

REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES

SUMMARY REVIEW OF PREMISES LICENCE
Consideration of representation relating to interim steps

Premises concerned	B Bar 34A and 34B Heathcoat Street Nottingham NG1 3AA Please see attached Premises Licence
Premises licence holder	Tajinder Singh
Party submitting application for summary review	Nottinghamshire Police Please see attached the application.
Party Submitting representation about interim steps	Tajinder Singh
Date application Received:	1 September 2010
Date by which the full review of the licence must be carried out	27 & 28 September 2010 at 10.00am
Interim steps taken.	On 3 September 2010 the Authority determined that the following interim steps were to be taken in relation to the Premises Licence pending the full review:- The premises licence was suspended with immediate effect.
Representations Made	Please see attached representation from Fraser Brown Solicitors on behalf of the premises licence holder
Issues	
Issue 1	Whether the interim steps taken are necessary for the promotion of the licensing objectives and whether they should be withdrawn or modified.
Relevant Legislation	Section 53B Licensing Act 2003
Relevant Policy	
Relevant Guidance	Paragraphs 3.1 to 3.7, of the DCMS non-statutory guidance on expedited/summary licence reviews
Published documents referred to in compiling this report	Licensing Act 2003 (as amended) DCMS non-statutory guidance on expedited/summary licence reviews

Andrew Errington

Director of Community Protection

Central Police Station, North Church Street, Nottingham NG1 4BH

Contact Officer: Zoey Mayes, Assistant Licensing Officer Tel: 0115 9156082

LICENSING ACT 2003

Representations on behalf of Tajinder Singh

1. These representations are made by Tajinder Singh as the Holder of the Premises Licence relating to B Bar, 34a and 34b Heathcoat Street, Nottingham.
2. On 1st September 2010 the Chief Officer of Police for the Nottinghamshire Police area made an application for the Review of the Premises under Section 53A of the Licensing Act 2003.
3. On 3rd September 2010 a Special Licensing Panel of the Licensing Authority for the area in which the premises are situated considered whether it was necessary and proportionate to take any of the interim steps contained in Section 53B(3) of the Act.
4. By a notice dated 3rd September 2010 the Licensing Authority gave notification that the Authority had determined to suspend the Premises Licence for B Bar until the review hearing is determined for the reasons outlined in the record of determination dated 3rd September 2010.
5. The Licensing Panel considering the interim steps on 3rd September 2010 found that:
 - On 30th August 2010 serious disorder took place which resulted in three persons being injured by weapons such that hospital treatment was required.
 - The premises attracted an undesirable crowd, by reason of the type of music played.

Community & Culture - Licensing
Time received _____
22 SEP 2010
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- There was concern about the lack of effective door supervisors and a history of disorder related incidents.
 - The Police had lost confidence in the Premises Licence Holder and the Designated Premises Supervisor's ability to manage the premises to uphold their licensing objectives.
6. Tajinder Singh now makes representations against interim steps taken by the Licensing Authority on 3rd September 2010 and requests the Licensing Authority to hold a hearing to consider these representations
 7. The Designated Premises Supervisor of the premises is Sukhvinder Singh Swali. The bar manager is Lukas Murzy.
 8. Tajinder Singh took over the premises in 2008.
 9. Although the day-to-day operation of the premises was a responsibility of the Designated Premises Supervisor and Lukas Murzy, Tajinder Singh made regular visits to the premises.
 10. Tajinder Singh was away in Ipswich during the incident on 30th August 2010 and was made aware of the incident later that morning. Tajinder Singh tried to contact the Police the same day but no one was available. He spoke with Dave Browitt on the morning of 31st August and then travelled back to Nottingham the same day to meet with the Police.
 11. The Designated Premises Supervisor was not present at the premises during the incident on 30th August 2010 but he had delegated authority to the bar manager Lukas Murzy.

12. Tajinder Singh understands that funky house music was being played on the night of the incident with the regular DJ (Gfunk).
13. Tajinder Singh has been advised that following the alleged incident in the early hours of 30th August, the Investigating Officers were immediately provided with CCTV images and immediate access was provided to the Police Forensic team.
14. Having viewed the CCTV images Tajinder Singh could not see any obvious stabbing incidents shown on the CCTV, although there was some form of altercation involving a small number of people inside the bar at the time in question. Immediately prior to the altercation the premises were busy and customers can clearly be seen dancing and otherwise behaving in a normal manner. The altercation only lasts for a brief period of time and a small number of persons involved leave the premises and the situation appears to return to normal very quickly.

