

LICENSING SUB-COMMITTEE A

A meeting of the Licensing Sub-Committee A was held on 6 June 2017.

PRESENT: Councillors J A Walker (Chair), R Brady and D J Branson

**PRESENT AS
OBSERVERS:** R Littlewood - Licensing Section.
S Hussain - Legal and Democratic Services.
L Wilson - Cleveland Police.

**ALSO IN
ATTENDANCE:** On Behalf of the Applicant, Cleveland Police, supported by Public Health

Acting Inspector P Allen – Cleveland Police
Sergeant P Higgins – Cleveland Police
C Holland – Legal Representative
J Hedgley – Environmental Health & Trading Standards Manager
F Helyer – Public Health Officer

On Behalf of the Premises Licence Holder

R Ahmed – DPS, Club Bongo
R Yassin – Premises Licence Holder
S Howe – Managing Director, Phoenix Security
M Foster – Legal Representative
T Robson – Licensing Consultant
M Foster – Legal Representative

OFFICERS: C Cunningham, J Dixon and S Wearing.

DECLARATIONS OF INTERESTS

There were no Declarations of Interest made by Members at this point in the meeting.

17/1 **LICENSING ACT 2003 - APPLICATION FOR REVIEW OF PREMISES LICENCE - CLUB BONGO, 11-12 BRIDGE STREET WEST, MIDDLESBROUGH. REF: OL/17/01**

The Chair opened the meeting and advised that the Police had requested that the Hearing be held in private, however, the initial report regarding the application for the review was in the public domain. The Chair explained that the report would be presented to the Committee before asking the Police to make submissions as to the reasons for requesting the Hearing to be held in private.

A report of the Director of Culture and Communities had been circulated outlining an application, received from Cleveland Police and supported by Public Health, for a review of the Premises Licence in relation to Club Bongo International, 11-12 Bridge Street West, Middlesbrough, TS2 1AW, Ref No. OL/17/01.

Summary of Current Licensable Activities and Hours

Live music, recorded music, performances of dance and activities like music/dance - 11.00am to 3.30am Monday to Sunday.

Late night refreshment -11.00pm to 3.00am Monday to Sunday.
Sale of alcohol (on and off sales) -11.00am to 3.00am Monday to Sunday.

A copy of the application made by Cleveland Police for a summary review was attached at Appendix 1 and a copy of the existing Premises Licence was attached at Appendix 2.

The Chair introduced those present and outlined the procedure to be followed at the meeting.

The Designated Premises Supervisor (DPS) and Premises Licence Holder were present at the meeting, accompanied by their legal representative, a Licensing Consultant and the Managing Director of Phoenix Security. The legal representative confirmed that a copy of the report and accompanying documents had been received.

Details of the Application

The Principal Licensing Officer presented the report outlining the application for review in respect of Club Bongo International, 11-12 Bridge Street West, Middlesbrough, Ref OL/17/01, made by Cleveland Police.

Members were reminded that a meeting of the Licensing Sub Committee A was held on 10 May 2017 to consider an application for a summary review. The Sub Committee decided to suspend the Premises Licence until the full review hearing. The reasons for the Sub Committee's decision were outlined in the report.

It was highlighted that during consultation on the review application, the Director of Public Health had made a representation in support of the submission made by Cleveland Police. A copy was attached at Appendix 3.

Cleveland Police submitted further documentation in support of the review application and intended to show CCTV footage of the incident that had led to the review application.

In addition, the Premises Licence Holder's legal representative had submitted further material in support of the case.

By way of background, it was reported that the premises were the subject of a previous summary review application made by Cleveland Police in October 2013. Following a full review hearing on 26 November 2013, the Licensing Sub Committee decided to lift a suspension imposed at an interim steps hearing and replaced this with the imposition of a number of additional conditions on the premises licence.

Applicant in Attendance - Cleveland Police

The Police legal representative presented the case in support of the application for a review of the premises licence.

Cleveland Police made an application for a summary review, under Section 53A of the Licensing Act 2003, on 9 May 2017 following a serious incident that occurred at the premises during the early hours of 8 May 2017.

