

NOTTINGHAM CITY COUNCIL

SPECIAL LICENSING PANEL

RECORD OF PROCEEDINGS

1. **Date** - 21 July 2014
2. **Panel** - Councillor Brian Grocock (Chair)
- Councillor Mick Wildgust
- Councillor Bill Ottewell
3. **Legal advisor & Note taker** - Ann Barrett
- Mark Leavesley
4. **Type of application** - Appeal against Interim Steps decision
5. **Premises Licence Holder and premises under review**

Edward & Moore Limited *in respect of*

Dogma
9 Byard Lane
Nottingham
NG1 2GJ
6. **Parties present**
 - (1) For the Police - Sabrina Robinson, Solicitor, Nottinghamshire Police
 - (2) For the License Holder - Walaiti Rathore, Fraser Brown Solicitors
7. **Parties not present and why** – None.
8. **Supplementary material taken into consideration other than that which was contained within the agenda**
 - Application for Summary Review and certificate accompanying the application dated and received on 25 June 2014;
 - Licensing Authority's determination of interim steps dated 26 June 2014;
 - Representations on behalf of Edward and Moore Ltd, including:
 - Email to Chris Hardwick, Helen Guest and David Browitt dated 25 June 2014;
 - Email to Chris Hardwick, Helen Guest and David Browitt dated 1 July 2014;
 - Email to Chris Hardwick, Helen Guest and David Browitt attaching the action plan and interim steps to replace the current interim steps dated 3 July 2014;
 - Email to from Chris Hardwick dated 9 July 2014;
 - Email to Chris Hardwick, dated 10 July 2014;
 - Email from Chris Hardwick, dated 11 July 2014;
 - Email to Chris Hardwick, dated 14 July 2014;
 - Second Email to Chris Hardwick, dated 14 July 2014;
 - Email from Chris Hardwick, dated 14 July 2014;

- Undated and unsigned Crime and Disorder Prevention Policy – Edward and Moore Ltd;
- Undated and unsigned Ejection Policy – Edward and Moore Ltd;
- Undated and unsigned Search Policy – Edward and Moore Ltd;
- Undated and unsigned incident escalation procedure – Edward and Moore Ltd;
- Unsigned risk assessments and Hazard identification forms (Bridgeway Security GB) completed by Julio Almeida and dated 08/01/14

9. Fact/Issue in dispute

Whether the interim steps imposed on 26 June 2014 are appropriate for the promotion of the licensing objectives or whether to withdraw or modify those steps and if so the date upon which such modification(s) should take effect

10. Decision

In summary, the parties made the following submissions:

On behalf of the premises licence holder:

- It was no longer necessary for the suspension of the premises licence which had been imposed as an interim step on 26 June 2014 to remain in place. Interim steps were measures designed to be put in place pending full review (s53B (1)) and the full review was due to be heard later that day;
- The legislation is contrary to Human Rights legislation;
- It is the role of the Panel to consider if steps are necessary for the promotion of the licensing objectives;
- The premises Licence Holder had respected the Panel's decision of 26 June and wanted to work with the police. Had there been agreement with the police over a set of alternative proposals to be put forward then the application for consideration of interim steps would have been made sooner. The application had been left late as the premises Licence Holder had been hopeful that the police might change their minds and the police allegations are no-where near as bad as they first seemed;
- The hearing is concerned with immediate measures pending full review and the premises had always intended to close voluntarily until steps could be agreed with the police or until a full determination was made;
- Interim steps should be taken for protection of the community. The Premises Licence Holder was putting forward a raft of robust conditions which will be volunteered as permanent conditions at the final review hearing. These will take time to implement in any event and if imposed as interim steps the premises would not be able to re-open immediately;
- Whilst there would normally be a period of time to test the interim steps before final review negotiations with the police had not been fruitful so there was no time to test them. The premises had voluntarily closed and did not pose an immediate risk;
- The issues raised regarding the concerns over management had been addressed

in the Licence Holder's proposals which had been lifted from conditions commonly used by the police and are far in excess of any interim steps offered in the past.

Mrs Robinson submitted:

- The correct test to apply was not one of necessity but that that in S53B(8) as to whether the interim steps are appropriate for the promotion of the licensing objectives;
- The police had grave concerns regarding the promotion of the prevention of crime and disorder and public safety objectives and felt it appropriate that the suspension should continue;
- The application for expedited review was proportionate and necessary given the serious incident (a stabbing) which had occurred inside the premises. There were serious concerns regarding management of the premises and the Panel needed to be satisfied that management was adequate following full consideration of the evidence on the full review;
- There had been an escalation of incidents at the premises ending with the stabbing which had triggered the expedited review and since the review had been lodged various investigations had been triggered;
- The Panel's decision should be restricted to what it felt was appropriate to promote the licensing;
- The police had been cooperative in their meetings with the premises licence holder. It is not always possible to agree conditions nor is agreeing conditions always appropriate to allay concerns over the standard of management;
- Just because a premises has voluntarily closed that does not necessarily mean there is no question regarding the suitability of its management;
- The submitted correspondence indicated that the application to reconsider the interim steps would be made the week commencing 14th July , the application had been made late in the day and no reason given as to why it had not been made earlier.

The Panel determined that the interim step taken on the 26 June 2014 namely the suspension of the premises licence, was still appropriate for the promotion of the licensing objectives and that that step should not be withdrawn or modified.

Signed: Councillor Brian Grocock (Chair)

Dated: 21 July 2014