk or under age.

Prior to the Premises Licence being issued Bradford Park Avenue held a Club Certificate, this was converted August 2005.

During the Summer of 2011 a number of complaints were made by attending spectators that there appeared to be no control over the running of the Bar – one such complaint was that spectators were allowed to consume alcohol around the ground and wander around with glasses and bottles even though there was a large sign saying that this was not allowed,

As a result a Licensing Visit took place on Saturday 17<sup>th</sup> September 2011 and the following was observed and recorded onto the Inspection sheet:-

- a) Customers stood outside on the ramp to the Bar Entrance with glasses when there was clear signage stating this was not allowed.
- b) Stewards stood nearby and did not challenge any of the drinkers.
- c) No membership book
- d) No signing in Book.
- e) No control of the Bar Entrance.
- f) No Licence available for Inspection.
- g) In conclusion

**No control over the running of the bar.**

**No knowledge of what Premises Licence was currently held.**

**No details of membership or club rules.**

**Absolute no knowledge of the Licensing Act 2003.**

As a result of this, a meeting was held with a representative from Bradford Park Avenue Club – namely Kevin Hainsworth (Finance Director) and the breaches were outline to him.

It was agreed that at that time the club would be placed onto a Final Warning and to adhere to the Club Rules as regards serving alcohol and that no glass would be removed from the bar area and that the club would employ a security officer to control the entrance to the Club Bar.

## RESTRICTED

Mr Hainsworth also agreed to submit an application for a Premises Licence – which was considered by the police and the conditions placed onto it.

Since the Premises Licence has been issued Bradford Park Avenue have been observed as regards the running of the Licensed Bar.

On Monday 2<sup>nd</sup> January 2012 a football match took place whereby Police and Police Licensing Officer were present.

During this match the following was observed:-

- a) **Glass receptacles and glass bottles were being removed from the bar area by Spectators.**
- b) **A Security Officer was stood on the door, his only job was to prevent glass from being removed from the bar, but he allowed spectators to leave with glass without stopping them or speaking with them.**
- c) **When the Police Licensing Officer spoke with the security guard and reminded of his role/duty and obligation in preventing spectators leaving the Bar with glass, his reply was that he was only there to stand on the door and appeared to have no regard what was actually required of him.**
- d) **Throughout the game numerous spectators were spoken with by the Police Licensing Officer regarding glass and both glass receptacles and bottles were removed from them.**

Mr Kevin Hainsworth was also spoken with on the day and strongly advised that this was happening and that it was a breach of the Premises Licence.

He appeared to be of the opinion that this was completely trivial and there hadn't been any problems, he was reminded that it was a condition of the licence which the police had requested and must be adhered with at all times when Licensable Activities were taking place.

A letter was sent to the current Designated Premises Supervisor Robert Blackburn requesting he make contact with the Licensing Dept, this did not happen due to him being in ill health but Mr Hainsworth was spoken with and advised that breaches had been observed and that the security officer must ensure that. No glass was removed from the Bar Area.

On Sunday 6<sup>th</sup> May 2012 the 'play off' final took place between Bradford Park Avenue and FC United Manchester.

As a result of police intelligence this was changed from the Saturday to the Sunday with the Kick off being 14:00hrs.

The week commencing, Mr Kevin Hainsworth was spoken with, as no contact could be made with Robert Blackburn, this was to ensure that the club were aware of the conditions on the Premises Licence and to remind them that drinks removed from the Bar must be in plastics or polycarbonate.

Mr Holdsworth informed the Police Licensing Officer that it was all in hand and that polycarbonates/plastics were to be used.

## RESTRICTED

As background information - games between these two clubs have caused the police problems in the past, with Alcohol related Disorder before, during and after the games.

Police numbers were actually increased for this fixture.

Bradford Council also requested an increase in Security Staff within the ground to allow the game to go ahead.

At approximately 11:00am on the morning of the Match spectators from FC United Manchester started to arrive and congregated at a nearby Licensed Premises moving down to the Club prior to kick off and continued to consume alcohol purchased from the Club Bar.

A large number of which remained directly outside the Bar area to consume alcohol purchased and upon observation due to the both Club colours being worn by spectators – more away supporters than home supporters were stood in this area.

In fact during the game a vehicle was observed to deliver more alcohol in the shape of beer barrels and attempted to drive through the spectators to gain easy access to the Bar, the driver of which was advised by Security that this could not happen and had to be carried.

During the game a number of ejections took place for a number of reasons but primarily being drunk and abusive during the game.

One FC United Manchester Supporter was also arrested for alcohol related public order offences.

