

**REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES**

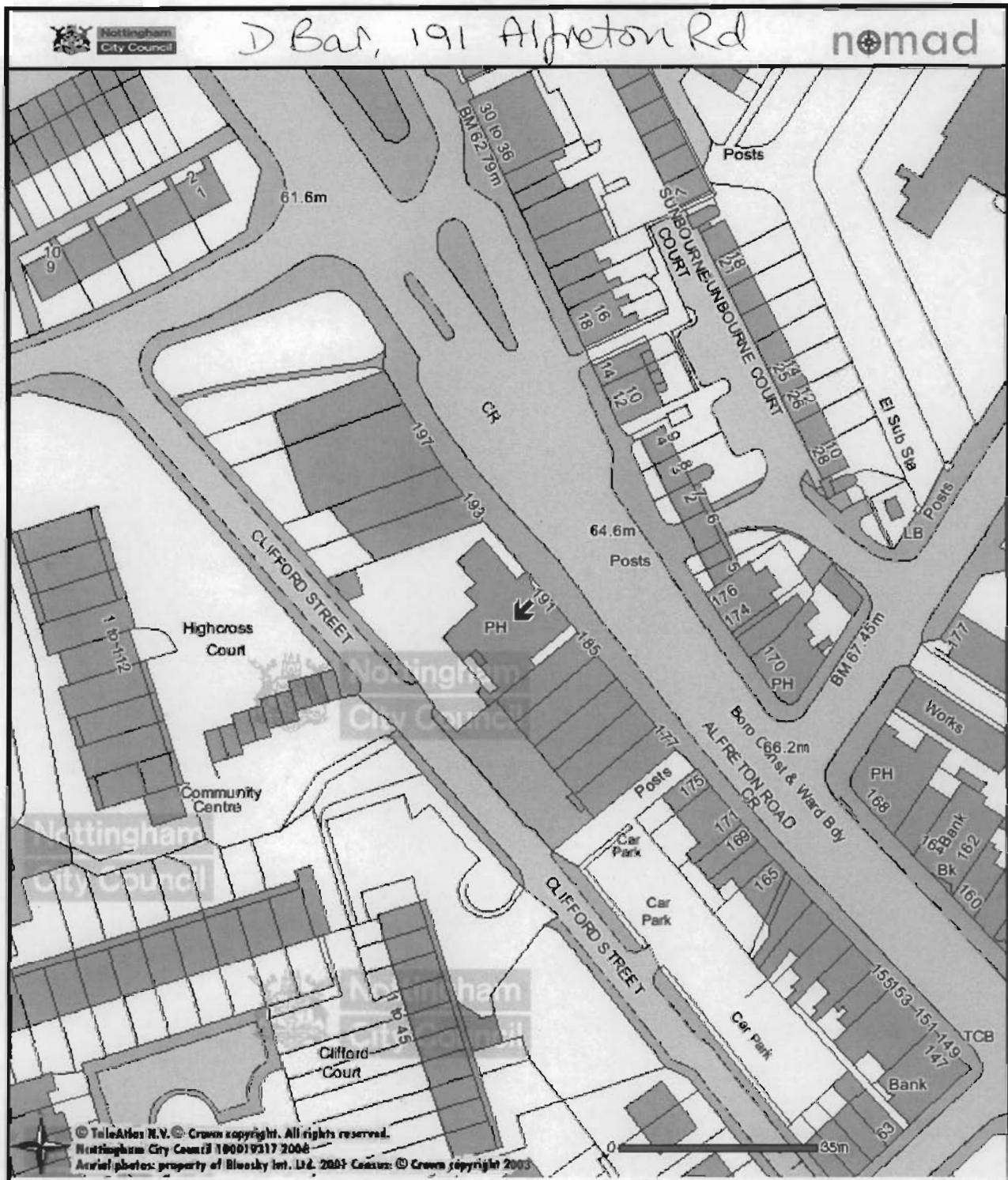
**REVIEW OF PREMISES LICENCE UNDER SECTION 53C LICENSING ACT  
 2003 FOLLOWING SUMMARY REVIEW OF THE LICENCE**