Tajinder Singh contacted Peter Deighton to discuss the CCTV footage he had viewed and to express that he could not see any obvious stabbing incident. Following this conversation it was agreed that Tajinder Singh would provide a copy of the CCTV footage which he had viewed. A copy of that CCTV footage was provided to Peter Deighton and a further copy was left for the attention of the investigating Officer.

We understand the Police Forensic team failed to find any evidence of a stabbing incident inside the premises.

15. Tajinder Singh met with Peter Deighton and another Police Officer on 31st August 2010. During the meeting the Officers acknowledged the cooperation of the premises on the night in question but were unable to provide very much information about the alleged incident as they were awaiting further information from the Investigating Officers. The Officers also advised that consideration would be given to action that may be unnecessary including an application for a Summary or Review.

16. Later that day an email was sent to the Licensing Officers advising that Tajinder Singh is prepared to take voluntary action to close the premises and requested an early meeting, the intention being to avoid a Summary Review.

17. On 9th September 2010 Tajinder Singh met with Inspector Townsend and Sergeant Parr. The meeting was arranged to enable Tajinder Singh to discuss the issues and the incident which led to the application for a Summary Review. During the meeting Tajinder Singh expressed his feeling that he has a good working relationship with the Police and whilst he accepts there were a few things in the past which he could have done differently or more proactively, he has always put in place measures to address the concerns of the Police. For example:-

- Improvement to the CCTV system when the Police raised concerns about recordings not being kept for 31 days.
- Switching to the use of plastic glasses and bottles following a glassing incident on 17th September 2009.
- Ceasing to host R&B nights following advice from the Police.

- Operating a Challenge 21 Policy as a result of which there had been no test purchases failures for almost a year.
- Employing toilet attendants and instructing door staff to prevent customers taking drinks outside.

18. During the meeting Tajinder Singh proposed the following measures and conditions in an effort to try and alleviate the concerns of the Police and gain their support for the premises:-

- Appoint an additional Manager.
- Appoint a new Designated Premises Supervisor.
- Utilise hand-held metal detectors.
- Operate a Challenge 21 Scheme
- Change the style of music
- Amend the hours on Fridays and Saturdays as follows:-
 - Premises to close at midnight
 - Licensable activities to cease at 11:45 pm
 - Last entry time at 11:00 pm.
- Introduce a new dress code for Fridays and Saturdays.

19. Tajinder Singh also advised that he is already in the process of shifting the focus of these premises towards student nights which he believed the Police were happy to support.

20. During the meeting the Police expressed their main concern that there was a certain crowd of people which the Police believed were being attracted to the B Bar and did not feel the measures being proposed would necessarily address that. However, it was left that the proposed measures would be discussed with Superintendent Cooper.
21. Tajinder Singh demonstrated during the meeting that he shared the Police's concern following the latest alleged incident at the premises and was fully committed to working with the Police and, would consider any recommendation made by the Police to resolve the issues.
22. The matters discussed during the meeting and the outcome was confirmed in an email to various Officers including Inspector Townsend and Sergeant Parr on 10th September 2010. It was emphasised that Tajinder Singh is fully committed to working with the Police and would be happy to consider any steps which the Police would like the premises to take to alleviate their concerns and gain their support.
23. On 15th September 2010, Sergeant Parr confirmed in an email that having considered Tajinder Singh's proposals the Police will not support the premises.

24. Further efforts were made to negotiate with the Police and to have further meetings to discuss further proposals but these were declined. The purpose of entering into further negotiations and requesting a further meeting with the Police was to acknowledge that with the benefit of hindsight and consideration of the way in which the premises had been operated and, of course, to address concerns of the Police significant changes to the management and style of operation of the premises were needed.

25. Tajinder Singh is now proposing the following:-

- Removal of the Designated Premises Supervisor and the current bar manager.

Add the following conditions:-

- From 20:00 hours the supply of alcohol will be restricted to persons prior, during or subsequent to taking a table meal.
- Regular Risk Assessments shall be conducted in relation to the use of door supervisors. The Premises Licence Holder shall upon 7 days written notice from the Police employ a minimum of one SIA registered door supervisor for specific events or on specific days.
- A Challenge 21 Scheme shall operate at the premises. Any person who appears to be under 21 years of age shall not be served alcohol unless they produce an acceptable form of identification (passport, driving licence or PASS accredited card).