On 10 May 2017, the Licensing Sub Committee A considered the application and determined to take the interim step of suspending the licence until the full review hearing.

Acting Inspector Allen was in attendance at the meeting and had provided a witness statement, dated 8 May 2017, which had been circulated to all interested parties prior to the meeting.

Inspector Allen confirmed the content of his statement and outlined his version of events that had taken place in relation to a serious incident that occurred outside the premises. The Police Legal Representative led Inspector Allen through his witness statement and asked questions which Inspector Allen responded to.

It was highlighted that the incident had been captured on CCTV outside the premises and that Inspector Allen had viewed the CCTV footage at the premises.

A copy of the CCTV footage was made available to the Committee and was viewed at this point in the meeting. Sergeant Higgins and Inspector Allen described the incident as it unfolded, against the timeline on the CCTV footage.

The Police had also submitted excerpts of the STORM incident reports in relation to offences/incidents that had taken place at the premises.

Sergeant Higgins had also submitted a witness statement, dated 25 May 2017, which had been circulated to all interested parties prior to the meeting.

Sergeant Higgins confirmed the content of his statement which provided a chronology of events in relation to the incident that occurred at the premises and historical information in relation to the premises. The Police Legal Representative led Sergeant Higgins through his statement and asked questions which Sergeant Higgins responded to.

The Premises Licence Holder's legal representative and Members of the Committee were afforded the opportunity to ask questions of the Police which were responded to accordingly.

**** ADJOURNMENT**

At 12.30pm the Chair adjourned the meeting for a period of 45 minutes.

**** RECONVENED MEETING**

At 1.15pm the meeting reconvened.

Public Health

Officers from the Council's Public Health department presented the case in support of Cleveland Police's application for a review of the premises licence. The supporting representation was made on behalf of the Director of Public Health who supported the application for review by Cleveland Police, on the grounds that the licensing objectives had been undermined.

The Premises Licence Holder's legal representative and Members of the Committee were afforded the opportunity to ask questions of the Officers which were responded to accordingly.

The Police legal representative also clarified several points with the Officer from Public Health and stated that this concluded the evidence in support of the application on behalf of Cleveland Police supported by Public Health.

Representations

Premises Licence Holder

The legal representative, on behalf of the Premises Licence Holder, presented the case in response to the application submitted by Cleveland Police and supported by Public Health.

The legal representative called on the Designated Premises Supervisor to respond to questions regarding various issues including his length of employment at the premises, trading conditions, the previous review of the premises licence in 2013, crime reports recorded against the premises and the events of the incident leading to the current review.

The Committee and interested parties were afforded the opportunity to ask questions of the Designated Premises Supervisor. The DPS responded to questions from Members of the Committee and the Police Legal Representative.

****ADJOURNMENT**

At 3.10pm the Chair adjourned the meeting for a comfort break for a period of 10 minutes.

****RECONVENED MEETING**

At 3.20pm the meeting reconvened.

Tim Robson, Licensing Consultant

The Premises Licence Holder's legal representative called on T Robson, Licensing Consultant, who had produced a report on the compliance of the premises in relation to the licensing objectives. Mr Robson provided information regarding his own personal experience and qualifications and in relation to the assessment he had undertaken in relation to the premises and responded to questions from the legal representative.

The Premises Licence Holder's legal representative called on S Howe, Managing Director of Phoenix Security. Mr Howe provided information in relation to his background and experience within the security industry and the services and technology offered by his Company. He also responded to questions from the legal representative.

Members of the Committee and the Police Legal Representative were afforded the opportunity to ask questions of Mr Robson and Mr Howe. Both Mr Robson and Mr Howe responded to relevant questions from Members and the Police legal representative.

Summing Up**Cleveland Police**

The Police legal representative summed up by stating that the Licensing Act required Members of the Committee to take such steps that it considered appropriate and submitted that, as a bare minimum, the DPS should be removed as he had failed to protect the safety of the patrons at the premises, but considered that revocation of the premises licence would be appropriate in this instance. The licensing objectives had not been upheld and a serious incident had occurred at the premises on 8 May 2017, resulting in the application being made by Cleveland Police for an expedited review of the premises licence due to serious crime and disorder at the premises.