<b>Premises concerned</b>	D Bar 191 Alfreton Road Radford Nottingham NG7 3NN  Please see attached Premises Licence
<b>Premises licence holder</b>	Winston Douglas Reid 27 Laburnum Street St Anns Nottingham NG3 4NE
<b>Party submitting summary review</b>	Nottinghamshire Police  Please see attached application
<b>Date application Received:</b>  <b>Last date for representations:</b>	19 January 2011  2 February 2011  The Licensing Officer displayed a public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 (as amended) from 20 January 2011 to 2 February 2011 inclusive.
<b>Relevant representations received</b>	None
<b>Interim Steps already taken</b>	In accordance with Section 53B of the Act the Authority determined on 21 January 2011 the following interim steps should be taken in respect of the Premises Licence:- The licence should be suspended with immediate effect. (copy determination attached).  On 27 January 2011 the Panel heard representations against these interim steps in accordance with s 53B(6) Licensing Act 2003 and determined that the suspension of the licence should continue (copy determination attached).
<b>Matters which the Authority has asked the parties to clarify</b>	1. Identification of all issues (both factual legal) which are in dispute. 2. Identification of all areas of law, Guidance and Policy upon which they intend to rely.
<b>Issues</b>	
<b>Issue 1</b>	<u>Whether it is necessary and proportionate to take any one or more of the steps identified below in order to promote the Licensing Objectives.</u>

	<ol style="list-style-type: none"> <li>1. To modify the conditions of the licence permanently or for a temporary period of up to 3 months; and/or</li> <li>2. To exclude a licensable activity from the scope of the licence permanently or for a temporary period of up to 3 months; and/or</li> <li>3. To remove the designated premises supervisor; and/or</li> <li>4. To suspend the whole premises licence for a period not exceeding 3 months; or</li> <li>5. To revoke the licence.</li> </ol>
<b>Issue 2</b>	The Panel should determine, (bearing in mind its determination in relation to Issue 1,) which of the interim steps already imposed should cease when the determination in relation to Issue 1 takes effect.
<b>Relevant Legislation</b>	S53C Licensing Act 2003
<b>Relevant Policy</b>	Section 2 and Appendix A of the Statement of Licensing Policy
<b>Relevant Guidance</b>	Chapter 11 of the Guidance issued under section 182 of the Licensing Act 2003 and Paragraphs 5.1 to 5.7 of the DCMS non-statutory guidance on expedited/summary licence reviews
<b>Published documents referred to in compiling this report</b>	Licensing Act 2003 (as amended) Guidance issued under Section 182 of the Licensing Act 2003. DCMS non-statutory guidance on expedited/summary licence reviews Statement of Licensing Policy issued by Nottingham City Council.

**ANDREW ERRINGTON,  
DIRECTOR OF COMMUNITY PROTECTION  
CENTRAL POLICE STATION, NORTH CHURCH STREET, NOTTINGHAM  
NG1 4BH**

Contact Officer: Zoey Mayes, Assistant Licensing Officer, Lawrence House,  
Talbot Street, Nottingham NG1 5NT – Telephone: 0115 915 6082



- |                                    |                 |               |
|------------------------------------|-----------------|---------------|
| Political: Council areas           | Building        | Road Or Track |
| City of Nottingham                 | General Surface | Slope         |
| Nottinghamshire County Council     | Water           |               |
| Other districts in Nottinghamshire | Open Ground     |               |
| Basemap: Basemap 7 (MasterMap)     | Path            |               |
|                                    | Rail            |               |
|                                    | (continued ...) |               |

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## Licensing Act 2003

## Communities

Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT  
Tel: 0115 915 5555  
Fax: 0115 915 6145

### Premises Licence

**Premises licence number:** 037306

#### Part 1 – Premises details

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

D Bar  
191 Alfreton Road  
Radford

<b>Post town</b>	Nottingham	<b>Post code</b>	NG7 3NN
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<b>Telephone number</b>	0115 9703245
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**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Play – Indoors;  
Films – Indoors;  
Recorded Music – Indoors;  
Performances of Dance – Indoors;  
Live Music – Indoors;  
Provision of Facilities for Making Music – Indoors;  
Provision of Facilities for Dancing – Indoors;  
Late Night Refreshment – Indoors;  
Sale by Retail of Alcohol;

(Varied: 19 November 2007)  
(Varied: 20 October 2010)

**The times the licence authorises the carrying out of licensable activities**

**Plays, Recorded Music & Performances of Dance:**

Friday from 10.00 hrs to 02.00 hrs the following morning  
Saturday from 10.00 hrs to 02.00 hrs the following morning

(Varied: 20 October 2010)

**Films, Live Music, Provision of Facilities for Making Music and for Dancing:**

Monday from 10.00 hrs to 01.30 hrs the following morning  
Tuesday from 10.00 hrs to 01.30 hrs the following morning  
Wednesday from 10.00 hrs to 01.30 hrs the following morning  
Thursday from 10.00 hrs to 01.30 hrs the following morning  
Friday from 10.00 hrs to 02.00 hrs the following morning  
Saturday from 10.00 hrs to 02.00 hrs the following morning  
Sunday from 10.00 hrs to 01.30 hrs the following morning

(Varied: 19 November 2007)  
(Varied: 20 October 2010)

**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 01.30 hrs the following morning

(Varied: 19 November 2007)  
(Varied: 20 October 2010)

**Sale by Retail of Alcohol:**

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 02.30 hrs the following morning  
Saturday from 10.00 hrs to 02.30 hrs the following morning  
Sunday from 10.00 hrs to 01.00 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.

