

Richardson, Adele

From: andy abbot [zadanzig@yahoo.co.uk]
Sent: 06 October 2011 13:31
To: Entertainment Licensing
Subject: FAO Emma White Re Whard Chamber Co-operative Club
Attachments: WCWYPfullcorrespondence.doc; WCCCBartonResponse.doc

Hi Emma,

further to our discussion earlier today please see attached for consolidated correspondence subsequent to unresolved representations against the Club Premises Certificate application by Wharf Chambers Co-operative Club. Thank you for your understanding that these are crucial information in ensuring that the hearing is as effective as possible and in ensuring these are passed on to the relevant parties. If there is any further correspondence I will be sure to pass it on as soon as is possible.

best wishes

Andy
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Wednesday 14th September

Licensing Department
Millgarth Police Station
Millgarth St
Leeds
LS2 7HX

cc. Entertainment Licensing Section, Leeds City Council, Civic Hall, Leeds, LS1 1UR

Dear Cath Arkle,

Thank-you for your email of Monday 12th September regarding representations and proposed conditions to the licence application for Wharf Chambers Co-operative Club.

As I'm sure you can appreciate we are eager to move forward with the application in the most appropriate and co-operative manner; the sustainability of the club relies on our ability to plan and hold licensed events and as such we are keen to set a precedent to ensure the club operates in the least problematic, safest and most effective manner for our members, and for the residents and businesses in the vicinity.

It was encouraging to read in the guidance notes for the licence application that any conditions proposed to the licence must be proportional and not prohibitive, and must be demonstrably necessary to uphold the licensing objectives. Likewise, to read that each application must be treated on a case-by-case basis and that the default remains in favour of the absolute minimum of conditions or none at all. With this in mind we have formulated a response to the conditions and additional measures proposed in your representation.

In response to the additional measures outlined in points 7 through 9 (those relating to an Incident Report Register) we are happy to comply by keeping a log as suggested.

The points regarding CCTV, however, we feel are less appropriate to our organisation and will prove to be detrimental to its functioning and sustainability. As such we ask for a reconsideration of these measures or further clarification in advance of the hearing in the hope that we can negotiate a properly appropriate outcome.

By way of offering context and detail as to why we feel the CCTV measures are in need of revisiting:

- We feel that generally they are disproportionate and prohibitively expensive. As outlined in the licence application and accompanying covering letter, Wharf Chambers will be run as a private members club. It would appear that the conditions proposed in your representations do not take this into consideration (both in their nature and by referring to 'public' rather than members) and therefore fail to demonstrate that they are tailored to our specific case.
- Wharf Chambers will be a not-for-profit provision for the creative and artistic community run co-operatively with a focus on accessibility and affordability. As such, expensive measures like the extent of CCTV proposed in your conditions can only be accepted if deemed wholly necessary, lest they compromise the functioning and sustainability of our enterprise.
- We have researched the prior use of the building and as part of this have been in dialogue with members of former users of the space who ran The Common Place. We are aware that, despite the clear distinctions between our club and The Common Place, the programme, timing and nature of our events, and the demographic/community they will act as a provision for, are similar enough for us to consider The Common Place as a precedent.
- We know that the only CCTV-related condition that was ultimately imposed on The Common Place was a single camera on the entrance/exit, which we would consider a more proportionate condition to be proposed. However, we also understand that The Common Place ran for 6 years with a license without incident and with no record of complaints that justified the cost of installing and running the CCTV, so in effect we can take this as 6 years of evidence against the requirement of CCTV altogether.
- Accordingly we suggest that the conditions of CCTV outlined in your representation are not in line with the guidance notes, and overlook the history of the building and the specific nature of our organisation.
- As mentioned above, we are keen to act in as co-operative and good-willed a manner as possible whilst retaining the vision of our organisation and ensuring both its safety and positive contribution to the area. If there are any other conditions that we can meet that nullify the condition of CCTV – in relation to our hours for licensed events for example – then we will be happy to discuss and negotiate these.

Thank-you for your time in reading this. We hope it is taken in the spirit in which it is intended: as a constructive response aimed towards running our organisation in the best

possible manner. We look forward to your prompt reply in the hope that we can resolve any representations in advance of the hearing.

Kind regards

Andy Abbott
Club Secretary
Wharf Chambers Co-operative Club

From: "catherine.arkle@westyorkshire.pnn.police.uk"
To: andy abbott <zadanzig@yahoo.co.uk>
Sent: Wednesday, 21 September 2011, 15:10
Subject: Re: Wharf Chambers Co-Operative Club - Police Qualified Objection

Andy

Thanks for the below. Your comments are noted.