It was after this arrest that the mood of the crowd changed significantly with both sets of fans becoming hostile with each other, more so in the outside area adjacent to the club house, which was being aggravated by the amount of alcohol having already been consumed and still being consumed.

A number of supporters in the opinion of the police officers and security officers present were in fact very 'drunk'.

A decision was therefore made between Supt Williams – the Police Duty Officer and the Ground Safety Officer – **Brian Slater** that the bar should be closed forthwith due to Public Safety Concerns and the potential for Disorder to take place.

A call was made to Kevin Holdsworth and he was made aware of the request and that the bar must be closed forthwith – he chose to argue both with the Police Licensing Officer and Safety officer as to why, this resulted in a long conversation between him and the Safety officer.

The Safety Officer eventually having to inform Mr Holdsworth that the bar must be closed with immediate effect and that he was terminating the call due to his aggressive and argumentative manner.

During this conversation it became apparent to the police that there was NO INTENTION whatsoever from Bradford Park Avenue to close the bar.

At this time both the Police and Safety officer realised that the match would be going into extra time and that 'away' spectators were migrating towards the bar with the intention of purchasing more alcohol.

With the help of Security Officers, the police made the decision to enter the bar and instructed staff to stop serving and close, and the shutters were pulled down thus closing the bar.

During this time a request had been made to the Duty Supt to begin processing papers under Section 161 of the Licensing Act, but not used.

At the conclusion, a number of disgruntled members of Bradford Park Avenue Committee demanded to know why the bar was closed and they were advised accordingly, none of whom seem to grasp that the spectators were very drunk and that the atmosphere had changed significantly.

Upon realising that the bar had in fact been closed by the police Mr Kevin Holdsworth again demanded to know why this cause of action had been taken.

He was again advised that it was under **Public Safety** and that the decision had been made both by the Supt and the Safety officer and would remain closed until after the conclusion of the match and after the spectators had left the ground.

The following were just some of his replies:-

**'What am I going to do with the extra 2 barrels I have just ordered and are on their way and can I re-open once the game has concluded'**

**'If we can't open immediately we will lose money'**

It was at this time that Bradford Park Avenue scored a goal and Mr Holdsworth chose to run away celebrating the goal.

Within a matter of minutes Disorder/fight took place between both sets of spectators, directly outside the bar area which required the police to enter the stadium.

The disorder continued and resulted in a large number of spectators being removed from the ground both by the police and security staff – all of which were under the influence of alcohol.

It must be noted that at the time of the disorder, if alcohol had not been served for approximately 20 minutes then the disorder would have been far worse.

## RESTRICTED

In conclusion the police request that the Premises Licence be reviewed by the Licensing Authority for the following:-

1. **Public Disorder taking place between both set of spectators, after it had been pointed out both by the Police and Ground Safety Officer of the volatile atmosphere between both sets of spectators.**
2. **Total disregard to the Public Safety of spectators in attendance.**
3. **Total lack of respect to and a direct refusal to comply with the request made by the Safety Officer.**
4. **A complete disregard and dismissive attitude to the Licensing Act 2003.**
5. **No control by any persons of the bar and outside drinking area.**
6. **No responsibility shown by the DPS or any Member of the Club Committee.**
7. **Poor Management competency giving rise to disorder and public safety.**
8. **Security staff unaware of their responsibility as to what role they had been given.**
9. **Security Staff/committees not removing glass receptacles from spectators even after being advised by the police at the time of the Breach.**
10. **No refusals being made for sale of alcohol to persons who were drunk.**
11. **Profit by the club being their only concern and not any of the Four Licensing Objectives specifically Public Safety.**

[Faint, illegible text area]

[Large empty rectangular area for providing information]

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



[Large empty rectangular area for text entry]

Have you made an application for review relating to this premises before? **NO**

If 'YES', please state the date of that application:



**WITNESS STATEMENT**

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;  
Criminal Procedure Rules, r.27.2)

NICHE Ref. No:	<input type="text"/>	URN:	<input type="text"/>
<b>Statement of:</b>	Susanne Alexandria Dawson		
Date of birth:	Over 18	Occupation:	PC 5413
This statement (consisting of: <u>5</u> page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.			
Signature:	Date: <u>27<sup>th</sup> June 2012.</u>		
<u>PC 5413</u>			

Check box if witness evidence is visually recorded  (supply witness details on rear)

I am a police officer in the West Yorkshire Force currently stationed at Trafalgar House Police Station with Bradford South Division.

My current position is the Divisional Licensing Officer for Bradford South Division, for which I investigate any Licensing Offences relating to Licensed Premises ranging from Off Licences, Clubs, Public Houses and also Nightclubs, I have held this position since May 2005.

