

Premises History

On 20th November 2006, an application was submitted for a premises licence for the premises formerly known as Oslo, following the liquidation of the previous company operating as Oslo. The applicants were Iniquity Dens Limited. Representations were received to the application from responsible authorities, but agreements were reached and a premises licence was granted as applied for.

On the 6th September 2007, a variation application was submitted for the premises, now known as Religion. The application was to request an increase in the licensing hours. Representations were received from other persons. A Sub Committee hearing was scheduled. The Sub Committees decision, was to grant the variation with an added condition that the applicant had offered.

In March 2009, an application was received to transfer the premises licence into the name of Christopher Ayre, this was successful.

On the 10th Feb 2010, a letter was received from Mr Nathan-Geary, together with consent to transfer from Christopher Ayre to Vektor Investment Management Limited. The letter informed the Licensing Department that a transfer application would follow within four weeks, as he was close to letting the premises to another tenant. No application was received within the said time and in May 2010, a letter was sent to Christopher Ayre and Raven Pine Ltd (Mr Paul Nathan-Geary), informing them that Mr Ayre was still responsible for the premises and the annual fee was due. A letter was received back from Christopher Ayre, explaining that he no longer had dealings with the premises and had completed all the necessary paper work to transfer.

On 29th July 2010, a complete transfer application was received to transfer the licence from Christopher Ayre, to Matthew Powell, with immediate effect, also a DPS change application was received to change the DPS from Christopher Ayre to Lisa Gaskin. The premises were now known as Boudoir. Mr Powell had now acquired the premises licence on an interim basis.

An objection was received from West Yorkshire Police to both the transfer and DPS change applications on the grounds of the prevention of crime and disorder as since Mr Powell had acquired the licence crime prevention conditions on the licence had not been complied with. A Sub Committee hearing was scheduled to decide the applications.

On 13th August 2010, an application was received to change the DPS from Lisa Gaskin to Lee Maurice Yates. This application superseded the previous one, therefore the hearing for the DPS change was withdrawn. There was no objection to this application, therefore Lee Maurice Yates became the DPS. The hearing for the transfer of the premises licence still remained, the decision of the Sub Committee was to refuse the application, therefore the transfer which had interim effect ceased on the 6th September 2010 and the premises licence holder reverted back to Christopher Ayre.

On 30th September 2010, a letter was received from Lee Maurice Yates, requesting to be removed from being the DPS at Boudoir from midnight.

On 6th October 2010, another application was received to transfer the premises licence into the name of Matthew Powell, and change the DPS into the name of Matthew Powell, again an objection to both applications was received from West Yorkshire Police. A Sub Committee hearing was scheduled for the 8th November 2010.

On 5th November 2010, an application to transfer the premises licence to Ravenpine Ltd and change the DPS to Lee Maurice Yates, was received in the Licensing Office. This application now superseded the previous one, therefore the hearing was cancelled. No representations were received to this application and the licence transfer and DPS change were granted. The premises licence holder was now Ravenpine Ltd and the DPS was Lee Maurice Yates.

On the 24th Oct 2011, a letter of request was received, to change the name of the premises from Boudoir to Bar Phono.

On the 26th July 2012, an application for review of the premises licence was submitted by West Yorkshire Police. The grounds for review relate to *the performance of the premises over approximately the last twelve months, and police issues not yet satisfactorily resolved and encompassing the areas of:*

- *Unsuitable security provision for high-risk gigs held at the club*
- *Allegations of assault, some serious, including two allegations of sexual assault by on-duty club staff*
- *Public disorder in the street emanating from the club-even as late as 7 to 8am on weekdays*
- *Uncooperative doorstaff and management*
- *CCTV missing/unavailable to officers after serious assaults took place*
- *Allegations that doorstaff attempted to allow suspects to evade justice*

The building housing PHONO, and its previous incarnations have been controlled for a number of years by the present Premises Licence Holders but this application relates only to incidents that have occurred when it has operated under its present name and with the present DPS and on-site management.