The premises had previously been the subject of an expedited review in 2013 following a serious incident and evidence had been presented in relation to reported crimes in or outside of the premises during 2016 and 2017.

Whilst there was no dispute that Phoenix Security would provide competent door supervision and that Mr Robson was indeed a competent trainer of staff in licensed premises, the Police legal representative disputed Mr Robson's evidence as a matter of law. The Police legal representative highlighted that Mr Robson's report, which referred to issues being 'satisfactory', to the current DPS being suitable and steps that needed to be taken, was not admissible and should be ignored.

A total of 23 conditions were attached to the existing licence, many of which were added following the previous review in 2013, not all of which had been adhered to. There was a risk of 'over-conditioning' licences and it was the opinion of the Police that adding further conditions to the licence would make no difference.

Neither the DPS nor the Premises Licence Holder had conducted their own investigation into the incident that occurred on 8 May 2017 and it was submitted that the incident had occurred due to poor management at the premises.

Premises Licence Holder

The legal representative summed up by stating that the Premises Licence Holder and DPS accepted that a very serious incident had occurred at the premises on 8 May 2017 and did not dispute that a summary review had been necessary. The DPS had accepted that things could have been dealt with differently; both at the time and following the incident.

The Police had confirmed that, since his appointment, the current DPS had co-operated with them and made improvements in the running of the premises and the legal representative stated that the Licence Holder and DPS did not accept that there had been a complete failure of management at the premises.

The Premises Licence Holder's legal representative stated that they had set out a number of

proposed conditions to address the issues and concerns raised. The proposed conditions were listed within the report produced by the Licensing Consultant.

The Premises Licence Holder believed that the proposed additional conditions were appropriate and would ensure that the licensing objectives were upheld.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal Services and Democratic Services, withdrew whilst the Committee determined the application.

Subsequently all the parties returned and the Chair announced the Committee's decision.

DECISION

ORDERED that the Premises Licence in respect of Club Bongo International, 11-12 Bridge Street West, Middlesbrough, be revoked, for the following reasons:-

The Committee considered the matter on its merits. The Committee considered the application and representations by the Police and Public Health and their legal representative. The Committee considered the representations on behalf of the Premises Licence Holder, the Designated Premises Supervisor, their witnesses in support and legal representative. The Committee considered the report, appendices and the additional information provided by the Parties to the hearing.

The Committee considered, the Licensing Act 2003 ("the Act"), government guidance issued under section 182 of the Act and Middlesbrough Council's Statement of Licensing Policy.

The Committee decided to revoke the Premises Licence of Raymond Ahmed Yassin in relation to the premises of Club Bongo International, 11- 12 Bridge Street West, Middlesbrough. The Committee considered it was appropriate to revoke the Premises Licence in order to promote the prevention of crime and disorder, for the following reasons:-

1. The Committee considered that the club had been open in Middlesbrough since the 1960s up until the summary review; had supporters; was well known to the area; and the Police and the Premises Licence Holder said the incidents at the premises were low level crimes, and considered the proposals to change and implement new measures.
2. However, the incident that occurred on Monday, 8 May 2017 in the early hours of the morning was so serious that the Committee considered this, along with other issues described below, outweighed the above (1.).
3. The door staff, three in total on that night, two employed directly by the Premises Licence Holder and one appointed by an agency engaged by the Premises Licence Holder, ejected a customer through a side door fire exit; punched that customer resulting in him banging his head on the road and being knocked unconscious. A door supervisor then proceeded to kick the customer in the head whilst he lay in the middle of Bridge Street. Door supervisors then dragged the unconscious customer to the side of the road next to the kerbside. They then dragged him, still unconscious, and slumped him next to the railway station wall.
4. The door supervisors did not administer first aid or call for any emergency services and left the customer slumped against a wall. The customer was left unconscious with a broken neck and bleeding on his brain. The door supervisors returned to the club.
5. The Designated Premises Supervisor told the Committee he did not know this incident had happened for about seven minutes, he explained he was in the smoking area. He said one of his Door Supervisors approached him, was agitated, and said he had "slapped him". The Designated Premises Supervisor then told the Committee he went to the front door area and spoke to another Door Supervisor who told him a customer "was in a bad way".
6. Yet, despite this, the Designated Premises Supervisor failed to even walk around the corner to Bridge Street to check the customer (in clear breach of a condition on his licence). The