(Varied: 19 November 2007)  
(Varied: 20 October 2010)

**The opening hours of the premises**

Monday from 10.00 hrs to 02.00 hrs the following morning  
Tuesday from 10.00 hrs to 02.00 hrs the following morning  
Wednesday from 10.00 hrs to 02.00 hrs the following morning  
Thursday from 10.00 hrs to 02.00 hrs the following morning  
Friday from 10.00 hrs to 03.00 hrs the following morning  
Saturday from 10.00 hrs to 03.00 hrs the following morning  
Sunday from 10.00 hrs to 02.00 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.

(Varied: 19 November 2007)  
(Varied: 20 October 2010)

**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**

Winston Douglas Reid, 27 Laburnum Street, St Anns, Nottingham NG3 4NE

(Transferred: 25 April 2006)

**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**

Winston Douglas Reid

(Varied: 27 May 2006)

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

035190 issued by Nottingham City Council.

Signed:   
.....  
Licensing Officer

**Dated: 5 October 2005**  
**Varied: 19 November 2007**  
**Varied: 20 October 2010**

## Annex 1 - Mandatory conditions

Varied: 19 November 2007

### 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.

### S19 (4)(b) Licensing Act 2003

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
      - (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 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.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. (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.
5. 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.

#### S. 20 Licensing Act 2003

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- a. by the British Board of Film Classification (BBFC,) where the film has been classified by that Board, or
- b. by the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film.

#### S. 21 Licensing Act 2003

Only individuals licensed under the Private Security Industry Act 2001 are entitled to carry out the relevant activity listed below by virtue of section 4 of that Act may be used at the premises to guard against:-

- a. unauthorised access or occupation (eg through door supervision), or
- b. outbreaks of disorder, or
- c. damage

#### Annex 2 - Conditions consistent with the Operating Schedule – Varied: 19 November 2007 & Varied: 20 October 2010

1. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public. Alcoholic and other drinks may not be removed from premises in open containers save for consumption in any external area provided for that purpose.
2. When bona fide functions are taking place, a minimum of 1 door supervisor shall be employed at the premises from the start of the function until the premises closes. Additional door supervisors must be employed at a ratio of 1:100 customers. A minimum of 1 door supervisor shall be employed at the premises on Fridays and Saturdays from 21.00 hours until the premises closes. Additional door supervisors must be employed at a ratio of 1:100 customers. Door supervisors shall be employed at the premises at such other times as deemed necessary by the Designated Premises Supervisor, following a risk assessment.
3. Clear, legible notices shall be prominently displayed at all exits requesting customers to leave the premises and area quietly.
4. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
5. Doors and windows shall remain closed when regulated entertainment is provided except for access and egress.
6. Electrical sockets used by entertainers shall be fitted with residual current device protection (complying with BS 7671 Requirements for Electrical Installations) and labelled accordingly.
7. 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.



8. 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 others, seated or otherwise, are put at risk of injury.
9. A CCTV system with recording equipment shall be maintained at the premises and operated with cameras in positions agreed in writing with the Police. All recordings used in conjunction with CCTV shall:
  - Be of evidential quality
  - Indicate the correct time and date
  - Be retained for a minimum period of 31 consecutive days
 Sufficient staff must be trained to use the system, as the recorded images must be made available for inspection and downloading immediately upon request to officers of Responsible Authorities.
10. A bound and sequentially paginated incident/accident book shall be kept to record all instances of disorder, damage to property, refusals of service and personal injury at the premises. This book to be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request, and all such books to be retained at the premises for at least two years.
11. A bound book shall be kept and updated daily, containing the names, addresses and dates of birth, SIA registration number and hours worked of door supervisors employed on any particular day. This book shall be kept at the premises for at least twelve months and made available for inspection and copying by the Police immediately upon request.
12. A Challenge 21 scheme shall operate at the premises. Any person who appears to be under 21 years of age shall not be allowed to purchase alcohol unless they produce an acceptable form of identification (passport, driving licence or PASS accredited card.)

### **Embedded Restrictions**

#### S.59, 60, 63, 70, 74, 76 Licensing Act 1964

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

In this condition, permitted hours means:

- g. On New Year's Eve 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, midnight on 31<sup>st</sup> December).