Another role that I undertake is that of a 'Spotter' working during the Bradford City Football Matches throughout the football season with the aim of locating, gathering evidence and remaining with a group that are considered to be 'Football Risk Supporters'.

Bradford City has two (2) such groups commonly known as the 'Ointment' which has been running for a considerable number of years and another group commonly known as the 'Under 5's', this group have only in the last few years started to gather at football matches both at home and away games.

Week commencing Monday 30<sup>th</sup> April 2012 Bradford South Police were informed of a forthcoming Football Final due to take place on Saturday 5<sup>th</sup> May 2012 between Bradford Park Avenue Football Club and FC United Manchester.

Both these teams have a large following, which at previous games have resulted in large Disorder, prior to, during and after the game.

As a result the game was moved to Sunday 6<sup>th</sup> May 2012 to allow extra Policing of the game.

It also included the use of a Ground Safety Officer by the name of **Brian SLATER** whose primary role was to ensure that the Health and Safety of those attending was adhered with.

On Sunday 6<sup>th</sup> May 2012 I commenced duty at 09:00am and was in company with officers from Greater Manchester Police and Pc 3484 Irvine – Bradford South Football Intelligence officer.

Signature:

MG11

PC 5413

Signature witnessed by:

**RESTRICTED** (when complete)

NICHE Ref. No:		URN:	
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Continuation Statement of Susanne Alexandria Dawson

At approximately 11:00am that same day we started to visit local public houses in the vicinity of Bradford Park Avenues Ground to locate away supporters and at this time we located a large crowd of away supporters starting to gather and consume alcohol at The Northern Public House – Halifax Road, Buttershaw, Bradford.

At this time the Licensee – Francis Spencer was spoken with and she was made aware of her responsibilities as the Designated Premises Supervisor and that the numbers would probably increase as the day went along.

She stated that she had already employed extra staff and that she would monitor the numbers and if required would ring the police.

A number of other Licensed Premises were visited who also had a number of away supporters present all of whom were consuming alcohol.

It was obvious during the morning and prior to the kick off at 14:00hrs that a large number of away supporters had arrived early and were consuming alcohol.

At approximately 1:00pm a visit was made at the Licensed Club House – within Bradford Park Avenue and confirmed with bar staff that all drinks were being put into Poly carbonate containers, security staff were present to prevent any persons leaving the designated outside drinking area directly in front of the bar.

At 2:00pm the game commenced and as a member of the Evidence Gathering Team we entered the ground and positioned ourselves to the far end of the Stand to enable us to have a good clear view of all spectators.

Whilst observing the supporters it was very apparent that FC United Manchester outnumbered Bradford Park Avenue supporters and many were consuming alcohol whilst stood in the designated outside drinking area.

It was also apparent that the majority of the supporters had consumed a large amount of Alcohol and were still purchasing more from the bar.

During the game a number of persons were observed by me to be removed from the ground by security.

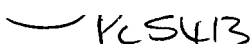
Upon speaking with security the ejections were due to alcohol related incidents within the main stand and the outside designated drinking area.

A male supporter was also arrested for an alcohol related offence of Racially Aggravated Public Order.

During the second half of the game, I observed a sudden change in the mood of the supporters which was turning from a friendly to an extremely uncomfortable atmosphere, more so between both sets of supporters who were consuming alcohol in the designated drinking area.

In my opinion and other officers present this was in fact being fuelled by the amount of alcohol that had been and was being consumed.

Signature:

 KLS413

Signature Witnessed by:

NICHE Ref. No:		URN:	
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Continuation Statement of Susanne Alexandria Dawson

The bar was still open for the sale of alcohol and there appeared to be no concerns or any responsibility being taken from the Bar Staff, Bradford Park Avenue Committee or Designated Premises Supervisor who at that time was not present within the bar.

I therefore spoke with the Duty Officer for the Football Operation Supt Angela Williams and requested that if at all possible could she liaise with the Ground Safety Officer with a view to having the Club Bar closed voluntarily.

My reason for making this request was on the following:-

- a) A large number of spectators had been observed during the day to have consumed a large quantity of alcohol.
- b) The atmosphere between both sets of spectators had changed for the worse and was being fuelled by the amount of alcohol having been consumed.
- c) No apparent concern from the Club, or any representative or Designated Premises Supervisor in dealing with the situation which was gradually spiralling out of control.

It was agreed that in the first instance a request would be made to the Club to close the bar until after the game had concluded.

If the Club refused or failed to take the advice then a Sec 161 Closure Order would be served.

