

## **Licensing Sub-Committee**

**Monday, 14th February, 2011**

**PRESENT:** Councillor S Armitage in the Chair

Councillors M Dobson and R D Feldman

### **196 Election of the Chair**

**RESOLVED** – Councillor Armitage was elected Chair of the meeting

### **197 Exempt Information - Possible Exclusion of the Press and Public**

The Sub Committee was in receipt of additional documentation just prior to the hearing which in the view of Members and the parties themselves, should not be discussed in the public domain. The Sub Committee considered the request that those matters be discussed in private and

**RESOLVED** – That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendix F of the report referred to in minutes 200 and 201 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005 and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the contents as the information therein pertains to an individual and that person would not reasonably expect their personal information or discussions thereon to be in the public domain.
- (b) Information disclosed just prior to the hearing referred to in minutes 198 and 201 both in terms of Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005 and the Licensing Procedure Rules, and on the grounds that it is not in the public interest to disclose the information as it relates to ongoing and unresolved legal issues regarding the professional relationship between former staff and existing management of the premises. Discussions held in public on such matters could jeopardise the resolution of the issues.
- (c) To note that the press and public will also be excluded from that part of the hearing where Members deliberate the application as it is in the public interest to allow the Members to have full and frank debate on the matter, as allowed under the provisions of the Licensing Procedure Rules

### **198 Late Items**

No formal late items of business were added to the agenda. Additional documents had been received after the despatch of the agenda however and had been sent to all parties prior to the hearing, including:

- Statement of PC A J Stokes dated 4 February 2011
- Statement of Sgt A Brooksbank dated 9 February 2011
- Copy of emails dated 10 February 2011 between the solicitor for the Premise Licence Holder and West Yorkshire Police
- Statement of Mr S Raine dated 9 February 2011

- Copy of text messages dated 23 and 24 January 2011 stated to be between Mr G Lamb and Mr S Raine
- Statement of Mr J Wood dated 10 February 2011
- Copy of text messages stated to be between Mr G Lamb and Ms L Sharp
- Copy contract of employment of Mr G Lamb

The following additional documents were submitted just prior to the hearing and were considered during the hearing with the agreement of all parties:

- Copy of text messages stated to be between Mr G Lamb and Mr S Raine
- Copy of a letter from PSB Law to Mr G Lamb dated 14 February 2011

#### 199 **Declarations of Interest**

There were no declarations of interest

#### 200 **"Gatecrasher 2" - Summary review of a premises licence in respect of Gatecrasher 2, 54 New Briggate, Leeds LS1 6NU**

The Sub-Committee considered an application made by West Yorkshire Police under section 53A of the Licensing Act 2003 for the Review of a Premises Licence held at the premises known as "Gatecrasher 2", 54 New Briggate, Leeds LS1 6NU. Present at the hearing:

##### **West Yorkshire Police – the applicant (WYP)**

Ms M Falciano-Padron - solicitor  
 PC C Arkle  
 Mr B Patterson  
 Acting Supt V Francis  
 Sgt M Mynard  
 Sgt R Fullilove  
 Mr G Lamb – former Head Doorman  
 Mr G Cawood (observing)

Ms A Bellamy (observing)

##### **Gatecrasher 2 - Premise Licence Holder (PLH)**

Mr A Horne – solicitor  
 Mr A Swaine – Area Manager  
 Mr S Raine – Managing Director  
 Ms L Sharp – former DPS  
 Mr S Moore – manager  
 Ms M Murray – press officer (observing)  
 Mr J Wood – National Security  
 Mr C Nurse – National Security  
 Mr S Cox - National Security

The Sub Committee, noting the sensitive and confidential nature of some of the information to be discussed, varied the usual procedure for Review hearings and agreed to consider the exempt information in its entirety first, in order that the hearing could resume to deal with all remaining evidence in public

**RESOLVED** – To exclude members of the public and to enter into closed session

#### 201 **Closed Session**

The Sub Committee dealt purely with the contents of Appendix F of the submitted report and those matters raised just prior to the start of the hearing by the Premises Licence Holder. Once that information had been heard and discussed the Sub Committee resumed open session with members of the public present and reverted to normal procedure for Review hearings.

**RESOLVED** – To note the contents of the information discussed and to consider that information at the appropriate time during deliberations.