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.

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

Not applicable

**Annex 4 – Plans**

Plan received with the application on 6 August 2005

Drawing number: PL-TL-001

Dated: July 2005

Plan applicable from the date of issue of the licence

Dated: 5 October 2005  
Varied: 19 November 2007  
Varied: 20 October 2010

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

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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 **Heather Read** 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:

**D BAR  
191 ALFRETON ROAD**

Post town: **NOTTINGHAM**  
Post code (if known): **NG7 3NN**

**2. Premises licence details:**

Name of premises licence holder (if known):

**WINSTON DOUGLAS REID**

Number of premises licence (if known):

**037306**

**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 Sunday 16 January 2011, a serious unprovoked assault took place at the above premises, which resulted in an individual sustaining very serious facial injuries. These injuries were caused by several weapons, and required hospital treatment. Please see attached photograph[s].

The Police have serious concerns that, if allowed to remain open, 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 it is felt that if people involved in the incident are able to re-visit the venue, further conflict could result.

Whilst conducting enquiries into this latest incident, several breaches of the premises licence have been identified.

At the time of the assault [approximately 03:10 hours] the premises should not have been open at all; the premises licence dated 20 October 2010 states that the premises should close at 0300 hours. On viewing the CCTV footage obtained from the premises, it clearly shows the supply of alcohol after permitted hours and persons smoking in the premises.

On arrival at the premises officers noted that there was a strong smell of cannabis inside the premises.

The premise has been linked to drugs use previously, as on 18 January 2010 Mr Reid was assaulted by 2 males on the premises having confronted them for dealing drugs inside the premises.

Following this on 25 February 2010, a Misuse of Drugs Act warrant was executed. During the subsequent search of the premises a rock of crack cocaine was recovered from under a table where 4 males were sitting.

On 21 February 2010, the premises operated under the authorisation of a Temporary Event Notice between 0100 hours and 0330 hours. Whilst investigating a number of incidents that occurred outside the premises it was evident that the premises were open until 0430 hours, with large numbers of persons entering and leaving the premises.

On 28 February 2010, the premises operated under the authorisation of the premises licence dated 19 November 2007, which permitted the sale of alcohol until 0100 hours and the premises to close at 0200 hours. Evidence was obtained that showed the premise was open to the public until 0400 hours. On checking Police systems no temporary event notice had been given to authorise the extended hours.

On 5 March 2010 the premises operated under the authorisation of the premises licence dated 19 November 2007. Evidence was obtained that showed the premise was still open to the public at 0215 hours, again no temporary event notice had been given to authorise the extended hours.

On 16 March 2010, Mr Reid was visited at the venue and the above breaches were discussed. At this time a licensing compliance visit was also conducted and it was established that Mr Reid was also breaching conditions appertaining to the provision of door supervisors, an incident/accident register, a door supervisor's register and customer conduct notices.

Mr Reid was given a written warning for the above breaches.

On 23 August 2010, it was found that Mr Reid had again not been employing a door supervisor from 1900 hours, in accordance with condition 2 of the premises licence dated 19 November 2007, and he was strongly advised to ensure future compliance. At this time Mr Reid was seeking Police support to a variation to extend his hours for the sale of alcohol on Fridays and Saturdays. Mr Reid was advised that due to the breaches of his licence the Police would not support an application at that time.

Mr Reid has shown a blatant disregard for the licensing laws and has continued to breach his licence despite several warnings.

At all material times the premises licence holder and designated premises supervisor has been Winston Douglas Reid.

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 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.

This serious incident that resulted in the individual being injured has placed members of the Public in 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: *H. E. Read*

Date: 19<sup>th</sup> January 2011

Capacity: Deputy 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): 0300 300 9999 Ext: 8002671

email: heather.read@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**  
*Policing for you*

## 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: **D Bar**  
**191 Alfreton Road**  
**Radford**  
**Nottingham**  
**NG7 3NN**

Premises Licence Number: **037306**

Designated Premises Supervisor: **Winston Douglas Reid**

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, because: -

In the early hours of Sunday 16 January 2011, a serious unprovoked assault took place at the above premises, which resulted in an individual sustaining very serious facial injuries caused by weapons, which required hospital treatment.

I fear that if allowed to remain open there are insufficient safeguards to ensure that there will not be a further serious incident, and I have grave concerns regarding the level of responsible management of the premises, which appears to be wholly inadequate and has undermined the licensing objectives, putting the Public at risk.