- A record will be kept of any refused admission to the premises or refused service. Details to show the basis of the refusal; the person making the decision to refuse; and the date and time of the refusal. Such records to be retained at the premises for at least one year, and shall be made available for inspection and copying by the Police or an Officer of a Responsible Authority, immediately upon request.
 - Reduce the hours for licensable activities to 00:30.
26. Tajinder Singh has spoken to specialist Property Agent in the licensed trade with a view to hopefully marketing the premises as a restaurant for a new operator to operate the premises as part of his own business. This will of course be subject to the eventual outcome of these proceedings.
27. The intention is for these premises to be re-branded and altered to a restaurant bar which is not likely to happen in the next few weeks if not months.
28. Tajinder Singh now makes these representations against the interim steps taken by the Licensing Authority on 3rd September 2010 with a view to withdrawing the step taking to suspend the Premises Licence until the Review hearing on the basis that such an interim is no longer necessary for the promotion of the licensing objectives. Further, that the promotion of those objectives can be achieved by the actions proposed by Tajinder Singh and outlined above.

29. The Premises Licence Holder fully accepts that the decision as to whether or not to replace the current interim step with the interim steps referred to above is a matter entirely for the Licensing Authority. However, as the proposed measures will change the type and style of operation beyond recognition and thereby eliminate the concerns raised by the Police Tajinder Singh would ask the Licensing Authority to agree that the actions proposed combined with the alternative steps outlined above would be adequate to promote the licensing objectives in this particular case.

Dated 22nd September 2010

Signed

A handwritten signature in black ink, appearing to read 'Fraser Brown', written over a horizontal line.

Solicitors for and on behalf of the Premises Licence Holder

Fraser Brown
84 Friar Lane
Nottingham
NG1 6ED

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Licensing Act 2003

Community & Culture

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Talbot Street
Nottingham
NG1 5NT
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Premises Licence

Premises licence number
036304

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

B Bar
34A and 34B Heathcoat Street

Post town	Nottingham	Post code	NG1 3AA
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Telephone number	0115 9599800
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Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Live Music (Ground floor) – Indoors;
Recorded Music – Indoors;
Provision of Facilities for Dancing (Ground floor) – Indoors;
Late Night Refreshment – Indoors;
Sale by Retail of Alcohol;

The times the licence authorises the carrying out of licensable activities

Live Music - Ground Floor:

Monday	from 10.30 hrs to 01.00 hrs the following morning
Tuesday	from 10.30 hrs to 01.00 hrs the following morning
Wednesday	from 10.30 hrs to 01.00 hrs the following morning
Thursday	from 10.30 hrs to 01.00 hrs the following morning
Friday	from 10.30 hrs to 01.30 hrs the following morning
Saturday	from 10.30 hrs to 01.30 hrs the following morning
Sunday	from 12.00 hrs to 24.00 hrs the following morning
New Year's Eve	from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

Recorded Music may be played for 24 hours per day.

Provision of Facilities for Dancing - Ground Floor:

Monday	from 10.30 hrs to 01.00 hrs the following morning
Tuesday	from 10.30 hrs to 01.00 hrs the following morning
Wednesday	from 10.30 hrs to 01.00 hrs the following morning
Thursday	from 10.30 hrs to 01.00 hrs the following morning
Friday	from 10.30 hrs to 01.30 hrs the following morning
Saturday	from 10.30 hrs to 01.30 hrs the following morning
Sunday	from 12.00 hrs to 24.00 hrs
New Year's Eve	from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

Late Night Refreshment:

Monday	from 23.00 hrs to 01.30 hrs the following morning
Tuesday	from 23.00 hrs to 01.30 hrs the following morning
Wednesday	from 23.00 hrs to 01.30 hrs the following morning
Thursday	from 23.00 hrs to 01.30 hrs the following morning
Friday	from 23.00 hrs to 02.00 hrs the following morning
Saturday	from 23.00 hrs to 02.00 hrs the following morning
Sunday	from 23.00 hrs to 00.30 hrs the following morning
New Year's Eve	from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

Alcohol Sales:

Monday	from 10.00 hrs to 01.00 hrs the following morning
Tuesday	from 10.00 hrs to 01.00 hrs the following morning
Wednesday	from 10.00 hrs to 01.00 hrs the following morning
Thursday	from 10.00 hrs to 01.00 hrs the following morning
Friday	from 10.00 hrs to 01.30 hrs the following morning
Saturday	from 10.00 hrs to 01.30 hrs the following morning
Sunday	from 12.00 hrs to 24.00 hrs the following morning
New Year's Eve	from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

The opening hours of the premises

At the licensee's discretion, but licensable activities are only to be provided as outlined above.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol-On the premises

Alcohol-Off the premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Tajinder Singh, 138 Wollaton Vale, Wollaton, Nottingham NG8 2PL

(Transferred 9 February 2008)

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Suckhvinder Singh Swali

(Varied 9 February 2008)

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

035002 - Nottingham City Council

Signed: 
Licensing Officer

Dated: 31 August 2005

Annex 1 - Mandatory conditions

S19 Licensing Act 2003

1. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of it or,
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

On Licence with Special Hours Certificate.