## **202 Open Session - Gatecrasher 2 Review of Premises Licence**

The Sub-Committee then considered representations from Ms Feliciano-Padron on behalf of WYP who provided the background of recent events leading up to the Review application and details of previous incidents dating from 2009 directly related to Gatecrasher which included serious assaults, incidents of disorder, under age drinking and drug use. Verbal submissions were also made by PC Arkle; Sgt Mynard and Acting Supt Francis.

WYP held concerns over the failure of the venue management team to report or deal effectively with incidents or address concerns over the type of event and promotions held at the club which attracted increased levels of crime and disorder. Information was also supplied on the level of WYP resources directed to the new Briggate area of the city to deal with the increased number of incidents. WYP highlighted the measures already within the Premises Licence to prevent crime and disorder which were not adhered to by the Club. WYP suggested their evidence showed the premises management put profit before public safety.

WYP suggested that the inability or unwillingness of the premises management team to accept responsibility for the link between the activities at the premises and the rise in crime and disorder was a contributing factor to the stabbing incident at the premises on 15 January 2011 which triggered the application for the Review.

WYP had serious concerns regarding public safety and the level of crime and disorder associated with the Club. WYP did not feel that modification or suspension of the licence or removal of a licensable activity or the DPS would be sufficient to deal with the problems associated with the Club given their experience of the management of the Club. WYP maintained that revocation of the Premises Licence was the only effective course of action to take to uphold the prevention of crime and disorder licensing objective in this case.

The Sub Committee then heard from Mr Horne on behalf of the PLH who responded in detail to the evidence of WYP contained within the incident log and set the incidents in the context of the night time economy in the New Briggate location. Mr Horne directed Members attention to those incidents he stated were not attributed to Gatecrasher. He acknowledged WYP comments about the premises management; stating that there had been a breakdown in communication, not only between the local and national Gatecrasher management but also between WYP and the premises management.

Mr Horne stated that the performance of the local management team had deteriorated recently and the DPS at the time of the incident on 15 January 2011 had now been removed. He suggested that Gatecrasher had reacted to WYP advice, and had cancelled events when serious concerns had been raised. The Sub Committee also heard submissions from Mr Wood; Mr Swain and Mr Raine.

Mr Horne outlined the following measures to be considered as action to take in the matter of the review:

- Monthly meetings at Director level (including the managing director and operations Director of Gatecrasher) with WYP
- To undertake a risk assessment of each event to be submitted to WYP 28 days in advance of the event
- Polycarbonate “glasses” and PET (plastic) bottles to be used throughout any event deemed medium or high risk
- A face recognition camera to be installed within the reception area
- Improvement to the dispersal policy

Mr Raine additionally outlined the measures implemented since the Interim Steps Hearing on 21 January 2011. In conclusion Mr Horne stated that the local management policies had failed, but reiterated that the senior management had now taken action and had changed both the door team and the local management team. He maintained that this Review application was the first intervention from WYP and revocation on the first instance was not necessary, as the concerns raised in the application could be addressed with the introduction of the new DPS and the measures offered.

Following full and lengthy consideration of the options open to the Sub-Committee in the determination of Review applications; Members were satisfied by the evidence of WYP. Members concluded that the Gatecrasher premises had consistently undermined both the prevention of crime and disorder and the promotion of public safety licensing objectives for at least 13 months.

The Sub Committee considered the causes of this, having regard to the Section 182 Guidance and the Councils’ own Licensing Policy. They considered whether Miss Sharp the previous Designated Premises Supervisor or the wider management team were at fault.

Members concluded that the blame lay with the Company’s approach to the management of the Leeds Gatecrasher premises. They gave weight to the following matters that Members found as a fact, based on the evidence submitted and the failings admitted by the Premises Licence Holder:

- The problems associated with the premises span the life of two Designated Premises Supervisors
- The Operations Director had been present at meetings with WYP and the DPS
- That senior management failed to deal with incidents in a manner which promoted the prevention of crime and disorder objective
- That the decision to host the “We Play Vinyl” Friday night event had been taken with the knowledge of senior management and contrary to the advice of WYP
- That management failed to act on WYP advice
- That the premises operated contrary to its’ own policies

The Sub Committee considered the measures offered by the PLH at the hearing, but Members were not convinced that these would be sufficient or that the management team could adhere to them. Members further noted that

the DPS had been changed by the management team on 11 February 2011, but noted that the DPS had changed in 2010 to little effect.

The Sub Committee therefore concluded that it was necessary and proportionate in the circumstances of this case to take the following action in order to promote the licensing objectives

**RESOLVED** – To revoke the Premises Licence