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

The overall history of the premises shows that the Police have tried to work with the management, having given advice, warnings both verbal and written regarding breaches of conditions. The operator has failed to act on this advice.

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. The operation as it stands puts the Public at risk, and I have no confidence in the management to remedy this.

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

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

Signed  Date 17/1/11

**REPRESENTATIONS RELATING TO THE APPLICATION FOR A REVIEW OF THE PREMISES LICENCE IN RESPECT OF D BAR, 191 ALFRETON ROAD, NOTTINGHAM NG7 3NN**

I Douglas Winston Reid of D Bar, 191 Alfreton Road, Nottingham NG7 3NN wish to make representations in relation to the Application made by the Chief Officer of Police for the Nottinghamshire Police Area for the suspension of the licence in respect of the above premises and in particular to the Interim suspension of the licence. I wish to be heard on any such review. I am the Manager and Licence Holder in relation to D Bar and I have read both the certificate of 19 January 2011 by Steven Cooper and also the grounds upon which the Application is made.

I do not accept that I have failed to act on Police advice or that the management of the premises is not responsible or indeed wholly inadequate as alleged. The Application follows the incident at the premises in the early hours of 18 January 2011. On Saturday 15 January 2011 the D Bar was hired out for a private 30<sup>th</sup> birthday party. 80 people were expected but more came. The venue was hired out to Miss Natalie Small of 58 Cordons Road, Radford, Nottingham. The venue provided security by way of 2 doorstaff and video surveillance. The invitees were the guests of Miss Small, not customers of the D Bar. The venue finished on time. A fight broke out on exiting the building. When the doorstaff arrived on scene they found one man bleeding from the head. The Ambulance was called and the Police informed immediately. I asked all who saw the incident to stay behind as witnesses for when the Police arrived. I then checked on the video surveillance recorder to find out precisely what had happened I saw one youth being attacked by two others. They were later identified and their details passed on to the Police. I understand that based upon that evidence an arrest was being made. I believe that we acted responsibly in the circumstances.

The representations refer to the injuries being caused by several weapons. The victim was hit by a bottle.

The other representations relate to historical matters and matters which preceded my Application to Vary the Conditions of the Premises Licence to vary by way of extension of the hours and also to vary the doorman requirement. At the time of the Application the Police Authority made representations and a copy of those representations is attached. Within those representations the Authority confirms that I had been in regular contact with the Police in an effort to correct any breaches to the licence which had been identified during a meeting with the Licensing Office on 23 August 2010. This contradicts the allegation that I have shown a blatant disregard for the Licensing Laws and that I have continued to breach my licence. The conditions required by the Police Authority and agreed by me related to ensuring that the CCTV system was fit for purpose and could therefore provide evidence to identify persons and detect crime. In this case, the CCTV footage was able to provide evidence in relation to the crime. Unfortunately the date on the CCTV camera was incorrect in that it had not been adjusted following the change in BST and would therefore seem that the premises were operating beyond the time set out in the licence. This was not however correct and since that time the CCTV footage time has been corrected.

The further requirement related to the need to have the appropriate number of door supervisors when a function was taking place. On the date of the incident, the required doorstaff were in place.

I therefore consider that the reaction to the incident so far as it relates to my management of the premises is out of proportion. Whilst a serious incident has taken place and is of concern to me, I have acted responsibly in this connection. Further it is unfair that I am even criticised for having been attacked on the 18 January 2010 when I confronted 2 individuals who were suspected of dealing drugs inside my premises. I have never turned a blind eye to any offences being committed at my establishment and would never do so. It would therefore be entirely inappropriate for there to be any suspension of the premises licence. I agree that the persons involved in the incident of the 16 January 2011 (who are not regulars) should not be allowed to revisit my premises and I will assist the Police in enforcing such a ban as the last thing I want is disorder on my premises.

The fight that took place and upon which the Application in reality based is the first and only fight that I have seen at my venue between invitees or customers within my 6 years as a Licensee. I think therefore it is extremely harsh to place the blame on this on the venue or operators. Further, the interim suspension made without any hearing, is inequitable.

