

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **LICENSING SUB COMMITTEE** held in the Council Chamber, Leighton-Linslade Town Council, The White House, Hockliffe Street, Leighton Buzzard on Monday, 16 March 2015

Licensing Sub-Committee Composition

Cllrs: R D Berry (Chairman)
D Bowater
K Janes (substitute - in place of Mrs A Barker)

Members' Interests

There were no declarations of interest.

Name of Applicant

Miss Alyssia Head.

Premises Address

HQ Sports Bar, Units 5 & 6, Grove Park, Court Drive, Dunstable, LU5 4GP.

Name of Parties (including the premises user, observers and persons who have made any relevant representations together with any persons representing each party)

Cllr R D Berry (Central Bedfordshire Council)
Cllr D Bowater (Central Bedfordshire Council)
Cllr K Janes (Central Bedfordshire Council)

Mrs M Bissett – Licensing Officer (Central Bedfordshire Council)
Ms S McIntyre – Senior Solicitor (Central Bedfordshire Council)
Mr L Manning – Committee Services Officer (Central Bedfordshire Council)

Mr J Seemarks – Community Safety Officer (Central Bedfordshire Council)
(Observer)

Sgt C Gurr (Bedfordshire Police)
Mrs E Nee – Licensing Officer (Mid County) (Bedfordshire Police)

Miss A Head (Designated Premises Supervisor of HQ Sports Bar and the “premises user” who gave notice of the temporary event notice)
Mr J Head (Director of HQ Sports Bar)

Names of Parties submitting representations and indications of their representations

Bedfordshire Police objected to the temporary event notice on the basis that allowing it would undermine the following Licensing Objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance.

Procedure for the Hearing of Applications under the Licensing Act 2003

The procedure for the hearing of applications made under the Licensing Act 2003 was noted.

The Four Licensing Objectives

The four Licensing Objectives were noted.

Temporary Event Notice - Objection by the Police Licensing Officer

The Sub-Committee considered a report from the Head of Public Protection which asked Members to consider an objection from Bedfordshire Police to a temporary event notice (TEN) given by the premises user for the HQ Sports Bar, Units 5 & 6 Grove Park, Court Drive, Dunstable, Bedfordshire.

The meeting also had before it the following documents which had been attached as Appendices A – E to the above report:

- the premises user's application form for a TEN, in the approved format
- the Bedfordshire Police email setting out the reasons for its objection to the TEN
- the action plan agreed between Bedfordshire Police and the Designated Premises Supervisor (DPS), who was also the premises user, which had been introduced following violent incidents at the Bar and related police concerns
- an extract from the guidance document issued under section 182 of the Licensing Act 2003 which dealt with the arrangements relating to TENs
- Annex 2 to the premises licence.

Members noted that the HQ Sports Bar was currently licensed to serve alcohol through Saturday evening until 3.30 a.m. on a Sunday morning. During this time televised sporting events were shown. The TEN given to the Council by the premises user/DPS sought an extension to the Bar's licensing hours until 8.00 a.m. on the morning of Sunday, 3 May for that morning only. The extension was sought so that the Bar could show an American boxing match on television; the match having an estimated start time of approximately 4.00 a.m. (British Summer Time).

The Chairman introduced himself and the other Members present. The officers, Bedfordshire Police representatives, the premises user/DPS and the Director of the Bar then introduced themselves.

The Chairman outlined the procedure to be followed.

The Bedfordshire Police Licensing Officer read from an Internal Memorandum dated 12 March 2015 which set out in full the reasons for the police objection to the TEN. Reference was made in particular to the youth and inexperience of the premises user/DPS and her management team which was demonstrated by reports of underage drinking, a failure to have read the licence conditions and the poor behaviour of various members of staff as revealed by reports of staff preventing the police from entering the Bar, watching television on duty, not displaying their door staff registration and being generally uncooperative. In addition, incidents of violence had taken place on 26 February, 1 March and 8 March 2015; the last two incidents following the signing of an action plan drawn up by the police and signed by the premises user as DPS on 26 February 2015, with effect from 27 February. During these incidents patrons had been seen leaving the Club with glasses, families had been present when violence had taken place and an incident arising from an argument over snooker had resulted in four arrests and a man receiving a fractured eye socket.