I therefore used my mobile phone and spoke with a man who I know to be Kevin Holdsworth (Director) and who appeared to be running the bar, food area, programmes and liaising with the Security and Ground Safety Officer.

I explained that due to circumstances, that the atmosphere between both sets of spectators had openly and obviously to anyone present had taken a turn for the worse and that there were now concerns as regards the Health and Safety of other spectators present and also the potential for serious disorder to take place, and that we were now requesting that the Club Bar close until after the game had concluded.

Immediately he refused asking why the decision had been taken and by who.


I again tried to explain the reasons why both the Police and Ground Safety Officer had come to the decision and requested that he close the Bar down.

He again flatly refused, he was becoming obstructive to any suggestions or explanations that were put to him and therefore I informed him that I was now putting the Ground Safety Officer on to speak with him.

It was during this time from my advantage point of the Club House that I realised that a large group of FC United Manchester supporters were migrating towards the Club Bar as the game was going into extra time.

I therefore used my Police radio and made a call to my colleague Pc Mat Irvine who I could see was stood directly outside the Club Bar to go in and inform the bar staff that the bar was closed.

Signature:



Signature Witnessed by:

NICHE Ref. No:		URN:	
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Continuation Statement of Susanne Alexandria Dawson

Subsequently with the co-operation and help from the Security staff the bar was closed down.

The Ground Safety Officer had to terminate the call with Kevin Holdsworth due to his lack of co-operation, obstruction and total refusal to do as requested.

I then made my way over to Club Bar and remained there for the rest of the match, during which I was approached by a number of persons who stated that they involved in the club and asked why the Club Bar had been closed and that it was a stupid idea as it was a way of making money for the Club.

One male was observed to be drinking lager from a small bottle of lager and when informed that he was not allowed to be drinking from glass in the area he replied that he could do what he wanted as nobody ever checked on them.

Kevin Holdsworth was also spoken with and would not or could not comprehend the potential seriousness of the situation and that he had basically refused an instruction not only from the Police but the Ground Safety officer.

**He stated 'what am I going to do with the two barrels that I have just ordered and are on their way'**

He also asked if he could open as soon as the game had finished I informed him he could open once the majority of the supporters had left the ground.

He replied: - 'But the club is going to lose money and I'm paying bar staff that are now not working.

It is my opinion that if the police had not been present then the Club would have re-opened the Club Bar without any concern for the Health and Safety of all the supporters present or the potential for serious disorder taking place and that their top priority was for profit through the sale of alcohol.

At this time I asked whether the Designated Premises Supervisor was present, as an alternative for me would be to serve a Sec 161 on the club to ensure the Club Bar remained closed.

Bradford Park Ave FC **then** scored a goal in extra time and Kevin Holdsworth chose to run away from me and celebrate, without answering my question.

Immediately after the goal had been scored there was public disorder directly outside the Club Bar between both sets of supporters, which urgently required the Police to enter the ground and take control of the crowd, whereby a large number of the spectators both Home and Away were escorted out of the ground.

Subsequently a decision was made by security to open the gates and allow any spectators to leave on their own accord.

The bar remained closed until after the game had concluded and until after the Away supporters had left.

I was informed 30 minutes after the game had concluded that the Club Bar had re-opened.

Signature:



Signature Witnessed by:

NICHE Ref. No:		URN:	
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Continuation Statement of Susanne Alexandria Dawson

Since the game has taken place and whilst completing the necessary paperwork it has also come to my attention that my colleagues at Leeds Police Licensing have also had concerns regarding the same Directors – Robert Blackburn and Kevin Holdsworth who also run a Licensed premises within the Leeds Area, which also resulted in a Review of the Premises Licence.

