

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 24 February 2022 in Committee Room 1 - City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

Hearings

THE VILLAGE, 11-17 BARRY STREE, BRADFORD, BD1 2AL - APPLICATION FOR REVIEW OF A PREMISES LICENCE

Commenced: 1000
Adjourned: 1047
Reconvened: 1058
Concluded: 1100

Parties to the Hearing:

Members of the Panel:

Councillors Slater (Chair), Hawksworth and Winnard

Representing the Responsible Authority:

PC Lord, West Yorkshire Police
PC Brown, West Yorkshire Police
Inspector Baildon, West Yorkshire Police

The Interim Assistant Director Waste, Fleet and Transport Services presented a report (**Document “W”**) which outlined an application for review of the premises licence for the Village, 11-17 Barry Street, Bradford, BD1 2AL.

A written representation on behalf of the Premises Licence Holder was submitted and circulated to members prior to the hearing.

The representative from West Yorkshire Police, the responsible authority, spoke in support of the application to review the premises licence and responded to the representation from the Licence Holder. He noted that the application to review the premises licence was based on incidents directly attributed to the Village since reopening following the lifting of Covid restrictions. He added that the application was on the grounds that the premises was failing to promote the prevention of crime and disorder and protection of children from harm licensing objectives.

He responded to the points made in the written representations from the Licence Holder as follows:

8 August 2021 – Injured parties were removed to the street to prevent further trouble. The premises holder has a duty of care to protect people on the curtilage of the premises.

29 August 2021 – two 16-year-old girls, under age, were with friends. The victim went to hospital due to their injuries. Challenge 21 has to be in place and entry refused. On 25 September the Village facebook page was updated with a Challenge 25 poster. The licence holder was questioned whether the girls had been on the premises and whether both IDs had been checked. Putting signs and posters on social media was a start but there was no implementation of the policy.

12 September 2021 – it is the responsibility of the operator to keep an incident book in accordance with condition 9 of the licence. It was noted that the police do not receive reports of incidents at the premises.

18 September 2021 – door staff removed the victim from the premises and they were further assaulted. It was pointed out that the licence holder has a duty of care to protect users. The police have no record of a call from the premises regarding the incident.

26 September 2021 – He questioned what had been considered by the licence holder to prevent such an incident.

30 October 2021 – the police were contacted by the ambulance service regarding a 15-year-old male who got into the village with no ID and with friends who were 14-16 years old. The premises were aware that fake ID was shown on mobile phones, no further checks were made and they were served alcohol.

26 December 2021 – He asked what had been done by the Licence Holder to prevent a knife being brought into the premises or how it could be prevented in the future by for example using knife wands.

He went on to note that there was an ongoing live investigation into GBH in January 2022. The injuries sustained were grave and could have resulted in a fatality. There was what appeared to be drug use and a 16-year-old vulnerable missing person had been on the premises and witnessed the assault. There was also evidence of underage attendance and no checks were made.

He noted that in the circumstances described in the representation from the License Holder regarding Bradford city centre the Licence Holder should have made even more effort to take steps to refuse undesirables entering the premises.

He stressed that the police had decided to seek a review of the Premises Licence in the light of a stabbing, an assault, knives on the premises, and people under age on the premises consuming alcohol. He added that the premises had failed to meet the licensing objectives. He noted that in a review of all incidents logged, the Village came top in the District which was more concerning because it had only been open 2 nights a week in recent months.

He referred to the request from the Licence holder to surrender the licence with an undertaking not to reinstate or transfer the licence or make a new application for the premise licence and advised the Panel that after taking legal advice they did not think that the undertaking should be considered.

In summing up he stressed that there was a shared responsibility to provide young people with a vibrant night time economy to help them grow as adults and that the management of the Village was not able to provide this. The response from the Licence Holder that this sort of thing happens everywhere so what can they do was not acceptable and the onus was on the Licence Holder to meet the licensing objectives. He stressed that all incidents should be recorded and ways of preventing them should be explored. He added that the Licence Holder had taken no responsibility for the incidents and had not taken any steps to prevent them happening again. He believed that on one or more occasions, people of 16 years and under were on the premises after 9pm and were consuming alcohol in breach of the conditions of the licence. He referred to the licensing objective of protecting children from harm and concluded that Bradford city centre was capable of being a safe environment. He reiterated that the Licence Holder had failed to promote the prevention of crime and disorder and protection of children from harm licensing objectives and requested that the licence be revoked.

In response to questions from members the timing of the incidents was given all of which

were after midnight. It was confirmed that of all incidents since August 2021 the Village was top of the list with 75% of harm emanated from the premises. All of the incidents were directly linked to the premises with CCTV evidence or evidence that the victim had been in the premises.

In response to questions from the Legal Advisor regarding whether charges had been brought regarding the incidents it was confirmed that there was one Police investigation ongoing into an incident on 19 January 2022 that might result in a conviction. When asked whether guidance had been given to the Licence Holder by the police on how to improve to prevent future incidents he responded that guidance had been given on Challenge 25 and that 14-16 year olds were still getting into the premises so the situation did not seem to have improved. In viewing the CCTV on one night to see what was going on at the door it was noted that of 76 people who were admitted only 17 were checked. He stressed that if there had been a Challenge 25 in place then people of 16 should not be in the premises. In response to a question whether the Licence Holder had asked for guidance from the police it was noted that the licence holder had been invited to join Pub Watch and she had only recently started to attend. He confirmed that Ms Anne Gilmour had withdrawn herself as the DPS earlier in the week. When asked whether the premises had an incident book he confirmed that the Licence Holder had been told to write down incidents but an incident book had not been seen.

In conclusion he stressed the seriousness of the incidents and the apathy of the Licence Holder to do anything to prevent them happening. He added that a change of DPS would not make a difference and recommended that the licence be revoked.

Resolved –

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance and, in light of the compelling evidence of persistent breaches of licensing objectives, the premises licence be revoked.

Reason - it is considered that the above revocation is necessary to protect children from harm; and prevent crime and disorder – Protection of Children from Harm; Prevention of Crime and Disorder Objectives

ACTION: Interim Assistant Director Waste, Fleet & Transport Services

Chair

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