The Police Licencing Officer stated that the premises user/DPS had attempted to allocate some responsibility for the disorder on 1 March to the lack of a police response. However, the Police Licensing Officer stated that a large scale disorder incident was not the type of event that could be predicted to take place on a Sunday afternoon. She concluded by stating that, based on the above, the police had concerns as to whether the premises user/DPS and her management team were able to control the premises to an acceptable standard. The Sub-Committee noted that the police had already been considering an application for the Club's licence to be reviewed before they had been notified of the TEN.

A redacted copy of the Bedfordshire Police Internal Memorandum referred to above is attached at Appendix A to these minutes.

No witnesses were called and no documentary evidence introduced. There were no questions by members of the Sub-Committee.

The premises user/DPS explained that the boxing match was a major sporting event taking place in Las Vegas. The TEN was required because the Bar's current licensing hours resulted in it being closed by 4.00 a.m. She added that a plan to ensure full control on 2/3 May had been drawn up including the recording of patron's names, ticket only entry, no glass permitted on the floor of the Bar coupled with the use of plastic bottles, doors to be closed all evening and four door staff on duty (two on each door), regular monitoring of external noise levels, the calling of last orders immediately following the end of the boxing match and all clientele to have left the Bar within an hour of the match finishing.

The premises user/DPS then challenged the police record of events, stating that she was not aware of all of the concerns but would try to respond. She referred to the police description of the incident on 1 March and stated that a 999 call had been made to the police but there had been no response by them. She also stated that when she had met with the Bedfordshire Police Licensing Officer on 26 February she had made clear to her that the venue would be showing major sporting events. Further, she had examined the CCTV footage of the incident on 1 March 2015 and, contrary to the police account, there had not been a fight but a scuffle and glasses had not been used as weapons. The Bar's door staff were quickly present on scene and those involved in the incident were dispersed with only one person proving problematical. In addition the Bar's door staff had been sent to the neighbouring Weatherspoons to assist in controlling any overspill of the disorder.

The premises user/DPS next gave her description of the incident on 8 March. Again the Bar's door staff had quickly intervened and the Bar's Director had called the police and ambulance service and had given CCTV footage to the police within half an hour of their arrival. One person had forced his way through staff to a group which had been taken outside the Bar and had been assaulted. She added that a bar staff manager had been dismissed for being uncooperative with the police.

The Bar's Director added that security and control measures were in place on the door, including 'clickers' to record the number of patrons and a logbook to record any incidents.

The premises user/DPS expressed concern over the comments made by Bedfordshire Police regarding the age and experience of both her and her management team. She stressed that they had been open, had done their utmost to follow instructions and had fully acknowledged that they were in a learning process. The premises user/DPS admitted that some errors had occurred but any police requests which had arisen as a result had been followed to prevent a recurrence.

A Member sought information on the boxers taking part in the match and establish at what point in the schedule the bout was due to take place. In response the Director stated that they were waiting to hear from Sky on the timing though given the high status of the match it would be the last of the evening and it was unlikely that it would be proceeded by many others.

No other witnesses were called and no additional documentary evidence introduced.

The police officer present stated that the premises user/DPS and her management team were not being penalised because of their age. There was concern, however, that they appeared unaware of the full extent of the incidents which had taken place and that information relating to these should have been recorded in the Bar's log book. Further, he believed the Bar's door staff to be employed directly by the Bar which was unlawful.

Turning next to the events of 1 March the police officer stated that an officer had attended the scene and had described the incident as extremely serious.

Further, other venues had shown sporting events without violent incidents arising and so the incident at the Bar, and the accompanying requirement for a police presence, had been totally unexpected for a Sunday. As such, premises should not rely on police resources which were reduced on Sundays. The police officer then commented that he had watched the relevant CCTV footage and it was apparent that the door staff had allowed glasses and bottles to be taken out of the Bar. When he had visited the Bar some three weeks ago the door staff had been uncooperative and clickers had not been used to record the number of patrons. Instead, staff admitted estimating the numbers present.

The Chairman asked if there were any questions.

The premises user/DPS stated that, contrary to the police officer's comment, she paid a Security Industry Authority (SIA) registered company to supply the Bar's door staff and they were not directly employed by her. In view of this statement the police officer indicated that he would carry out additional checks on the employment status of the door staff.