Dated 25/1/2011

Signed:   
Mr Douglas Winston Reid

Decision:

**NOTTINGHAM CITY COUNCIL**

**SPECIAL LICENSING PANEL**

**RECORD OF THE LICENSING AUTHORITY'S DETERMINATION ON INTERIM STEPS PENDING REVIEW (s53A AND B OF THE LICENSING ACT 2003)**

<b>1. Date of Hearing</b>	21 January 2010
<b>2. Panel/Committee members present</b>	Councillor Cresswell (Chair) Councillor Grocock Councillor Wildgust
<b>3. Legal Advisor and other persons present</b>	Tamazin Wilson, Solicitor Martin Parker, Committee Administrator
<b>4. Declarations of interests by members and officers</b>	None.
<b>5. Premises being summarily reviewed</b>	D Bar 191 Alfreton Road Radford Nottingham NG7 3NN
<b>6. Name of Premises Licence Holder</b>	Winston Douglas Reid
<b>7. Material taken into consideration</b>	The application under s. 53A Licensing Act 2003 The certificate by Nottinghamshire Police under s 53(1)(B) Licensing Act 2003 The Premises Licence which permits the sale of alcohol by retail Other material with the papers before the Panel
<b>8. Issue for Determination</b>	Whether it is necessary and proportionate to take any one or more of the interim steps identified below pending the full review of the licence, and if so to determine whether those interim steps shall take effect immediately or at some later date but prior to the full review:-  <u>Steps which may be taken</u> <ol style="list-style-type: none"><li>1. To modify the conditions of the licence and/or</li><li>2. To exclude the sale of alcohol by retail from the scope of the licence and/or</li><li>3. To remove the designated premises supervisor; and/or</li><li>4. To suspend the premises licence</li></ol> The Police have formally requested that the Panel consider their request.

<p><b>9. Decision</b></p>	<p>The Panel considered the application and other documentation mentioned in section 7 of this report and found that:-</p> <ul style="list-style-type: none"> <li>• D Bar was licensed for the sale of alcohol and that a senior member of Nottinghamshire Police, namely Steven Cooper had given a certificate in accordance with s 53A(1)(b) Licensing Act 2003 that the D Bar premises, in his opinion were associated with both serious crime and serious disorder. The Panel therefore concluded that the application for summary review of the premises licence was valid.</li> <li>• In the early hours of the 16 January 2011 a serious unprovoked assault took place at the premises which resulted in an individual sustaining very serious facial injuries such that hospital treatment was required.</li> <li>• The premises has been linked to drugs use previously, and on 18 January 2010 the Premises Licence Holder was assaulted by two males on the premises having confronted them for dealing drugs inside the premises.</li> <li>• The Police have serious concerns that, if allowed to remain open, there are insufficient safeguards to ensure that there will not be a further serious incident, putting the public at risk.</li> </ul> <p>The Panel had regard to the non-statutory DCMS guidance on Expedited reviews in particular paragraphs 3.6 and 3.7.</p> <p>The Panel noted that the overall history of the premises showed that the Police had tried to work with the management, given advice and warnings both verbal and written regarding breaches of conditions, but the operators had failed to act on this advice. However the application for review was on the basis that the premises are associated with serious crime and serious disorder, in accordance with s 53A(1)(b) Licensing Act 2003 and felt that its decision should be informed by the factual situation linked to the crime and disorder mentioned by the police.</p> <p>Based on police evidence the Panel decided that there had been serious crime and serious disorder and proceeded to consider the interim steps that might be taken in accordance with section 53B Licensing Act 2003 as detailed in section 8 above.</p> <p>The Panel then considered the steps that might be taken:</p>
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**1. Modification of licence conditions**

Whilst the Panel was concerned about the nature and level of incidents of crime and disorder at the premises it felt that there was insufficient detail in the application to allow properly tailored conditions to be formulated and attached. No details were supplied by the Police of the type of weapons used. Even if Glassware had been the weapons imposition of a condition requiring safe glassware would be inappropriate at this stage, before a full review. Given the police's concerns about management of the premises, and their past history, the Panel felt that there was a real possibility that conditions would not be adhered to.

**2. Exclusion of licensable activity from the scope of the licence**

These appeared to be premises where the sale of alcohol was the primary licensable activity. Excluding the sale of alcohol from the licence but leaving the premises open for other activities also did not appear to be appropriate.

**3 The removal of the designated premises supervisor**

The concerns which the police had expressed and which the panel had related to the Premises Licence Holder as well as the DPS. Removal of the DPS alone did not appear appropriate.

**4 Suspension of the Licence**

The Panel felt that this would be an appropriate and necessary immediate measure to prevent serious crime and serious disorder in accordance with the licensing objectives. In arriving at this conclusion it considered the matters set out at 1 to 3 above and had regard to the possible costs implications of imposing conditions, in circumstances where a full review would be likely to lead to better promotion of the licensing objectives.

The Panel therefore decided to suspend the licence until the licensing panel's decision on the review of the licence that is required to take place in accordance with section 53A(2)(b) Licensing Act 2003.

The action outlined above was to take immediate effect.