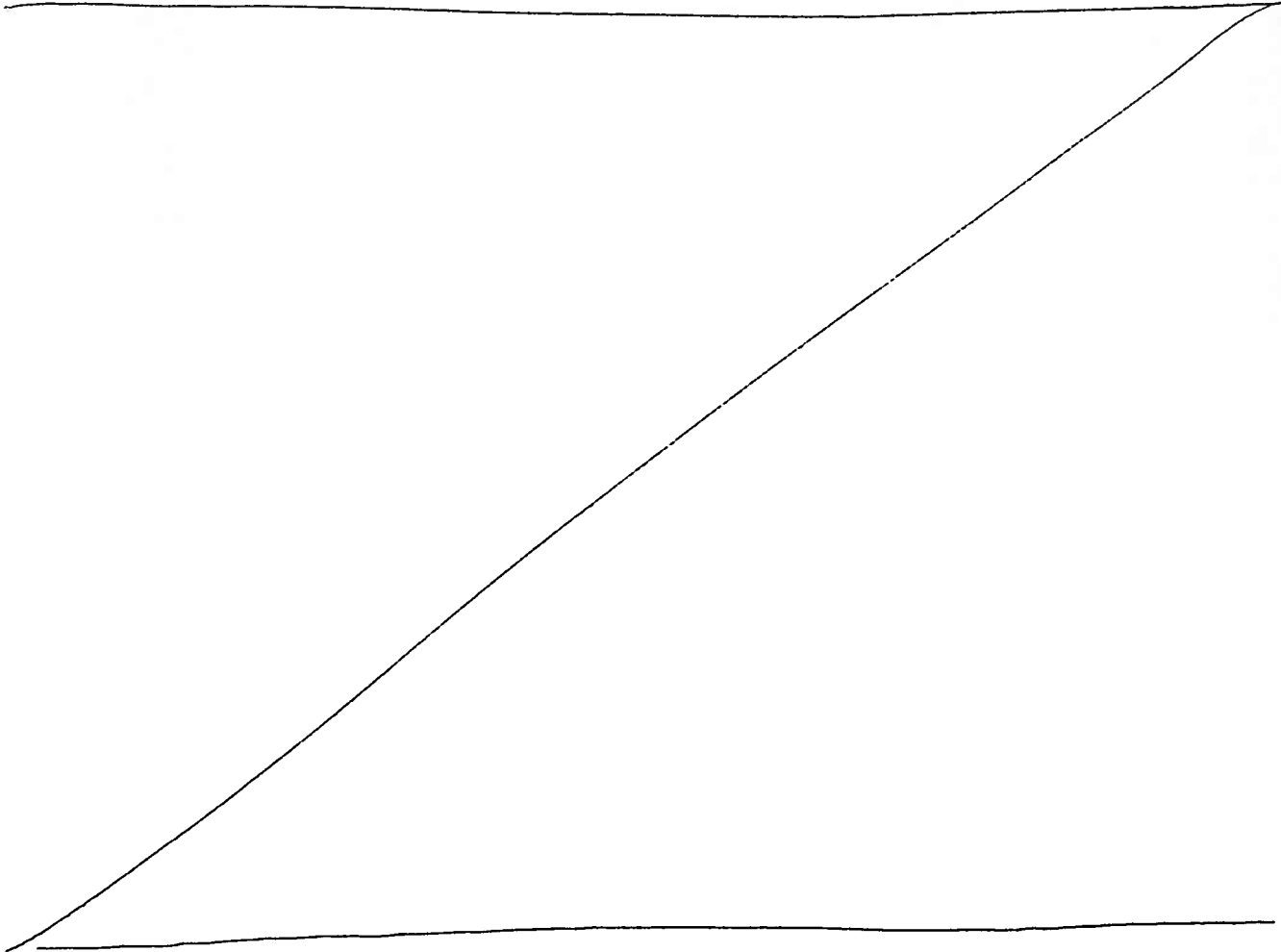
My colleagues were also met by refusal to comply with requests made to them, a lack of responsibility shown or agreement that there was a problem and also being obstructive from the beginning and the ultimate aim is profit from the sale of alcohol.

(Copy is attached to the papers)

The premises and those that are involved in the running of Bradford Park Avenue are failing to see that it is their responsibility to run their premises professionally, within their licence and whilst upholding the four Licensing Objectives.

- a) Crime and Disorder
- b) Public Safety
- c) Public Nuisance
- d) Protection of children from harm.

West Yorkshire Police therefore ask the Licensing Committee to revoke the Premises Licence for Bradford Park Avenue, a lesser measure is not considered appropriate in these circumstances.



Signature:

*PS43*

Signature Witnessed by:

**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) PC 5783 Dobson

- 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:

La Liga, Dick Lane, Thornbury,

Town/City: Bradford

Postcode: BD3 7AT

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

Robert Blackburn

Number of premises licence or club premises certificate (if known): PREM/02876

**Part 2 – Applicant details**

Please 'check' appropriate box(es)

I am:

- 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
- A responsible authority (please complete C below)
- 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**

West Yorkshire Police

Surname: Dobson Forename(s): Lynn  
Address: Millgarth Police Station, Millgarth Street  
Town/City: Leeds Postcode: LS2 7HX  
Daytime contact telephone number: \_\_\_\_\_  
E-mail address (optional): @westyorkshire.pnn.police.uk

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

(a) The prevention of crime and disorder	<input checked="" type="checkbox"/>
(b) Public Safety	<input checked="" type="checkbox"/>
(c) The prevention of public nuisance	<input checked="" type="checkbox"/>
(d) The protection of children from harm	<input checked="" type="checkbox"/>

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

La Liga, also known as Club Estark, have been problematic premises for the last eighteen months. The problems stem from the 'functions' and 'private parties' that they host.