In response to the Chairman the Police Licensing Officer stated that she had no further questions or comments.

The premises user/DPS then stated that she had heard, though without confirmation, that fights had also taken place at other venues. She added that she was unable to respond to the extensive statement read by the Police Licensing Officer which had been unexpected. The premises user/DPS explained that she had only prepared in respect of those concerns which the police had raised within their email dated 9 March 2015. The Chairman, whilst acknowledging that additional information had been provided, reminded the meeting that this had been factual in nature and a record of what had taken place although he also acknowledged the statement contained more detail than that submitted with the agenda.

In response to the Chairman's question the Council's Licensing Officer stated that she had no questions or comments.

A Member queried the premises user's/DPS's claim that there had not been a police response to the incident on 1 March. In response the police officer stated that one officer had attended the scene, that officer representing the normal police coverage in the area for a Sunday afternoon. He did not enter the Bar but remained outside and attempted to stop the fighting. However, the Bar Director disagreed with the police interpretation of events and stated that the officer had arrived approximately half an hour before the violence began and, although asked to stay, had stated that he was unable to remain because he was too busy. There was not, therefore, any police presence during the incident itself. Following discussion on the means used to contact the police and request assistance the Chairman stated that it appeared that there were two differing interpretations of the events regarding police attendance at the Bar on 1 March. He then sought any further comments.

In conclusion the premises user/DPS stated that she and her management team were learning, gaining experience and had a good clientele at the Bar.

The Bedfordshire Police representatives had no further comments.

The Sub-Committee then adjourned at 2.40 p.m. to an adjacent room make its decision in private. The Senior Solicitor remained with Members to advise as necessary. The hearing reconvened at 3.15 p.m. when the Sub-Committee had finished its deliberations and could announce its decision.

On behalf of the Sub-Committee the Chairman announced the following:

Findings of Fact

That, prior to 26 February 2015, there had been incidents of disorder at the Bar which had resulted in the premises being placed on an Action Plan. Since that there had been at least one further incident of disorder. The premises user/DPS had admitted to a lack of experience which called into question the ability to control such a protracted event although the premises user/DPS had expressed a willingness to learn.

Decision

That, following consideration of the information before it, the Sub-Committee had decided that the application for a TEN should be refused.

In coming to its decision the Sub-Committee had taken into account:

- Section 18 of the Licensing Act 2003, which stated that it must take such steps it considered necessary for the promotion of the licensing objectives
- The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003
- Central Bedfordshire Council's Licensing Policy
- The merits of the application and the representations (including supporting information) presented by all parties.

Reasons for the Decision

The reasons for the Sub-Committee's decision were as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance

The Sub-Committee believed that the level of experience demonstrated to date implied that the premises user/DPS was not in a position to provide the required level of control for the requested event.

Irrelevant Representations

The Sub-Committee had determined that the following representation was not applicable:

Bedfordshire Police had referred to an incident on 8 March 2015 but there was conflicting evidence regarding the circumstances.

Right of Appeal

The premises user/DPS would receive a signed copy of the decision notice within 5 days. She then had a right of appeal to the Magistrates Court within 21 days from the date on which she received the signed decision notice.

The premises user/DPS had no questions relating to the Sub-Committee's decision.

The Chairman concluded by informing the premises user/DPS that if the premises licence for the Bar was made subject to review by the Council then the Sub-Committee formed to hear the review would be composed of Members who had not been involved in today's hearing. The Chairman also referred to the conflicting accounts of the events on 1 March 2015 and requested that Bedfordshire Police ensure that any information presented by it to a future Sub-Committee had been confirmed.

(Note: The meeting commenced at 2.00 p.m. and concluded at 3.24 p.m.)

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Internal Memorandum

APPENDIX A

FROM	Emma Nee - Licensing Officer Mid Bedfordshire	TO	Licensing Committee Central Bedfordshire Council
Extn	[REDACTED]		
Date	12/03/2015		
SUBJECT	Application for Temporary Event Notice for HQ Sports Bar - Dunstable		

Sir,

May I take this opportunity to raise objections on behalf of the police to the application for a temporary event notice that has been requested by the HQ Sports Bar, Units 5 & 6 Grove Park, Court Drive, Dunstable for the 2nd/3rd May from 03:30 to 08:00hrs, on the grounds that its issue may undermine three of the four licensing objectives.