**Signed:**

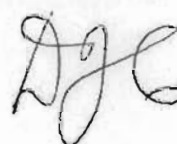
**Dated:**



CITY OF NOTTINGHAMSPECIAL LICENSING PANELRECORD OF THE LICENSING AUTHORITY'S DETERMINATION ON  
RESPRESENTATIONS AGAINST INTERIM STEPS PENDING REVIEW (s53B (6)  
OF THE LICENSING ACT 2003)

<b>1. Date of Consideration</b>	27 January 2011
<b>2. Panel/Committee members present</b>	Councillor Cresswell (Chair) Councillor Packer Councillor Marshall
<b>3. Legal Advisor and other persons present</b>	John Pickstone, Solicitor Martin Parker, Committee Administrator  Winston Douglas Reid and his representative Ms V Brankovic of Counsel Mr Murphy, a door supervisor at D Bar Mr P. Carr, a regular customer of D Bar  The following representatives of Nottinghamshire Police:  Heather Read, Deputy Force Solicitor Helen Guest, Licensing Manager Superintendent S Cooper Inspector Ahmed  David Browitt, Licensing Officer
<b>4. Declarations of interests by members and officers</b>	None
<b>5. Premises being summarily reviewed</b>	D Bar 191 Alfreton Rd Radford Nottingham NG7 3NN
<b>6. Name of Premises Licence Holder</b>	Winston Douglas Reid
<b>7. Material taken into consideration</b>	<ol style="list-style-type: none"> <li>1. Application for Summary Review dated 19 January 2011 and police representations contained within it.</li> <li>2. Premises Licence</li> <li>3. Application for review of interim Steps signed by Winston Douglas Reid and accompanying representation made by him as premises licence holder dated 25 January 2011</li> <li>4. Certificate by Superintendent Cooper under s. 53A(1)(B)</li> </ol>

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	Licensing Act 2003 5. Photographs of the victim supplied by the Police
<b>8. Issue for determination</b>	(1) Whether the interim step imposed by the Licensing Panel on 21 January 2011, namely, suspension of the premises licence was necessary for the promotion of the licensing objectives, and (2) whether this step taken on 21 January 2011 should be withdrawn or modified
<b>9. Decision</b>	<p><b>The Panel considered the application , the documentation mentioned in section 7 of this report, the reasons for its decision to suspend the premises licence and the representations by the parties.</b></p> <p>Ms Brankovic described the applicant's case which was supported by answers given by Mr Reid to questions put to him. She pointed out 3 elements of the case: the serious assault, on 16 January 2011, the alleged breach of licence conditions and the question of drugs at the premises.</p> <p>Mr Reid said that he was aware that the timings shown on the CCTV were inaccurate and approached the Police in October 2010 about his correcting the timings. He said that the police advice was not to touch the CCTV equipment. The point made by Ms Brankovic was that the timings shown were inaccurate and this inaccuracy was relevant to allegations of the premises being open after the permitted time and the occurrence of sales of alcohol after the time permitted by the Premises licence. Miss Brankovic suggested that there was little detail in the evidence relating to the allegation that cannabis was smoked in the premises.</p> <p>Ms Brankovic mentioned that the persons responsible for the assault were not known to Mr Reid.</p> <p>Mr Reid said that neither he nor his customers took drugs. He told the Panel that he had asked the police for advice when he had identified undesirables in his premises and was told that these people had come from the Cricketers and that he should ask them to leave. (Mr Reid later clarified that his reference to the Cricketers should have been to the "Cricket Players" in Hyson Green.)</p> <p>Heather Read then presented the case on behalf of the police, and called witnesses in support. She made the point that 80 guests had been expected at the private party yet more arrived, but how many were present was not known. Ms Read referred to Mr Reid's statement in his representation that "The invitees were the guests of Miss Small, not customers of the D Bar". She stated that as far as the police were concerned those attending</p>

the party were all members of the public for whom Mr Reid was responsible.

The point was made that the event did not finish on time. The CCTV recording shows the time of the assault as 0408 to 0412. This was due to the inaccurate time shown on the CCTV footage and, in fact, the correct time of the assault was 0308 to 0312. The D Bar premises were supposed to shut at 0300 but were open later, in breach of the law.

Ms Read said that the CCTV showed that the attack happened in the area of the toilets and not as those involved were exiting the premises as stated by Mr Reid.

Superintendent Cooper then gave evidence and when asked what, in his opinion, was the correct course of action for the premises, replied "Suspension is the only answer."

The Panel then resolved to exclude the public in order to hear sensitive evidence. In doing so it considered that the public interest in exclusion outweighed the public interest in the this part of the hearing being in public and the exclusion was in accordance with regulation 14 Hearings Regulations 2005. The evidence presented covered police progress in respect of the attack and the drug links of the perpetrators of the attack.