The operator/DPS that ran the premises before the current incumbents incurred a number of issues with the police, and following consultation the Premises Licence Holders terminated their agreement with them and installed the current DPS Lee Yates and his management team partner Lisa Gaskin. At about that time in November 2010 the Premises Licence Holder's representative Mr Paul Nathan-Geary told police licensing officers in a meeting that he would now be much more careful with who he allowed to operate out of the premises and would only consider a lease arrangement after a twelve month probationary period by the new operators.

Towards the end of 2011 into 2012 police became concerned at certain criminal elements connected to serious crime frequenting Phono, and reports of violence occurring, not all of which were being reported to the police. In addition, these violent acts were spilling out into the street, sometimes as late as 8sm during weekdays when commuters were travelling to work. There was a connection between entertainment provided at the club, the client base, and the nature and severity of the incidents.

The club management were spoken to by licensing police officers about these matters, and also complaints from operational officer about the management and CCTV issues at the club. They were clearly told this situation must improve. The other complaints encompassed the late provision of CCTV evidence for crime investigation on request, or a total failure to provide CCTV footage with a number of reasons given that were not acceptable. In addition officers formed the opinion that door staff and club management were occasionally deliberately thwarting police attempts to investigate crime properly. Thaw attitude and conduct of door staff and in particular

the DPS to investigating officers and those visiting the premises on licensing visits was uncooperative and poor.

Police concerns were communicated to the club management and Premises Licence Holder.

It was clear to officers that the criminal element were not being sufficiently supervised and controlled in the club and doubt was cast on the ability of the management and door staff to retain control.

It is the opinion of the police that some members of the door team know, and are too close to the client base of the club, and that club management are not strong enough to, or do not choose to supervise their clients or manage their door staff in a satisfactory manner.

In 2012 crime and disorder, and consequently police concerns about the club began to rise and further meetings held and police visits made to Phono were increased.

Despite this, however, on 20 April 2012 a serious sexual offence allegation was made against a door staff member by a female alleging she was assaulted by him in the club toilets. A male staff member was arrested for this offence and is still on bail for it while the criminal investigation continues.

Crimes continue to be committed in the club including two nasty assaults and a robbery in May/June 2012 and police visits to the premises repeated.

At about 5am on the morning of Saturday 14th Jul 2012 two serious incidents occurred connected with Phono. In the first, a male was involved in an assault/disturbance inside and then chased into the street by a number of males, dragged out of a taxi and assaulted, during which time he sustained serious facial injuries.

In the second, a female contacted the police after leaving the club asking for officers to speak to her, as she was alleging that a member of door staff had committed a serious sexual offence against her, once again in the club toilets.

Both offences are currently under investigation, although the former investigation is not being assisted by the non-cooperation of the victim.

The investigation of the sexual offence has been subject of an attempt to pervert the course of justice by a member of club management who rang up the door staff suspect and tipped him off that the police were coming to arrest him. Despite this, the suspect has been arrested and is on police bail pending further enquiries.

Clearly, despite police interaction, this club is not being managed satisfactorily and public safety is being put at risk therefore a review of the premises licence is applied for'.

On 16th August 2012, an application to change the DPS from Lee Maurice Yates to Maritn Andrew Baxter, was submitted to have immediate effect, no representations were received to this application and the licence was issued.

A review hearing was set for the 17th September 2012. Following discussion with West Yorkshire Police and the management of the premises, a request was made for the hearing to be adjourned to give the new management further time to satisfy the police that they were promoting the licensing objectives. This was agreed and a new hearing date of the 4th December 2012 was agreed.

On the 4th December the review hearing took place. Members heard representations from both WYP and the premises licence holder's legal representative. The Licensing Sub Committee resolved that it was appropriate for the promotion of the Licensing Objectives to modify the licensing conditions by adding a new condition prohibiting admittance to the premises after 04:00 hours, on any night of the week.