"Alcohol shall not be sold or supplied except during permitted hours.

(1) The permitted hours shall commence:-

- On days, other than Sundays, Christmas Day, and Good Friday, at 10 am.
- On Sundays, Christmas Day and Good Friday at noon

(NB For New Years Eve permitted hours commence at 10am unless New Years Eve falls on a Sunday when they shall commence at Noon).

(2) Subject to the following paragraphs, the permitted hours on Monday to Thursday shall extend until one o'clock the following morning, Friday and Saturday shall extend until 1.30 am the following morning.

(a) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and

(b) on any day that music and dancing end between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end

(3) In relation to the morning on which summer time begins, paragraph (2) of this condition shall have effect with the substitution of references to three o'clock in the morning for references to two o'clock in the morning or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.

(4) Except as provided in (5) below the permitted hours on Sundays shall extend until thirty minutes past midnight in the following morning *or if an earlier hour is specified in the certificate, that hour* except that –

(a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight:

(b) where music and dancing end between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end,

(5) On Sundays immediately before bank holidays other than Easter Sunday, the permitted hours shall extend until 2am the following morning except that-

(a) the permitted hours shall end at midnight on any Sunday on which the music or dancing is not provided after midnight;

(b) where music and dancing end between midnight on any Sunday and 2 am, the permitted hours on that Sunday shall end when the music and dancing end

(6) On New Year's Eve the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, to midnight on 31st December).

(7) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

The above restrictions do not prohibit:

(a) the consumption of the alcohol on the premises during the first twenty minutes after the above hours;

(b) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;

(c) the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;

(d) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;

(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(f) the sale of alcohol to a trader or club for the purposes of the trade or club;

(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) the taking of alcohol from the premises by a person residing there; or

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises."

S. 168, 171, 201 Licensing Act 1964

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

(1) He is the child of the holder of the premises licence.

(2) He resides in the premises, but is not employed there.

(3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

(4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

S.12 Children & Young Persons Act 1933

Where the number of children attending the entertainment exceeds 100 the licensee shall ensure that the provisions of Section 12 of the Children and Young Persons Act 1933 are complied with.

Justices Licence Conditions

1. If persons are waiting for admission to the premises on the highway adjacent to the premises, there shall be supervision of that area by a door supervisor.
2. No person shall be employed as a door supervisor unless he holds a current registration from the Nottingham City Council. The Licensee is to ensure that such people wear, and clearly display, the registration badge at all times while on duty, except when this requirement is waived or varied by Nottingham City Council.

A record containing the names, addresses and dates of birth of door supervisors shall be made daily, kept for at least three months and be available for inspection by the Police and the Licensing Justices.

When, in an emergency, it is not possible to employ or otherwise engage a registered door supervisor, a temporary door supervisor may be appointed for up to 7 days subject to the City Council's 'Emergency Procedure'.

3. CCTV cameras shall be installed and maintained in the premises in accordance with the Police Licensing Officers recommendations and tapes shall be retained and made available for 31 days to Police and Licensing Committee.
4. The maximum occupancy figure for the premises shall be stipulated from time to time by the appropriate authority and notified to the Licensing Committee. A notice of the occupancy figure shall be displayed at the entrance to the premises.

Standard Public Entertainment Licence Conditions

ENTERTAINMENT LICENCE CONDITIONS - GENERAL

1. The licensee, or a responsible person nominated by him/her in writing for the purpose shall be in charge of and on the licensed premises during the whole time that they are open for public entertainment. The person in charge shall throughout the whole time the premises are open for public entertainment, be assisted by a sufficient staff of competent attendants specially instructed by the licensee, or a person nominated by him/her, as to their duties in the event of any emergency.
2. The licensee shall allow any authorised officer of the Licensing Authority, Fire Authority or Police to enter all parts of the licensed premises at all reasonable times and the licensee shall conform with any reasonable request of an Authorised Officer of the Licensing Authority, Fire Authority or Police.