Superintendent Cooper stated that he considered that the finding of crack cocaine in D Bar was a serious matter. He then emphasised that there was no allegation whatsoever that Mr Reid dealt in crack cocaine.

Ms Read then said that elimination of incidents involving drugs could be controlled by proper, effective management of the premises.

Inspector Ahmed then gave evidence including his working with Mr Reid. He mentioned that during a conversation with Mr Reid he, Mr Reid, had mentioned to him that he could not afford door staff every day of the week. Inspector Ahmed then mentioned the alleged braches of conditions that had occurred on 16 January 2011. He said his view was that the licence conditions regarding door staff and CCTV coverage were necessary.

David Browitt then gave evidence that he had viewed the CCTV footage of the incident on 16 January 2011. From his observation of the footage he could see that the attack had started by one person punching the victim. Two other persons then joined in. The first assailant picked up a bottle and hit the victim with it. Further blows from two other bottles followed. He remarked that it had been a very long time since he had seen

such a vicious attack. He said that the footage timing showed that sales had taken place between 0331 and 0351, but allowing for the time discrepancy the last sale actually took place at 0251. Mr Browitt said he believed that the sales were of alcohol but the Panel noted that whilst the footage showed sales were taking place there was no evidence from the CCTV system that these sales were of alcohol. The footage also showed that the assault finished at 0411 and, correctly adjusted, this was 0311. The correctly adjusted time for the start of the fight was 0308.

In answering a question about the absence of CCTV cameras on the exterior of D Bar Mr Browitt said that he spoke to Mr Reid on 20<sup>th</sup> January 2011. Mr Reid told him that there were no cameras because he did not have the funding available for them, but then Mr Reid immediately told him that he had bought the cameras but was waiting for them to be installed. Mr Browitt then said that the footage showed that no staff from the premises intervened during the incident when the assault took place but that a customer did intervene in the fight.

The Panel considered the evidence and representations bearing in mind the following :

- (1) paragraph 4.2 of the statutory guidance relating to the interim steps process, namely that "the measures are designed to deal with serious crime and serious disorder on an interim basis only" and "the process is designed to avoid delay".
- (2) The need for it to consider "Whether the interim steps are necessary for the promotion of the licensing objectives and to determine whether to withdraw or modify the steps taken."
- (3) The premises licence as varied on 20 October 2010 permitted sales of alcohol on Saturdays from 1000 hrs to 0230 hrs the following morning and stated the opening hours of the premises on Saturdays to be 1000 hrs to 0300 the following morning.

The Panel considered that there had been breaches of the licence conditions, namely that at the time of the assault the premises should not have been open at all. According to the representation of the police in support of an expedited review of the premises licence there was an earlier incident of opening after permitted hours namely on Sunday 28 February 2010 when the 2007 premises licence required closure of the premises at 0200 and alcohol sales to cease at 0100. There was evidence that the premises were open to the public until 0400 in breach of this condition.



Further breaches identified by the police were not employing a door supervisor from 1900 in accordance with condition 2 of the premises licence dated 19 November 2007 and not having external CCTV cameras.

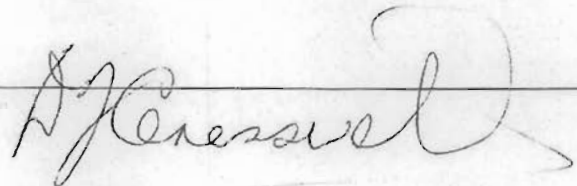
The Panel felt that management of the premises was inadequate as evidenced by breaches of licence conditions mentioned immediately above and keeping the premises open unlawfully beyond permitted hours on more than one occasion.

The panel noted that permitting smoking in the premises, which it was satisfied had occurred, was unlawful. It accepted that there was a strong smell of cannabis in the premises on 16 January 2011, and felt that this was a serious matter.

These matters indicated inadequate management of the premises indicating breach of the licensing objective of prevention of crime and disorder and contributing to and culminating in the serious assault at the premises on 16 January 2011.

The panel felt that inadequate management of the premises would mean that, if the premises were to open, the safety of the public from crime and disorder could not be guaranteed. It decided that the interim steps were necessary for the promotion of this licensing objective. It felt that there was no alternative to this given management inadequacies and therefore it was not appropriate to withdraw or modify the step taken, namely suspension of the premises which should continue until at least the outcome of the review hearing under section 53C that was set for 3 February 2011.

**Signed:** Councillor Cresswell (Chair)



**Dated:** 31 January 2011.