- Designated Premises Supervisor told the Committee he thought it was enough to tell the door supervisor, who was involved in the incident, to check the customer.
7. Emergency services were called by the customer's friends when they found him slumped unconscious against the wall. The Committee noted that this was some time after he was assaulted and then dragged unconsciously to his position. The Committee was told the friends asked passers-by to phone the emergency services as they did not have a mobile phone.
 8. After the incident, the Police attended the area as a result of being alerted by the ambulance service. A Police Officer then went to the first floor office with a door supervisor in order to view CCTV footage. The Designated Premises Supervisor was not even present and he attended later.
 9. Despite the severity of the incident the Designated Premises Supervisor did not close the premises. He failed to do so even after a request from the Police and being informed that two of his door supervisors had been arrested leaving only one door supervisor, in clear breach of condition.
 10. The Designated Premises Supervisor then left the premises whilst it was still open, knowing there was only one door supervisor left in control of the premises (who was also actually involved in the incident). The Committee was told he left the premises to go to someone's house to ask him to help.
 11. Conditions on the Licence at the time of the incident were breached.
 12. The conditions that were breached were put on the licence following a review in 2013 in order to improve management and to prevent such incidents occurring. This was as a result of a review in relation to a customer receiving very serious injuries at the club and being ejected through the same side door without emergency services being called.
 13. The conditions imposed in 2013 were simple to comply with and were simply ignored.
 14. The Designated Premises Supervisor did not follow up the incident on 8 May 2017 or carry out his own investigations.
 15. The Committee considered that the Designated Premises Supervisor had no control whatsoever over the Premises.
 16. Although the Police did not consider it necessary to put the premises on an Action Plan after the 2013 review, and that incidents appeared to reduce between 2013 and 2016, there were incidents of crime and disorder in and around the club during 2016 and 2017.
 17. The Committee did not consider that removing the Designated Premises Supervisor, adding conditions and / or suspending the Licence would avoid the likelihood of similar incidents occurring at the premises.
 18. The premises has had a number of Designated Premises Supervisors over the time of the licence and prior to 2012. The current Designated Premises Supervisor told the Committee that he reluctantly took over the role in 2012 because he was asked by the then owner and because of the problems at the premises. The same Designated Premises Supervisor was in the role when the licence was suspended in 2013.
 19. The Committee considered that poor management was a direct reflection of the failure of the Premises Licence Holder. The Premises Licence Holder had failed to ensure the premises were run in accordance with the licensing objectives, in particular the promotion of the prevention of crime and disorder and public safety. The Premises Licence Holder failed to ensure the premises complied with the conditions imposed following a review in 2013 as a result of a very serious incident, which had resulted in a further very serious incident caused by the people the Premises Licence Holder employed or engaged. The Premises Licence Holder failed to exercise any control or to take responsibility.

The Chair advised all parties of the Right of Appeal to the Magistrates Court within 21 days of the decision.

17/2 **EXCLUSION OF PRESS AND PUBLIC.**

The Committee considered Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 and the representations of the Police for the hearing to be held in private and the representations of the Premises Licence Holder's representative in agreement to the hearing being in private.

The Committee considered that the public interest in hearing the matter in private outweighed the public interest in hearing the matter in public.

The reasons were that it was imperative that the Committee heard all of the relevant evidence and information in order to reach a proper decision in the public interest.

The Police had informed the Committee that it was very difficult to distinguish which part of the information may put at risk any current investigation or future prosecution. Also the Committee considered that if the hearing was in public the Committee may be restricted in what information it would be able to consider, however, the decision of the Committee would be public.

It was confirmed that there were no questions and all interested parties, other than representatives of the Council's Legal and Democratic Services, withdrew whilst the Committee determined its decision.

Subsequently, all interested parties returned and the Chair announced the Committee's decision.