3. No exhibition, demonstration or performance of hypnotism shall be given.
4. The licensee shall not knowingly allow any unlawful game to be played on the licensed premises.
5. In relation to the morning on which summer time begins, where the terminal hour of this licence is later than 1.00 am, the terminal hour shall be extended by one hour.
6. Entertainments on Sundays shall be limited to those that are not prohibited by the Sunday Observance Acts as modified.
7. There shall be fixed and kept in a conspicuous place on the door or at the entrance of the premises, an inscription in capital letters as follows:- "LICENSED FOR PUBLIC ENTERTAINMENTS", also showing the maximum occupancy level of the premises. Where an individual part of the premises has been licensed, the maximum occupancy (where determined by the Fire Officer) shall be displayed at the entrance to that part in the form "MAXIMUM OCCUPANCY".
8. A copy of the Public Entertainment Licence shall be kept on the premises at all times and produced for inspection upon request by an Authorised Officer of the Licensing Authority, Police or Fire Authority.

ELECTRICAL SAFETY

9. The electrical system shall be in accordance with the edition of the regulations of the Institution of Electrical Engineers in force at the time of installation. All materials or equipment used in connection with the electrical system for which there is a British Standard specification, Regulations or Code of Practice shall conform to that specification, Regulation or Code.
10. A Report signed by a qualified electrical engineer who is a member of the National Inspection Council for Electrical Installation and Contracting (NICEIC), the Electrical Contractors Association, or the Electrical Contractors Association of Scotland, shall be submitted to the City Council on initial application and on renewal (except where a new licence and electrical reports are issued after 1 November) to the effect that the electrical system, the emergency lighting, if any, and the fire alarm system installed at the premises, if any, have been examined and tested and are in a safe working condition. All documentation relating to electrical safety submitted with an application to renew a licence must have been issued no earlier than 1 November of the preceding year. Entertainers shall only be permitted to use electrical sockets fitted with residual current device protection, complying with the current British Standard. Such sockets must be maintained in good working order and marked 'Audio Equipment Only'.
11. All parts of the premises to which the public have access shall have the lighting system tested every three months and the results recorded in the fire log book. Where a secondary system of lighting is provided by the provision of hand lamps, these shall be maintained in an efficient working order and made available to staff whose duty it is to facilitate the evacuation of the premises.
12. Electric lighting switches and gas taps shall, as far as possible, be arranged to be protected from unauthorised interference by members of the public.
13. The electrical intake enclosure shall not be accessible to the public and shall be used exclusively for the purpose for which it is provided. The main supply shut off of both gas and electricity should be easily and readily accessible in case of emergency. All

electrical accumulators shall be adequately ventilated and unless installed in rooms or compartments specially reserved for them, shall be completely enclosed together with the terminals in substantial enclosures constructed of, or lined with, insulating and fire resistant material. The gas meter enclosure shall be adequately ventilated and used exclusively for the purpose for which it is provided.

FIRE SAFETY

14. Emergency exit notices must be illuminated at all times the premises are occupied, to be legible and in the event of failure of normal lighting such signs must be illuminated by the emergency lighting supply.
15. Fire alarm systems should be tested weekly and the results recorded in a log book. The system shall be maintained in efficient working order.
16. Testing and maintenance shall be carried out on all fire equipment, which shall be maintained in efficient working order.
17. Portable fire extinguishers shall be examined at least once annually and tested by a BAFE registered extinguisher maintenance engineer.
18. A notice or notices clearly indicating the position of the nearest telephone by which the emergency services may be summoned must be provided in suitable locations. If the premises are to be used for the regular provision of indoor sporting entertainment, a telephone must be installed.
19. The licensee must inform both the Fire Service, the Police and the Licensing Authority of any fire, however slight that occurs on the premises.
20. A fire log book must be kept which records details of tests, examinations and fire drill instruction. The log book must be readily available and produced for inspection by an authorised Officer of the Licensing Authority, Fire Authority or Police.
21. All members of staff must receive written instruction and training appropriate to their responsibilities in the event of an emergency. The training and instruction of staff on fire safety must include actions on discovering a fire, raising the alarm, location and use of fire fighting equipment, evacuation of the public and staff, calling the fire service. This training is to be carried out immediately to new staff as part of an induction programme and periodically repeated no less than twice per year.