In relation to the CCTV measures, the wording used is taken directly from Leeds City Council's Pro Forma Risk Assessment (V6) which we use when considering each and every application. We don't ask for every measure which is suggested because we do try to tailor them to each individual application. I take your point re the use of the term 'the public' as the majority of activities may be for members only. This can be addressed by a change of wording, although your rules do also allow for guests of members who are, to all intents and purposes, members of the public, so perhaps it needs to be worded as 'members and/or the public'. It is easy to forget that this is a CPC application as you also appear to have done when using the term 'licence' as opposed to 'certificate' in your letter.

I have looked carefully at the application and there are various reasons why I think the CCTV is necessary. I have some knowledge of the premises as 'The Common Place' and as you acknowledge in your letter you will be running the premises very much along the same lines, and in fact use The Common Place and how it operated as an argument against the CCTV condition.

I was at the hearing when the condition of CCTV was imposed on the CPC by the Sub-Committee sitting that day. It was not said that there need be only 1 single camera on the entrance/exit. The CCTV condition was imposed without agreement from the other side because of the late hours of the operation which were markedly different from most other CPCs and because of

the city centre location.

I am also aware that allegations have been made of far right activists targeting the building. Your organisation runs along exactly the same lines as the previous one and there is therefore no reason to presume that it will not continue to be targeted by these people with the added risk of, at the very least anti-social behaviour and at worst, crime and disorder. As you mention to my colleague, Robert Patterson, in your letter dated 14th August 2011, many of you have been visitors to or members of The Common Place.

Even though the police have no record of any anti-social behaviour or threats towards the previous club and/or its members this is referred to in some paperwork submitted as part of an objection to your current application. A previous general volunteer and member of the management collective of The Common Place wrote to the complainants in Jan 2011 and made allegations re far right activists targeting the premises.

Given the hours requested, the city centre location and the real possibility of the premises attracting trouble from far right groups due to its similarity to The Common Place, including to some extent the very same members and visitors, we do feel that the request for CCTV is proportionate and fair. I understand the financial implications and would be willing to ask our Imaging Unit to attend the Club and advise you on how best to meet the conditions without having to spend a fortune.

Regards

Cath

PC Catherine Arkle
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Wednesday 28th September

Licensing Department
Millgarth Police Station
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cc. Entertainment Licensing Section, Leeds City Council, Civic Hall, Leeds, LS1 1UR

Dear Cath Arkle,

Thank-you again for your correspondence regarding our license application for Wharf Chambers Co-operative Club, we are happy that there is opportunity to engage in constructive dialogue prior to the hearing and appreciate your time taken to do so.

After consultation with the members of our club, we are clear on the reasoning behind your defence of the condition of full-installation of CCTV. We feel, however, that it is based on fundamental misunderstandings of our club, its aims and objectives, nature of activities and, especially, its relation to the previous use of the space as The Common Place. As such, we feel the need to address the points of confusion.

The comparison with The Common Place has been used by us as a precedent to consider what is proportionate in terms of how to meet the licensing objectives, rather than a statement to the effect that our 'organisation runs along exactly the same lines as the previous one', as you state. There is a crucial distinction between our citing previous use as a precedent and your misunderstanding that our organisation is 'the same as' the previous tenants, which your letter failed to recognise and subsequently confused.

To clarify, Wharf Chambers Co-operative Club (WCCC) shares continuity in the nature and timing of artistic/self-organised cultural events but in contrast is not politically focused. That is, it is a cultural venue, not a social/political centre. Furthermore, the management differs considerably in that the members club delegates the day-to-day running to a paid Workers Co-operative to ensure it is run in a sustainable and professionalized manner.

I'm sure you can appreciate that once the incorrect claim that The Common Place and WCCC are 'the same' is taken out of account, then your concerns regarding speculative 'far-right threats' and associated unsafe or criminal activity are unfounded, rather than 'a real possibility'.

We also looked to The Common Place history - with its city centre location and late opening hours for a Club - to identify any evidence that running similar events on the same premises poses any inherent dangers of failing to uphold the licensing objectives. To reiterate from our previous letter, there was no record of any crime or anti-social behaviour relating to the previous club throughout its six-year history despite the aforementioned late opening hours and city centre location. This has not yet been satisfactorily addressed by you as a justification for imposing the CCTV requirements as a condition to our licence.

We might also cite the advice from the Information Commissioner regarding CCTV and alcohol licenses which is as follows:

*'CCTV installation and use should not be made a condition of an alcohol licence unless there is a justification for doing so. If there has been no history of crime or antisocial behaviour associated with your premises and no likelihood of future trouble, it is difficult to see how the installation of CCTV can be justified as a licensing condition to prevent crime or antisocial behaviour.'*¹

We would appreciate knowing exactly what the CCTV conditions were on The Common Place certificate. We know that the condition agreed by the police CCTV officer who attended the site was a single camera on a single entrance that, ultimately, was never needed.