The premises first came to the attention of the Leeds District Licensing Department in 2010 following one such party, where intoxicated youths became involved in a disturbance. A meeting was called to address this incident and the premises were spoken to about the measures they have in place to prevent any underage sales of alcohol.

In October 2011 La Liga was again the focus of Police attention. Reports were received of screaming and fighting at a party which resulted in a nasty assault on which a female guest. This female was punched in the face causing a fracture of her cheek bone, her upper and lower jaw and the loss of two teeth.

Further reports have been received following functions at the venue. Reports of alcohol fuelled violent crime, namely robbery and assault.

Investigating officers have been so concerned that they have contacted the Licensing Department saying that one victim, in particular, was extremely lucky not to sustain more serious injury. The level of investigation required for the volume and severity of crime has proven to be complex and labour intensive for West Yorkshire Police. More could be done by the premises, but it has not.

Representatives from the premises were called to a meeting on 23 November 2011. They appeared dismissive of the concerns and the premises licence holder was rude, continually talked over the Officers present. He did not see that the disorder which spilled outside the premises could, in any way, be attributable to the venue. Towards the end of the meeting he told his staff to stop the parties and they should attend pub watch. The parties did not stop and nobody has attended pub watch.

By January 2012 further calls have been received and the functions have continued. Further reports of drunken and abusive youths have been received. Officers have been met with chants of 'fuck off pigs' on one occasion and underage youths have been identified from the crowd.

On 15 February 2012 a second meeting has taken place and again the premises are defensive and appear aggrieved that they have been called in for another meeting. They question the honesty of the Police statements and the validity of their concerns. They do not believe that they are contributing to crime and disorder in the area. They do not believe that they are undermining the licensing objectives and although they admit failing to attend the pub watch, they now say that they do not have the time to do so.

The meeting was concluded and the representatives were asked to go away and think seriously about the measures they would put in place to resolve the issues and uphold the licensing objectives. They were not prepared to say during the course of the meeting what measures they would take, but promised to have something with the Police by Tuesday 21 February 2012. Nothing has been received.

Whilst the crime and disorder attributable to this premises is not on the scale of that seen in other venues, it is the underage element to the crime that is extremely worrying. Violent crime at a function seems commonplace. Fights and disturbances seem to be accepted. Residents and businesses are extremely worried and the concern for the welfare of these young people cannot be expressed more strongly. The lack of regard the premises have for their customers and the licensing objectives is astonishing and they have failed to address the issues put to them.

A full chronology is attached to the review papers.

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



[Empty rectangular box for application details]

Have you made an application for review relating to this premises before? **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:

[Empty box for representations]

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: \_\_\_\_\_ Date: 13/03/12

Capacity: LICENSING OFFICER

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

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.

# La Liga – Chronology

**Dawson, Susanne**

---

**From:** Andrea Collingwood |  
**Sent:** 22 May 2012 8:38  
**To:** Dawson, Susanne  
**Subject:** FW: match report

See below from Brian

Regards

**Andrea**

Andrea Collingwood  
Department of Environment & Sport  
Sport & Leisure Services

Environmental Health • Facilities Management • Neighbourhood Services • Waste & Collection Services •  
Sport & Leisure Services

City of Bradford Metropolitan District Council  
Richard Dunn Sports Centre, Rooley Avenue, Bradford, BD6 1EZ  
01274 307822  
[andrea.collingwood@bradford.gov.uk](mailto:andrea.collingwood@bradford.gov.uk)

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**From:**  
**Sent:** 21 May 2012 16:31  
**To:** Andrea Collingwood  
**Subject:** Re: match report

Hi Andrea ,

Yes all better now .

Prior to my decision to close the bar , i'd also had a report via the police that the bar was closing , following an argument between fc united and BPA fans , where beer had been thrown . The report was then amended to say the bar was not closed as the incident had been dealt with and the area cleaned .