PUBLIC ORDER AND ACCESS

- 22a. The total number of persons allowed on the premises, is as stated on the licence. Any request to amend the occupancy must be by applying to vary the licence.
- 22b. The licensee shall ensure that an effective system for determining the number of persons on the premises at any one time is used at all times when the premises are open for public entertainment. Staff responsible for monitoring and controlling access to the premises and management staff are to be aware of the maximum occupancy figures for the entire premises and where appropriate specific areas within the premises. These staff members must be instructed as to how the occupancy figure is to be monitored and the action to be taken when the maximum occupancy figure is reached.
- 22c. The licensee shall not allow the stated maximum occupancy to be exceeded.
23. The licensee shall maintain and keep good order and decent behaviour on the premises.

24. No public music, dancing, exhibition, recitation or entertainment of a like kind shall be permitted or suffered to take place in the licensed premises which is offensive, obscene, immoral, licentious, indecent or likely to produce riot, tumult or a breach of the peace, and the operation of the premises shall be carried out in such a way to prevent such conduct.
25. Table dancing, lap dancing, pole dancing and all forms of entertainment, dancing, or displays that include nudity or sexual performances of any kind are prohibited.
26. Collapsible gates or roller shutters, if installed, shall be opened to allow full width and necessary height of exit way before admission of the public, and must be kept locked in that position at all times the public are on the premises. A notice stating the requirements of this rule as to the opening and locking of the gates and shutters shall be kept posted in a conspicuous position near the gates or shutters.
27. In the case of seated audiences, adequate gangways of not less than 1.07 metres (3ft 6in) wide shall be provided for the free passage of the audience. These gangways shall not be occupied or obstructed in any manner and must be arranged opposite exit doors wherever possible.
28. Where the premises are to be used for a seated audience (except lunches or dinners) exceeding 200 persons, all seats shall be securely fixed to the floor, or secured together in groups of four and 12. Where more than 400 persons are to be accommodated, the seats adjoining front, back or across the gangways and seats adjoining exits shall be securely fixed to the floor. The seats shall be so arranged that no seat or part of a seat shall be more than 4.57 metres (15 ft) from a gangway, measured in line of seating. Seating arrangements should comply with current British Standards and Codes of Good Practice.
- 29a. No person shall be employed or otherwise engaged on the licensed premises as a door supervisor unless he/she holds a current registration from the Security Industry Authority.
- 29b. At all times when engaged on supervisory duties a person shall wear and clearly display the registration badge issued by the Security Industry Authority.
- 29c. 'Door supervisor' means any person employed at or near the entrance to the licensed premises to ascertain or satisfy him/herself as to the suitability of customers to be allowed on the premises, and/or is primarily employed to maintain order on the premises.
- 29d. The licensee shall maintain on the premises a log book in which the names, addresses and dates of birth of all licensed door supervisors, and the licence number of licensed door supervisors shall be entered for each day that they are engaged at the premises.
- 29e. The log book shall be kept for a period of at least three months from the date of the last entry and be readily available for inspection by an authorised officer of the Licensing Authority, Fire Authority or Police.
30. This condition applies to premises which are licensed for liquor (other than by way of an occasional licence) and which are licensed to remain open after the general licensing hours defined and prescribed by Section 60 of the Licensing Act 1964.

- 30a. The licensee shall provide free and unrestricted access to cold drinking water at a location which is readily accessible to customers. The water shall be provided without any charge.
- 30b. The licensee shall provide rest facilities which are cooler, quieter and preferably separate from the main dance area(s). Adequate seating shall be provided with the rest facilities.
- 30c. The licensee shall provide full working air conditioning and/or room temperature regulation appropriate for the type of event. Such air conditioning and/or room temperature regulation shall be properly maintained and shall operate during the provision of entertainment.
- 30d. The licensee shall ensure that adequate first aid provision is available at all times to include having at least one nominated and suitably trained first aider on the premises at all times during the event.
31. a) In premises licensed for public dancing, the dance floor shall be clearly delineated and shall be positioned in such a way as to ensure the safety of persons using the dance floor.
- b) The arrangements for access around the dance floor and for seating in the vicinity of the dance floor shall be such that neither dancers nor patrons, seated or otherwise, are put at risk of physical injury.
32. The licensee shall ensure that all plant and equipment used on the premises to which the licence relates is maintained in a safe condition and except for necessary maintenance be securely fenced or otherwise guarded so as to preclude any danger.
- 33a. The provision of sanitary conveniences and other appliances and facilities must be in accordance with the current British Standard.
- 33b. All sanitary conveniences and appliances must be kept in good order and repair and kept effectively cleansed and ventilated. The licensee must ensure that every part of the premises to which the licence applies is maintained in a good state of structural repair and stability.
34. No structural alterations to the premises shall be made without the City Council's consent. Any request made to alter the premises must be by applying to vary the licence.
35. The licensee must ensure that every part of the premises is maintained in a good state of structural repair and stability.
36. The licensee must ensure that in every part of the premises to which the licence applies, the floors, walls, ceilings, windows, doors and fixtures are maintained in a clean condition, that the walls, ceilings, windows and doors are maintained in a reasonable state of decoration, and that no accumulation of dirt, rubbish or flammable material is allowed in any part of the licensed premises or in any other place under the control of the licensee and adjacent to the licensed premises.
37. Refuse must be stored in proper dustbins or other suitable receptacles with close fitting lids.