ORDERED that the press and public be excluded from the meeting for the following item on the grounds that, if present, there would be disclosure to them of confidential information and the public interest in hearing the confidential information outweighed the public interest in disclosing the information in the hearing being held in public under Paragraph 14 (2), of the Licensing Act 2003 (Hearings) Regulations 2005.

17/3 **LICENSING ACT 2003 - APPLICATION FOR REVIEW OF PREMISES LICENCE - CLUB BONGO, 11-12 BRIDGE STREET WEST, MIDDLESBROUGH. REF: OL/17/01 - EXEMPT INFORMATION**

Applicant in Attendance

Cleveland Police

The Police legal representative presented the case in support of the application for a review of the premises licence.

Cleveland Police made an application for a summary review, under Section 53A of the Licensing Act 2003, on 9 May 2017 following a serious incident that occurred at the premises during the early hours of 8 May 2017.

On 10 May 2017, the Licensing Sub Committee A considered the application and determined to take the interim step of suspending the licence until the full review hearing.

Acting Inspector Allen was in attendance at the meeting and had provided a witness statement, dated 8 May 2017, which had been circulated to all interested parties prior to the meeting.

Inspector Allen confirmed the content of his statement and outlined his version of events that had taken place in relation to a serious incident that occurred outside the premises. The Police Legal Representative led Inspector Allen through his witness statement and asked questions which Inspector Allen responded to.

It was highlighted that the incident had been captured on CCTV outside the premises and that Inspector Allen had viewed the CCTV footage at the premises.

A copy of the CCTV footage was made available to the Committee and was viewed at this point in the meeting. Sergeant Higgins and Inspector Allen described the incident as it unfolded, against the timeline on the CCTV footage.

The Police had also submitted excerpts of the STORM incident reports in relation to offences/incidents that had taken place at the premises.

Sergeant Higgins had also submitted a witness statement, dated 25 May 2017, which had been circulated to all interested parties prior to the meeting.

Sergeant Higgins confirmed the content of his statement which provided a chronology of events in relation to the incident that occurred at the premises and historical information in relation to the premises. The Police Legal Representative led Sergeant Higgins through his statement and asked questions which Sergeant Higgins responded to.

The Premises Licence Holder's legal representative and Members of the Committee were afforded the opportunity to ask questions of the Police which were responded to accordingly.

**** ADJOURNMENT**

At 12.30pm the Chair adjourned the meeting for a period of 45 minutes.

**** RECONVENED MEETING**

At 1.15pm the meeting reconvened.

Public Health

Officers from the Council's Public Health department presented the case in support of Cleveland Police's application for a review of the premises licence. The supporting representation was made on behalf of the Director of Public Health who supported the application for review by Cleveland Police, on the grounds that the licensing objectives had been undermined.

The Premises Licence Holder's legal representative and Members of the Committee were afforded the opportunity to ask questions of the Officers which were responded to accordingly.

The Police legal representative also clarified several points with the Officer from Public Health and stated that this concluded the evidence in support of the application on behalf of Cleveland Police supported by Public Health.

Representations

Premises Licence Holder

The legal representative, on behalf of the Premises Licence Holder, presented the case in response to the application submitted by Cleveland Police and supported by Public Health.

The legal representative called on the Designated Premises Supervisor to respond to questions regarding various issues including his length of employment at the premises, trading conditions, the previous review of the premises licence in 2013, crime reports recorded against the premises and the events of the incident leading to the current review.

The Committee and interested parties were afforded the opportunity to ask questions of the Designated Premises Supervisor. The DPS responded to questions from Members of the Committee and the Police Legal Representative.

**** ADJOURNMENT**

At 3.10pm the Chair adjourned the meeting for a comfort break for a period of 10 minutes.

**** RECONVENED MEETING**

At 3.20pm the meeting reconvened.

Tim Robson, Licensing Consultant

The Premises Licence Holder's legal representative called on T Robson, Licensing Consultant, who had produced a report on the compliance of the premises in relation to the licensing objectives. Mr Robson provided information regarding his own personal experience and qualifications and in relation to the assessment he had undertaken in relation to the premises and responded to questions from the legal representative.