There were no further reports of trouble and a crowd of approx 150 fans were stood in the designated drinking area outside the bar and continued to watch the match without incident . However the mood of the crowd changed in the 2nd half and tensions through lack of goals were rising and many of those drinking in the bar area had been doing so for the majority of the match and possibly in the pubs prior to the match. The police in match control asked my opinion on closing the bar . I asked how many were in the actual bar building , approx 26 was the response . My decision to close it was made at that point. As the numbers in the bar were relatively small and they were reported as quiet, this was in comparison to what it had been like and the fact that at extra time I believed that people would take the opportunity to get another drink and dependant

upon the result , if fcunited won , then there would be the possibility that we would have to deal with 1000 away fans wanting access to the bar , as the nearest pub was 5 mins walk away . This scenario could potentially lead to more police resource being called in to deal with any resultant trouble. I considered that it was the optimum time to close it and allow reopening after the majority of away fans had left the ground. After I made the order to close the bar I recd a phone call off one of the directors , questioning my decision to close the bar . He said there was no trouble and was very reluctant to follow my decision . I had a conversation with him on the phone for the next 5 minutes where I tried to explain that my decision wasn't based upon what the bar was like now , but what it potentially could be like as extra time progressed and the match finished .... I had to end the conversation as I wasn't prepared to spend any more time explaining that my decision was based upon an increased risk of trouble and a lack of resources available at the end of the match, as I would have to have all resource pitch side for the final whistle .... The director did not understand this and certainly didn't understand the role of the safety officer in the ground . So much so that he approached me at final whistle in front of fc united officials , saying " don't you ever do that to me again" As the man had been drinking all day , I brushed him off and proceeded to ensure that my stewards were in a position to deal with the end of game exit of fans ..Regards. Brian Slater

Sent from my HTC

----- Reply message -----

From: "Andrea Collingwood" <

To: \_\_\_\_\_

Subject: match report

Date: Mon, May 21, 2012 15:19

Hi Brian

Hope you are well and have recovered from your trip across the border?

I have just been speaking with the police licensing officer on the day and she is requesting a report from yourself regarding the bar incidents and the club's resistance to closing the bar even after your decision as the Safety Officer.

If you could email across to me then I'll forward on to the Police.

Once again can I thank you for your help on the day and hope you can bring yourself to visit Bradford again.

Kind regards

**Andrea**

**Andrea Collingwood**  
**Department of Environment & Sport**  
**Sport & Leisure Services**

**Environmental Health • Facilities Management • Neighbourhood Services • Waste & Collection Services • Sport & Leisure Services**

Reg No: 904

### Licensing Inspection - Licensing Act 2003

Premises Bradford Park Avenue  
 Licence Holder Bradford Park Ave AFC Social Club DPS NOT REQUIRED  
 Date of Inspection 17/09/11 Time of Inspection 1430hrs

The purpose of this inspection is to ascertain whether any activities are being held in your premises which require the benefit of a Premise Licence or other authorisation under the Licensing Act 2003. For this reason the inspection is carried out during the operation of your business and reflects the situation at the time of the inspection. **TO CONTINUE TO OPERATE WILL BE A BREACH OF THE LICENSING ACT 2003 AND MAY MAKE YOU LIABLE TO PROSECUTION.**

Licence Number: <u>BD/CLA 0282</u>	Breaches/Comments
● DPS as named on Licence	Yes / No <u>Not required</u>
● Valid Personal Licence held by DPS	Yes / No <u>Not required</u>
● Premises Licence available for inspection	Yes / No
● Licence Summary displayed on premises	Yes / No
● Door Supervisors SIA Registered	Yes / <input checked="" type="radio"/> Condition of Premises Licence; Yes / <input checked="" type="radio"/>
● Compliance with Licence Conditions	Yes / No - Details
① Customers stand outside on ramp to bar entrance with glasses - clear signage stating this is not allowed	<u>did not challenge drinkers</u>
② Cuckoo stand near bar	
③ No membership book	
④ No signing in book	
● Unlicensed activities taking place	Yes / No - Details
⑤ No control of bar entrance	
⑥ No licence available	
⑦ No apparent control over the running of the bar, which licence they currently hold, rules of membership to the bar area	

Comments from Licensee/DPS :-

I certify that the issue(s) identified above under "Breaches/Comments" have been brought to my attention. I have been advised that I will be reported to the Licensing Team who may consider taking legal action.

Signed \_\_\_\_\_ Date 17/09/11  
 Licensee/Manager/Other (please specify) Director

Signed \_\_\_\_\_ Inspecting Officer [Signature]

# 11. Reviews

## THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided 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 Business Link or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at a premises and wants to intervene early without waiting for representations from other parties. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this



separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 Any application for a review received by the licensing authority from responsible authorities and any other persons should be given due consideration and treated by the authority in precisely the same way, regardless of the body or individual which made it. This includes an application made by the local authority acting in a separate capacity (for example, environmental health or child protection).
- 11.8 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as 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.
- 11.9 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.10 Representations must be made 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. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.11 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, responsible authorities and any other persons in pursuit of common aims. Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.



11.12 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

### **REPETITIOUS GROUNDS OF REVIEW**

11.13 A repetitious ground 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 or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was 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 grant.