38. The licensee shall take all due precautions for the prevention of accident and shall not permit any act which is likely to cause fire or danger to the public.
39. All gangways, staircases and exits shall be kept clear of obstructions, well illuminated and free from any trip hazard whilst the premises are open for public entertainment.

NOISE AND GENERAL NUISANCE

40. Any noise produced or associated with the entertainment must not be audible at the façade of the nearest residential, commercial or industrial premises.
41. The licensee shall take all reasonable steps to ensure that patrons awaiting entry to the premises or leaving the premises do not cause annoyance or nuisance to any other person in the vicinity of the premises.
42. Sound insulation or control equipment which is installed to prevent noise nuisance to the occupiers of neighbouring premises shall be maintained in satisfactory working order.

SPECIAL EFFECTS

43. Lasers and strobes are not to be used without the written consent of the City Council. A warning sign to the effect that a laser or strobe is to be used in premises must be clearly displayed at all public entrances to the premises such that the public can see the warning sign before entering.

Special Conditions

1. Maximum occupancy: - 160 persons excluding staff
2. A CCTV system must be installed and maintained to the satisfaction of the Police. All video tapes must be retained for a minimum period of 31 days and made available for inspection by the Police or an authorised Officer of Nottingham City Council.

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

Drawing submitted with application dated 1 July 2005.

Dated: 31 August 2005

**Application for the review of a premises licence under section 53A of the
Licensing Act 2003 (premises associated with serious crime or disorder)**

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 the 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.**

I Malcolm Turner on behalf of the chief officer of police for the Nottinghamshire Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**B Bar
34A and 34 B Heathcoat Street**

Post town: **NOTTINGHAM**

Post code (if known): **NG1 3AA**

2. Premises licence details:

Name of premises licence holder (if known):

Tajinder Singh

Number of premises licence (if known):

036304

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in her opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

In the early hours of Monday 30 August 2010 serious disorder took place at the above premises, which resulted in 3 individuals being seriously injured, following the use of weapons. These injuries requiring hospital treatment.

The Police have serious concerns that if allowed to re-open that there are insufficient safeguards to ensure that there will not be a further serious incident.

There is an on going police investigation to apprehend the offender(s) and it is felt that if people involved in the incident are able to re-visit the venue as customers, further conflict could result.

The premises attract in the words of the Premises Licence Holder a 'bad crowd' with their music policy of playing R n B style music which in the experience of the Police has a tendency to cause incidents of crime and disorder and anti social behaviour. The PLH was advised in September 2009 to immediately change the music policy to prevent serious disorder from taking place and to install effective Door Supervisors.

A statement obtained from Lucas, Bar Manager for the premises, confirms that the incident started inside the premises and CCTV evidence has been provided.

Mr Tajinder Singh has been the premises licence holder since 28 January 2008 and the Designated Premises Supervisor Mr Sukhvinder Singh Swali (brother of the PLH) has been in day-to-day control of the premises since the same date.

The premises have failed two test purchases in September and November of 2009 for which the DPS received written warnings.

On 20 April 2010 the DPS was given a further written warning for failure to maintain the door supervisor register following a visit made to the premises on 20 March 2010. He was warned for failure to maintain CCTV in respect of retaining 31 days worth of recordings for another premises under this licensing authority where Mr Sukhvinder Singh Swali is also the DPS. Mr Tajinder Singh is the Premises Licence Holder for Thurland Hall and Mr Sukhvinder Singh Swali is the DPS. The written warning follows on from a verbal warning given in October 2006 for the same breach at those premises.