The Premises Licence Holder's legal representative called on S Howe, Managing Director of Phoenix Security. Mr Howe provided information in relation to his background and experience within the security industry and the services and technology offered by his Company. He also responded to questions from the legal representative.

Members of the Committee and the Police Legal Representative were afforded the opportunity to ask questions of Mr Robson and Mr Howe. Both Mr Robson and Mr Howe responded to relevant questions from Members and the Police legal representative.

Summing Up**Cleveland Police**

The Police legal representative summed up by stating that the Licensing Act required Members of the Committee to take such steps that it considered appropriate and submitted that, as a bare minimum, the DPS should be removed as he had failed to protect the safety of the patrons at the premises, but considered that revocation of the premises licence would be appropriate in this instance. The licensing objectives had not been upheld and a serious incident had occurred at the premises on 8 May 2017, resulting in the application being made by Cleveland Police for an expedited review of the premises licence due to serious crime and disorder at the premises.

The premises had previously been the subject of an expedited review in 2013 following a serious incident and evidence had been presented in relation to reported crimes in or outside of the premises during 2016 and 2017.

Whilst there was no dispute that Phoenix Security would provide competent door supervision and that Mr Robson was indeed a competent trainer of staff in licensed premises, the Police legal representative disputed Mr Robson's evidence as a matter of law. The Police legal representative highlighted that Mr Robson's report, which referred to issues being 'satisfactory', to the current DPS being suitable and steps that needed to be taken, was not admissible and should be ignored.

A total of 23 conditions were attached to the existing licence, many of which were added following the previous review in 2013, not all of which had been adhered to. There was a risk of 'over-conditioning' licences and it was the opinion of the Police that adding further conditions to the licence would make no difference.

Neither the DPS nor the Premises Licence Holder had conducted their own investigation into the incident that occurred on 8 May 2017 and it was submitted that the incident had occurred due to poor management at the premises.

Premises Licence Holder

The legal representative summed up by stating that the Premises Licence Holder and DPS accepted that a very serious incident had occurred at the premises on 8 May 2017 and did not dispute that a summary review had been necessary. The DPS had accepted that things could have been dealt with differently; both at the time and following the incident.

The Police had confirmed that, since his appointment, the current DPS had co-operated with them and made improvements in the running of the premises and the legal representative stated that the Licence Holder and DPS did not accept that there had been a complete failure of management at the premises.

The Premises Licence Holder's legal representative stated that they had set out a number of proposed conditions to address the issues and concerns raised. The proposed conditions were listed within the report produced by the Licensing Consultant.

The Premises Licence Holder believed that the proposed additional conditions were appropriate and would ensure that the licensing objectives were upheld.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal Services and Democratic Services, withdrew whilst the Committee determined the application.

Subsequently all the parties returned and the Chair announced the Committee's decision.

DECISION

ORDERED that the Premises Licence in respect of Club Bongo International, 11-12 Bridge Street West, Middlesbrough, be revoked, for the following reasons:-

The Committee considered the matter on its merits. The Committee considered the application and representations by the Police and Public Health and their legal representative. The Committee considered the representations on behalf of the Premises Licence Holder, the Designated Premises Supervisor, their witnesses in support and legal representative. The Committee considered the report, appendices and the additional information provided by the Parties to the hearing.

The Committee considered, the Licensing Act 2003 ("the Act"), government guidance issued under section 182 of the Act and Middlesbrough Council's Statement of Licensing Policy.

The Committee decided to revoke the Premises Licence of Raymond Ahmed Yassin in relation to the premises of Club Bongo International, 11 - 12 Bridge Street West, Middlesbrough. The Committee considered it was appropriate to revoke the Premises Licence in order to promote the prevention of crime and disorder, for the following reasons:-