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance

Bedfordshire Police are objecting to this temporary event notice due to the following reasons:

The HQ Sports Bar is a relatively new premises and one which the Police have had concerns over from soon after opening.

The DPS and management team are very young and inexperienced and there have been a series of incidents which ultimately have led to the premises being placed on an action plan. These include:

A manager of the location being intoxicated and abusive. The same manager stating that police officers in uniform could not come into the venue. This was captured on police body worn video.

Allowing a large group of males to leave the location carrying glasses and bottles which led to a large scale fight in Asda carpark. This was captured on CCTV.

Door staff allowing persons to leave the premises carrying glasses. This was witnessed by a police licensing officer who stated that there was no doorman on the door to prevent this, as he was inside watching television. This account was disputed by the venue.

A manager of the location visiting a neighbouring premises where he refused to pay for drinks consumed and became abusive to staff and management.

The licensing sergeant visited the location when he found doorstaff not displaying SIA badges. Also no means of keeping track of how many customers were inside the location, eg. Not using a clicker. The doorstaff were also found to be hostile and uncooperative.

On the 26th February a meeting took place between Bedfordshire Police Licensing team and the DPS/Management team from the HQ Sports Bar.

The meeting was held to discuss various issues and concerns with regards to the running of the venue ie Drug Dealing/Taking, Under age drinking, Doorstaff and their attitude, lack of respect and their inability to do the role that they are employed to do.

It became apparent throughout the meeting that the lack of knowledge and understanding in terms of their

licence was very concerning and clearly they had not read their licence. This is a major concern as it is fundamental requirement that the DPS and her team actually understand their licence. As a result of the meeting the HQ Sports bar were placed on an Action plan and several of the conditions from the licence were also incorporated into the plan, questions were then asked by the DPS/Management team how it was possible to achieve at least one of the conditions on the Action plan, even though the conditions on the licence were agreed from Day One. Various other conditions that were on the licence had not been put into place such as the Door Supervisors Register, Refusals log Book and Incident Log Book.

This is not the first occasion where conditions on the licence were not being met and had to be pointed out to them.

The Hq sports have only been on the Action Plan for Approximately 3 weeks and already 2 incidents of Disorder have occurred at the venue.

On the 1st March the venue were showing several high profile sporting events throughout the day which included families with children being present as well as other patrons inside the Hq Sports Bar. A fight broke out inside the venue whereby bottles and glasses were being thrown around which in turn left a lot of smashed glass throughout the premises, the venue itself was full to capacity and yet full control of the premises had been lost by the management and staff. This disorder spread to neighbouring premises including Go Bowling where there were families including children present.

In an effort to mitigate any blame for this incident, the DPS of the location criticised the lack of police response.

Police officer numbers are worked out on the basis of perceived and predicted demand. It is not normal for a large scale disorder such as what took place to happen late afternoon on a Sunday and the police position is that this would not have happened had the venue been operating responsibly.

On the 6th March a large scale Public Disorder started inside the venue this in fact was an argument that started by the pool tables over who was going to stay playing on them. During this fight, which involved a large number of people, a male is seen to be glassed and another is hit over the head with a chair. This then spilled out into grovehouse gardens, where CCTV shows a male being knocked to the floor and then kicked in the head as he lay defenceless on the ground. This has been crimed as a GBH with intent, and resulted in the victim receiving a fractured eye socket and a broken ankle. A female is also punched in the face during the fracas. This violent disorder resulted in 4 persons being arrested. It is fortunate that more serious injuries were not received.

In light of these events, and the fact that even though on an Action Plan, incidents such as these are becoming more common at the premises. Consideration is currently being given by Bedfordshire Police as to applying for a review of the premises licence.

Bedfordshire Police have serious concerns and issues with this temporary event notice being granted, and the fact that the HQ sports bar are looking for this notice to run till 08:00hrs on the 3rd May. Our concerns are also that the DPS and management of the HQ sports bar are not able to control the premises to an acceptable standard for such an event to take place without incident. This could potentially lead to a large crowd of people who have been drinking for a considerable period of time disgorging onto the streets of Dunstable after the traditional Night Time Economy policing operation has finished.

It is for these reasons that Bedfordshire Police respectfully ask that this Temporary Event Notice is not granted.