As in our previous letter, we are appealing for more reasonable conditions on our license to help guarantee the sustainability and achieve the vision of our club to ensure our positive contribution to the area and Leeds as a whole.

As you will have read in our application we are a not-for-profit, community-focused organisation looking to meet a much-vocalised desire in Leeds, and the city centre in particular, for a cultural hub for the creative community. It is the considered position of the club that CCTV is not justified in terms of the licensing objectives – especially given the specific nature of our club as addressed in the guidance notes for the club premises certificate² - and would be prohibitively costly as well as an invasive condition that

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http://www.ico.gov.uk/for_organisations/data_protection/topic_guides/~//media/documents/library/Data_Protection/Practical_application/ICO_VIEW_ON_CCTV_IN_PUBS.aspx

² 6.14

would compromise the ambitions of the club in creating a co-operative, mutually trusting members club.

We look forward to your response and hope that we can arrive a satisfactory agreement prior to the hearing so that it is as straightforward and painless a process as possible for all parties.

Kind regards

Andy Abbott
Club Secretary
Wharf Chambers Co-operative Club

The Secretary of State wishes to emphasise that non-profit making clubs make an important and traditional contribution to the life of many communities in England and Wales and bring significant benefits. Their activities also take place on premises to which the public do not generally have access and they operate under codes of discipline applying to members and their guests.

6.15

Licensing authorities should bear these matters in mind when considering representations and should not attach conditions to certificates unless they can be demonstrated to be strictly necessary. The indirect costs of conditions will be borne by individual members of the club and cannot be recovered by passing on these costs to the general public.



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Monday 19th September



Dear 

I believe we have yet to meet in person, I am the Club Secretary for Wharf Chambers Co-operative Club; tenants of the Ground Floor of 23 – 25 Wharf Street. I have been forwarded the representations and objections you have raised with regards to our application for a Club Premises Certificate.

It is both saddening and discomfoting to read about the past altercations between yourselves and the previous tenants of the space when it was known as 'The Common Place'; which, from the evidence and letters you have submitted appear unresolved. Furthermore it confirms some of our worries as a club that Wharf Chambers Co-operative Club (WCCC) and The Common Place would be seen as 'one and the same' despite their being two distinct organisations with significant differences in approach, structure, aims and objectives.

As a club we wholeheartedly share your concerns about cleanliness and the general upkeep of the building. Hence our spending the last four months refurbishing, restoring and making substantial renovations to the ground floor to reveal and highlight original features, bring in more light to the space and generally make the inside and outside of the premises cleaner, more comfortable and attractive. I would hope that this is evidence enough to ease your concerns about cleanliness and subsequent crime and disorder.

However, the main drive of your objection appears to be based in the notion that WCCC are responsible for past activities of The Common Place and that it is possible or likely that these will be repeated by WCCC. As openly acknowledged in our license application, whilst some overlap exists – in that personnel involved in The Common Place have provided advice and guidance, helped with the refurbishments and we have

consulted with them in terms of the application process – I can assure you that the distinction between the two organisations is significant and valid.

We are well aware of the negative and potentially harmful reputation the premises will embed due to its previous use as The Common Place: confirmed by your representation. We set out as club knowing it will be necessary for us to dispel the reputation of the building as an unclean, unstructured, politically-charged and somewhat confusing place.

We will achieve this by running the space in a professionalized and structured manner; having a worker's co-operative take care of the day-to-day running of the premises for which have already received support and business training. This means there will be paid staff to ensure the upkeep of the premises, their security and safety. Both West Yorkshire Police and Environmental Protection are also supportive of our application in this respect.

Of course, in order to have paid staff to guarantee the cleanliness and upkeep of the building in line with our own high standards, it is necessary for us to have a reliable income stream. I am sure it is logical to you as a business owner that this is why we are applying for a Club Premises certificate: events will on occasion be necessary to help fund the less lucrative day use of the club as a café and social/recreation space for our members who will be made up of the artistic and creative community in Leeds.

I hope then that this is a first step towards easing any of your concerns about the risk of repeated altercations such as those suffered between yourselves and The Common Place. It is our vision and aim to make a positive contribution to the area, and Leeds more generally, and guarantee a provision that improves the quality of life for the people of Leeds as well as those that choose to run their business there. If you have any familiarity with my background you will know I have a proven track record of such positive contribution to the city through various organisations, and subsequently, good relationships with the council and their arts and regeneration department that will both corroborate and support this.

I would very much appreciate a meeting in person at your nearest convenience, or at least a response to this letter by phone or email as a way towards negotiating an outcome that will make the mutually inconvenient and time-costly exercise of a hearing unnecessary and to begin to build a more trusting and friendly relationship between yourselves and WCCC.

Kind Regards

Andy Abbott
Club Secretary
Wharf Chambers Co-operative Club