

**NOTTINGHAM CITY COUNCIL  
SPECIAL LICENSING PANEL  
RECORD OF PROCEEDINGS**

1. **Date of hearing** - 30 April 2015
2. **Panel** - Councillor Brian Grocock (Chair)  
- Councillor David Smith  
- Councillor Mick Wildgust
3. **Legal advisor & Note taker** - Ann Barrett  
- Tanith Davis
4. **Nature of application** - Summary Review under Section 53C of the Licensing Act 2003
5. **Applicant** - Helen Guest (Senior Licensing Enforcement Officer) on behalf of the Chief Officer of Nottinghamshire Police

**6. Premises under Review and Premises Licence Holder**

**Premises**

BZR Bar and Club  
41-45 St Mary's Gate  
The Lace Market  
Nottingham  
NG1 1PU

**Licence Holder**

Angco Limited  
145-157 St John Street  
London  
EC1V 4PW

**7. Parties present**

(1) For the Applicant

Eleanor Morrison, Counsel, Serjeants' Inn Chambers accompanied by:-

- Helen Guest, Senior Licensing Enforcement Officer
- Superintendent Manley
- Inspector 896 Ellis
- PC 3137 Pearson

(2) For the License Holder

None

(3) Other persons who had made representations

Spenceck Limited, represented by Walaiti Rathore of Fraser Brown Solicitors accompanied by:-

- Mitch Stevenson
- Victoria Green

Persons refused permission to speak and reason why

None

**8. Parties not present and reason why**

Angco Ltd – the Premises Licence Holder – no reasons given  
Alex Thompson - a party making a representation - could not attend due to work commitments

**9. Applications and decisions on ancillary issues eg requests for adjournments, determinations whether to proceed in absence, directions etc**

1. No representative of the premises licence holder Angco Ltd appeared before the Panel. The Licensing Authority had received no communication from the company in response to the notice of hearing served upon them indicating whether they would or would not attend. The Police indicated that it was their understanding that the Premises Licence Holder was not intending to be in attendance or represented. In view of this and as the hearing had been delayed by approximately 20 minutes giving Ango Ltd the opportunity to attend, the Panel determined that the hearing should proceed in Angco Ltd's absence in accordance with Regulation 20(2) of the Licensing Act 2003 (Hearings) Regulations 2005 ("the Hearings Regulations"). In making this decision the Panel also took into consideration that it was required under section 53A(2)(b) of the Licensing Act 2003 to make a determination on the application by 7<sup>th</sup> May 2015 and due to the forthcoming bank holiday, elections and lack of room availability it would be extremely difficult for the Panel and other parties who were in attendance to reconvene within that timescale.
2. Mr Thompson had indicated that he could not attend due to work commitments and the Panel determined that the Application should proceed in his absence under Regulation 20 (1) of the Hearings Regulations.
3. An application was made on behalf of Nottinghamshire Police that as there were various matters and offences which were still under investigation arising from the incidents at the Premise, that the press and public should be excluded from the hearing in accordance with Regulation 14 of the Hearings Regulations 2005. The Panel determined that for these reasons and as the case could not be presented without referring to matters and viewing evidence that were still under investigation, that the public interest in excluding the public outweighed that of them remaining in the hearing. Parties to the hearing were however permitted to remain.

**10. Supplementary material taken into consideration other than that which was contained within the agenda :-**

1. 434 page bundle submitted on behalf of the police comprising:-
  - Copy of the application for the expedited review and certificate
  - Notice of determination of interim steps dated 10 April 2015 and record of proceedings
  - Location map
  - Statement of Superintendent Manley dated 23 April 2015
  - Statement of Helen Guest dated 22 April 2015 and exhibits HCG1 - 4
  - Statement of PC Pearson dated 23 April 2015 and exhibits RDP1- 57; NL5-6; NL16; RB5; PS5-8; CDH1-8; MAS/465/15
  - Statement of PC Jones dated 24 April 2015 with exhibits SJ1-27; EJP/610 - 616/15; EJP/601/15; EJP/603-606/15;EJP/609/15; EJP/617-620/15;
  - DVD of CCTV footage (ref EJP/630/15)
  - Written summary of the submissions made by Ms. Morrison on behalf of the Police

**11. Facts/Issues in dispute**

Whether it was appropriate to take any of the following steps in order to promote the prevention of crime and disorder, the prevention of public nuisance, public safety, or the protection of children from harm licensing objective:

1. to modify the conditions of the licence permanently or for a temporary period of up to 3 months;  
and/or
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
3. to remove the designated premises supervisor; (DPS)  
and/or
  4. to suspend the whole premises licence for a period not exceeding 3 months;  
or
  5. to revoke the licence.

The Panel should determine (bearing in mind its determination in relation to Issue 1), that the interim steps already imposed should cease when the determination in relation to Issue 1 takes effect.

## 12. Decision

The Panel listened to all the evidence put before it and also took into account the contents of the application and all supporting documentation and submissions made in relation to it together with the written representations and oral submissions made on behalf of Spenbeck Ltd (the freehold owner of the premises) and the written representations of Alex Thompson (a neighbouring resident).