1. The Committee considered that the club had been open in Middlesbrough since the 1960s up until the summary review; had supporters; was well known to the area; and the Police and the Premises Licence Holder said the incidents at the premises were low level crimes, and considered the proposals to change and implement new measures.
2. However, the incident that occurred on Monday, 8 May 2017 in the early hours of the morning was so serious that the Committee considered this, along with other issues described below, outweighed the above (1.).
3. The door staff, three in total on that night, two employed directly by the Premises Licence Holder and one appointed by an agency engaged by the Premises Licence Holder, ejected a customer through a side door fire exit; punched that customer resulting in him banging his head on the road and being knocked unconscious. A door supervisor then proceeded to kick the customer in the head whilst he lay in the middle of Bridge Street. Door supervisors then dragged the unconscious customer to the side of the road next to the kerbside. They then dragged him, still unconscious, and slumped him next to the railway station wall.
4. The door supervisors did not administer first aid or call for any emergency services and left the customer slumped against a wall. The customer was left unconscious with a broken neck and bleeding on his brain. The door supervisors returned to the club.
5. The Designated Premises Supervisor told the Committee he did not know this incident had happened for about seven minutes, he explained he was in the smoking area. He said one of

his Door Supervisors approached him, was agitated, and said he had "slapped him". The Designated Premises Supervisor then told the Committee he went to the front door area and spoke to another Door Supervisor who told him a customer "was in a bad way".

6. Yet, despite this, the Designated Premises Supervisor failed to even walk around the corner to Bridge Street to check the customer (in clear breach of a condition on his licence). The Designated Premises Supervisor told the Committee he thought it was enough to tell the door supervisor, who was involved in the incident, to check the customer.

7. Emergency services were called by the customer's friends when they found him slumped unconscious against the wall. The Committee noted that this was some time after he was assaulted and then dragged unconsciously to his position. The Committee was told the friends asked passers-by to phone the emergency services as they did not have a mobile phone.

8. After the incident, the Police attended the area as a result of being alerted by the ambulance service. A Police Officer then went to the first floor office with a door supervisor in order to view CCTV footage. The Designated Premises Supervisor was not even present and he attended later.

9. Despite the severity of the incident the Designated Premises Supervisor did not close the premises. He failed to do so even after a request from the Police and being informed that two of his door supervisors had been arrested leaving only one door supervisor, in clear breach of condition.

10. The Designated Premises Supervisor then left the premises whilst it was still open, knowing there was only one door supervisor left in control of the premises (who was also actually involved in the incident). The Committee was told he left the premises to go to someone's house to ask him to help.

11. Conditions on the Licence at the time of the incident were breached.

12. The conditions that were breached were put on the licence following a review in 2013 in order to improve management and to prevent such incidents occurring. This was as a result of a review in relation to a customer receiving very serious injuries at the club and being ejected through the same side door without emergency services being called.

13. The conditions imposed in 2013 were simple to comply with and were simply ignored.

14. The Designated Premises Supervisor did not follow up the incident on 8 May 2017 or carry out his own investigations.

15. The Committee considered that the Designated Premises Supervisor had no control whatsoever over the Premises.

16. Although the Police did not consider it necessary to put the premises on an Action Plan after the 2013 review, and that incidents appeared to reduce between 2013 and 2016, there were incidents of crime and disorder in and around the club during 2016 and 2017.

17. The Committee did not consider that removing the Designated Premises Supervisor, adding conditions and / or suspending the Licence would avoid the likelihood of similar incidents occurring at the premises.

18. The premises has had a number of Designated Premises Supervisors over the time of the licence and prior to 2012. The current Designated Premises Supervisor told the Committee that he reluctantly took over the role in 2012 because he was asked by the then owner and because of the problems at the premises. The same Designated Premises Supervisor was in the role when the licence was suspended in 2013.

19. The Committee considered that poor management was a direct reflection of the failure of the Premises Licence Holder. The Premises Licence Holder had failed to ensure the premises were run in accordance with the licensing objectives, in particular the promotion of the

prevention of crime and disorder and public safety. The Premises Licence Holder failed to ensure the premises complied with the conditions imposed following a review in 2013 as a result of a very serious incident, which had resulted in a further very serious incident caused by the people the Premises Licence Holder employed or engaged. The Premises Licence Holder failed to exercise any control or to take responsibility.

The Chair advised all parties of the Right of Appeal to the Magistrates Court within 21 days of the decision.