11.14 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.15 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.16 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW**

- 11.17 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.18 The licensing authority may decide that the review does not require it to take any further steps appropriate 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 informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.19 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 address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.20 Where the licensing authority considers that action under its statutory powers is appropriate, 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.
- 11.21 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 that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

- 11.22 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.
- 11.23 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 that impact upon the licensing objectives.
- 11.24 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 an appropriate 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 appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **REVIEWS ARISING IN CONNECTION WITH CRIME**

- 11.25 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; money laundering by criminal gangs, the sale of contraband or stolen goods, 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 licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.26 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 beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.27 Where the licensing authority is conducting a review on the grounds 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 licence holder 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 appropriate 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 licence holder.

11.28 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.

11.29 There is certain criminal activity that may arise in connection with licensed premises which 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 illegal 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.30 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 Community Safety Partnership.

11.31 As noted below (Chapter 13, paragraph 13.59), it is unlawful to discriminate or to refuse service on grounds of race, disability, gender reassignment, pregnancy and maternity, religion and belief, sex and sexual orientation or by displaying discriminatory signs on the premises. Representations made about such activity from responsible authorities or other persons 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**

11.32 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).

#### **REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN**

11.33 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

# 12. Appeals

12.1 This chapter provides advice about entitlements to appeal in connection with various decisions made by a licensing authority under the provisions of the 2003 Act. Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the 2003 Act.

## GENERAL

12.2 With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales but it is expected that applicants would bring an appeal in a magistrates' court in the area in which they or the premises are situated.

12.3 An appeal has to be commenced by the appellant giving of a notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

12.4 The licensing authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant, licence holder, club or premises user against the representations of a responsible authority or any other person, or the objections of the chief officer of police or local authority exercising environmental health functions, the holder of the premises or personal licence or club premises certificate or the person who gave an interim authority notice or the premises user will also be a respondent to the appeal, and the person who made the relevant representation or gave the objection will be the appellants.

12.5 Where an appeal has been made against a decision of the licensing authority, the licensing authority will in all cases be the respondent to the appeal and may call as a witness a responsible authority or any other person who made representations against the application, if it chooses to do so. For this reason, the licensing authority should consider keeping responsible authorities and others informed of developments in relation to appeals to allow them to consider their position. Provided the court considers it appropriate, the licensing authority may also call as witnesses any individual or body that they feel might assist their response to an appeal.

12.6 The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both.

12.7 On determining an appeal, the court may:

- dismiss the appeal;
- substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.



## **LICENSING POLICY STATEMENTS AND SECTION 182 GUIDANCE**

- 12.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it was justified to do so because of the individual circumstances of any case. In other words, while the court will normally consider the matter as if it were "standing in the shoes" of the licensing authority, it would be entitled to find that the licensing authority should have departed from its own policy or the Guidance because the particular circumstances would have justified such a decision.
- 12.9 In addition, the court is entitled to disregard any part of a licensing policy statement or this Guidance that it holds to be ultra vires the 2003 Act and therefore unlawful. The normal course for challenging a statement of licensing policy or this Guidance should be by way of judicial review, but where it is submitted to an appellate court that a statement of policy is itself ultra vires the 2003 Act and this has a direct bearing on the case before it, it would be inappropriate for the court, on accepting such a submission, to compound the original error by relying on that part of the statement of licensing policy affected.

## **GIVING REASONS FOR DECISIONS**

- 12.10 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

## **IMPLEMENTING THE DETERMINATION OF THE MAGISTRATES' COURTS**

- 12.11 As soon as the decision of the magistrates' court has been promulgated, licensing authorities should implement it without delay. Any attempt to delay implementation will only bring the appeal system into disrepute. Standing orders should therefore be in place that on receipt of the decision, appropriate action should be taken immediately unless ordered by the magistrates' court or a higher court to suspend such action (for example, as a result of an on-going judicial review). Except in the case of closure orders, the 2003 Act does not provide for a further appeal against the decision of the magistrates' courts and normal rules of challenging decisions of magistrates' courts will apply.

## **PROVISIONAL STATEMENTS**

12.12 To avoid confusion, it should be noted that a right of appeal only exists in respect of the terms of a provisional statement that is issued rather than one that is refused. This is because the 2003 Act does not empower a licensing authority to refuse to issue a provisional statement. After receiving and considering relevant representations, the licensing authority may only indicate, as part of the statement, that it would consider certain steps to be appropriate for the promotion of the licensing objectives when, and if, an application were made for a premises licence following the issuing of the provisional statement. Accordingly, the applicant or any person who has made relevant representations may appeal against the terms of the statement issued.