17 September 2009 a further advice letter was given to the DPS for a glassing incident at the premises.

On 3 August 2009 the DPS was issued a verbal warning due to breaches of the premises licence namely: failure to retain 31 days records in relation to CCTV – only had 6 days; Failure to maintain door supervisor register and failure to display the premises licence summary.

28 April 2008 The DPS was an advice letter due to a glassing incident occurring at the premises.

The premises have a history of disorder related incidents requiring police attendance. There have been allegations of drug use on the premises, which contravenes condition 23 'The license shall maintain and keep good order and decent behaviour on the premises'. Local residents from as early as February 2008 complained of noise nuisance which is a contravention of condition 40 'Any noise produced or associated with the entertainment must not be audible at the façade of the nearest residential, commercial or industrial premises'.

We have allegations of customers congregating outside the premises drinking alcohol, smoking illegal substances and urinating in the street. Not only is this attributable to public nuisance but is a breach of condition 41 'The licensee shall take all reasonable steps to ensure that patrons awaiting entry to the premises or leaving the premises do not cause annoyance or nuisance to any other person in the vicinity of the premises.

It is our request that the Licence is suspended until a review hearing takes place.

Other options available to the Police have been considered but are felt to be inappropriate in these circumstances.

The Police consider that an expedited review of the premises licence would allow the Licensing Authority to urgently assess the steps that need to be taken to ensure that the Licensing Objectives are not undermined, particularly the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety.

The nature of the incident has resulted in a complete loss of confidence in the operators' ability to effectively manage the premises and uphold the licensing objectives. The Police also consider that for a venue of this type there are inadequate safeguards and conditions on the premises licence.

An incident of this type is not seen as isolated as a previous incident occurred in the vicinity of the premises in July 2010, whereby a man received life-altering injuries following the use of a weapon. This male had been part of a large group that had initially been refused entry to the venue, however one member is seen to speak to the door supervisor, who then lets the group in.

Numerous visits have been carried out at the premises by the City Licensing Enforcement Officers to offer advice and support to the Premises Licence Holder and Designated Premises Supervisor. It is clear that the premises have been allowed to run in such a way that the licensing objectives were seriously undermined. Management was so poorly inadequate that serious problems were not tackled despite Police advice.

This serious incident that resulted in the 3 individuals being injured has placed members of the Public in exceptional danger and as such we would request that the panel gives urgent consideration to suspension of the premises licence to protect the public from serious harm, with a view to ultimate revocation of the licence.

Signature of applicant:



Date: 1.9.10

Capacity: Force Solicitor

Contact details for matters concerning this application:

Address:

Nottinghamshire Police
Headquarters Legal Services Department
Sherwood Lodge
Arnold
Nottingham
NG5 8PP

Telephone number(s): 0115 8002671

email: Malcolm.turner@nottinghamshire.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



NOTTINGHAMSHIRE
POLICE
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Licensing Act 2003

CERTIFICATE UNDER SECTION 53A(1)(B) OF THE LICENSING ACT 2003

I, **Steven Cooper** hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder

Premises: B Bar, 34A and 34B Heathcoat Street, Nottingham NG1 3AA

Premises Licence Number: 036304

Designated Premises Supervisor: Sukhvinder Singh Swali

I am a Superintendent in the Nottinghamshire Police Service.

I am giving this certificate because I am of the opinion that other procedures under the licensing act are inappropriate in this case, the standard review process being unsuitable due to the seriousness of the latest incident and past history of the premises as regards the operators' failure to uphold the licensing objectives.

In the early hours of Monday 30 August 2010 a serious crime and disorder took place at the above premises, which resulted in individuals sustaining very serious injuries caused by a weapon(s), needing hospital treatment.

The overall history of the premises shows that the Police have tried to work with the management, given advice, warnings both verbal and written regarding breaches of conditions and recommendations have been suggested with a view to reducing the number of incidents that have taken place at the premises. The operators have failed to act on this advice.

I have serious concerns that if allowed to re-open that there are insufficient safeguards to ensure that there will not be a further serious incident.

There is an on going police investigation to bring the offenders to justice and I cannot risk persons involved or others associated with the incident being allowed to re-visit the venue as customers, where further conflict could result.

I have considered other options available to the Police and do not consider that any are appropriate in the circumstances.

I consider that an expedited review of the premises licence would allow the Licensing Authority to urgently assess the steps that need to be taken to ensure that the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety are not undermined.

It is my request that the Licence is suspended until the review hearing takes place.

Signed  Date 01/09/2010