The Panel accepted the evidence of the Police (which had been uncontested) and also accepted the concerns expressed by Mr Thompson in respect of Angco Ltd's management of the premises. That evidence had related to:-

- the large number of incidents of disorder arising at the premises since Angco Ltd had held the premises licence and the Designated Premises Supervisor had been in charge
- a lack of appropriate recording and reporting of incidents including incidents of crime and disorder
- a failure of communication between management, the security staff employed at the premises and the Police
- The numerous instances of disorder which had occurred at the premises over the Easter weekend of 4-6 April 2015 and which had culminated in the multiple stabbings and serious disorder which had triggered the summary review.

All of the parties present and the Panel were in agreement that a Summary Review had been appropriate.

Mr Rathore had reminded the Panel of the statutory Guidance (March 2015) at paragraph 11.20, that when reviewing a licence, the Licensing Authority should seek to establish the cause(s) of the concern which the representations identified, and that any remedial action taken should be directed at those causes and be no more than an appropriate and proportionate response.

Mr Rathore indicated that the essence of the Police case expressed throughout the hearing was that the cause of concern was poor management and non-compliance rather than the physical premises or terms of the licence itself. Whilst the Police were seeking revocation of the licence, Mr Rathore suggested that there was a more appropriate and proportionate way forward. It was submitted that Spenbeck Ltd had taken action as a result of the incidents and had effectively terminated Angco Ltd's lease and removed them and their business from the premises. The cause of concern had therefore been removed. That being the case it would not be appropriate or necessary to revoke the licence. Mr Rathore had indicated that Angco Ltd had allegedly gone into liquidation and therefore proposed that:-

- Spenbeck Ltd would apply to have the licence transferred to themselves;
- The Panel could determine to remove the DPS
- The hours of the licence be amended so that licensable activities ceased at 02.00 with there being no last entry after 01.30 and the premises closing at 02.30
- That Spenbeck Ltd would accept a three month suspension of the licence

In addition, whilst the Police had not made any criticism of the terms or conditions of the licence, Mr Rathore suggested that a number of measures which Ms Guest had referred to in her evidence namely:-

- The use of Body Cams at the front door and inside
- Body searches
- Bag searches
- “wand” scans
- No customers to be admitted wearing hoodies or excessive jewellery
- Door staff to wear high visibility vests to increase their presence and make customers aware should they need to request assistance
- Capacity of the VIP room to be limited to 80
- A written record of numbers to be maintained for the VIP area
- Venue “ambassadors” to be available at the front door/foyer areas to deal with queries/issues and help people to disperse quietly and considerately

could be included as conditions along with a further condition to the effect that any new tenant for the premises should not be offered a lease until approved by the police, such approval not to be unreasonably withheld.

On the basis of the uncontested evidence before it the Panel were of the opinion that Angco Ltd was unsuitable to hold the premises licence and that the DPS was unsuitable to hold that position and that the premises had traded irresponsibly. The question before it was therefore whether it were more appropriate to revoke the licence or whether the range of measures suggested by Mr Rathore would be appropriate either with or without any other conditions or measures. In considering that matter, the Panel was cognisant of the fact that both Spenbeck and the Police were seeking to work together to achieve a solution and the Panel was appreciative of that.

Mr Rathore had stated on various occasions that the decision to be reached should not be punitive and should respect the rules of natural justice and human rights legislation. Whilst it was accepted that a licence is a proprietary right the licence under consideration was not, at the time of the hearing, the property of Spenbeck Ltd. There was a due process which would have to be followed before it could become so and as at the date of the hearing no application for transfer had been made. The Panel therefore determined the matter on the basis that Angco Ltd held the licence. It was also noted that Spenbeck Ltd would not run licensable activities from the premises itself but would seek a tenant to do so.

The Panel was not satisfied that a lawful and enforceable condition could be imposed on the licence regarding the leasing of the premises to “approved tenants” or that any undertaking to that effect would be enforceable. Whilst Spenbeck Ltd had indicated that they would also accept a 3 month suspension of the licence they had indicated that in reality they felt that it would be closed for a longer period.

Whilst the Panel hoped that Spenbeck and the Police would continue to work together in relation to the future of the premises on balance, and given:-

- The nature and number of incidents of violence and disorder that had occurred there and the fact that they had traded irresponsibly
- That the premises had clearly acquired a reputation as to the type of behaviour that was permitted to occur there which would require robust management given the premises location within the saturation zone
- That there was no evidence, only speculation at this stage, that Angco Ltd had gone into liquidation
- That there was not as yet a transfer application and that although future intentions in relation to the property were noted they could not be treated as certainties at this stage
- That due process would need to be followed in relation to any such transfer

- application(s)
- That there was not as yet a prospective operator and that the suitability of such an operator could not be appropriately controlled by condition or undertaking

The Panel determined that revocation would be the most appropriate course of action to promote the licensing objectives. There was agreement that the premises would need to be closed for a period and should be rebranded before they might be permitted to reopen as a licensed venue. The Panel felt that a three month suspension would be an insufficient period for the reputation of the premises to be lost and for the previous clientele not to seek to resort to it. Revocation would allow any subsequent prospective new operation and licensee to be properly judged on a new application, on its own merits with conditions which could be tailored to it. The premises licence was therefore revoked.

**The decision outlined above shall take effect in accordance with the provisions of section 53C (11) of the Licensing Act 2003 and the interim step imposed by the licensing authority on 10<sup>th</sup> April 2015, namely the suspension of the licence, shall cease to have effect on the coming into effect of this decision.**

**Signed:** Councillor Grocock (Chair)  
**Dated:** 30 April 2015