

BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Tuesday, 15th January, 2013

Present:- Councillors:- Douglas Nicol (Chair), Gabriel Batt and Gerry Curran

Also in attendance: Terrill Wolyn (Senior Licensing Officer) and Francesca Smith (Senior Legal Adviser), Jonathan Smith (advising solicitor, Poppleston Allen)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 LICENSING PROCEDURE

The Chair explained the procedure to be followed for the meeting.

7 LICENSING ACT 2003 - INTERIM STEPS FOLLOWING SUMMARY REVIEW APPLICATION FOR THE BLUE ROOMS, ROYAL YORK HOTEL, 1 YORK BUILDINGS, GEORGE STREET, BATH BA1 2EB

Applicant for Review: Avon and Somerset Police, represented by Inspector Steven Mildren and Martin Purchase (Liquor Licensing Officer)

Premises Licence Holder: Technov Ltd, represented by David Holley (Licensing Agent), Kambiz Shayeganzadeh (Director) and Blair Ruddick (DPS)

The Licensing Officer summarised the application. She explained that an application had been received from the Police for a summary review of the premises licence, together with a certificate, signed by the Chief Superintendent, stating that, in his opinion, the premises were associated with serious crime. The Licensing Officer confirmed that, after receipt of such an application, a hearing had to be held within 48 hours to consider whether it is necessary to take any interim steps to prevent

serious crime, serious disorder, or both from occurring on the premises and that the review must be determined with 28 days.

Inspector Mildren stated the case for the Police. He said that the premises had been targeted in a covert operation between November and December 2012. During that time, undercover officers had been sold class A drugs on a number of occasions and five individuals had been arrested and four had been charged with drugs offences. In addition to the drug offences, the premises had, since February 2012, been associated with a disproportionate level of other crime and disorder. In the view of the Police, there had been a significant failure, by the licensee, to promote the licensing objectives. He had met Mr Shayeganzadeh on 27 September 2012 to discuss concerns.

A Member asked whether Inspector Mildren had a log of incidents associated with the premises. Inspector Mildren replied that he did not have this with him at the moment, but would be able to provide it as part of the application for summary review, at the full review hearing. A Member asked whether those who had been arrested for drugs offences were employed at the premises. Inspector Mildren replied that he did not wish to discuss this in public session, but would be willing to do so in exempt session. It was

RESOLVED that the Sub-Committee having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for this item of business because of the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act as amended.

Having received the information from Inspector Mildren, the Sub-Committee **RESOLVED** to return to open session.

In response to questions from Mr Holley Inspector Mildren stated:

- he had met Mr Shayeganzadeh in 2010 and September 2012 to discuss concerns about crime and disorder associated with the premises; he had discussed specific incidents and informed Mr Shayeganzadeh about undesirable people entering the premises and spoken about promoting the licensing objectives
- he did not have a list of specific incidents with him today

In response to questions from Mr Smith, Inspector Mildren stated:

- he thought there had been breaches of the licence; the fact that many people had emerged from the premises extremely drunk suggested that drink had been sold to intoxicated people which is unlawful
- there had been a total of 14 Class A drug sales during the covert operation; it would not be appropriate to comment on what night of the week these sales had been made

Mr Holley stated the case for the licensee. He said that comments had been made about things that for which little specific information had been provided. There was, he submitted, not much detail in the Police application. However, by the time of the full review hearing the licenseeholder would have had the chance to investigate specific complaints and there would be a more informed discussion. The trigger for this emergency hearing had been the sale of Class A drugs. The licence holder admitted that there had been issues with drugs at the premises in the past. About 18 months ago a known drug dealer had tried to enter the premises. Mr Shayeganzadeh had notified the Police and had himself stood guard on the door to prevent this person entering the premises. On one occasion he had come to the premises immediately after being notified that this person was present.

Mr Holley said that the Blue Rooms had had a 24-hour licence since 2006. The premises comprised two levels; a basement and sub-basement area, and the activities taking place on the premises required a good deal of supervision. He put questions to Mr Ruddick, the DPS. In reply Mr Ruddick stated that;

- random drug searches had recently been introduced at the premises
- he had been at the premises for five years and was not aware of any previous problems with drugs there
- an increased level of supervision of the toilets had been introduced
- there were internal and external radio communications
- the electronic recording of all searches made at the premises was being considered
- two security staff were deployed on the stairs between 22.00 and 00.00 (midnight) even though only one was required under the licence
- a new “winding-down” procedure had been introduced whereby the sub-basement level was closed half an hour before the rest of the premises

Mr Holley then put questions to Mr Shayeganzadeh. In reply he stated that;

- he held a number of other premises licences and had always been concerned that his establishments should be properly run
- he had written to Inspector Mildren and had subsequently had a meeting with him accompanied by his daughter; he had been concerned that many incidents occurring in George Street were being wrongly attributed to the Blue Rooms because the premises were open late
- he had always been against drugs and taken pictures of individuals he knew were involved in drugs and given them to the Police; he and his door staff had been threatened by people involved with drugs

- he felt that the Police wanted the Blue Rooms to be shut down because it was a nightclub; he also felt that the Police should control what was happening in George Street more effectively
- a year ago he had introduced extra CCTV cameras at the premises and the toilets were now covered by cameras; images could be relayed to the CCTV system from his mobile phone
- he had never received anything in writing from the Police challenging the operation of the premises

Mr Smith asked the licence holder whether he had been aware of any allegations about drugs prior to November 2012. Mr Holley replied that the house policy on drugs had already been explained. Recently, random drug searches had been introduced and extra security staff appropriately briefed had been deployed. They ensured that, for example, handbags were not left lying around. Mr Shayeganzadeh added that customers were monitored to check whether drugs deals were taking place.

Mr Ruddick said that it would be helpful if the Police worked with the management of the premises. If the Police shared information about known drug dealers they could be kept under observation and refused admission. There are known drug dealers in the community, but the Police had never provided any information about them. Mr Shayeganzadeh insisted that the drug deals that had triggered today's hearing were atypical; they had not happened before and had not happened since.

A Member asked why, despite the preventative measures in place, the offences had occurred. Did he agree that there had been a gross failure to promote the licensing objectives, as the Police had stated? Mr Holley replied that he understood that the five arrests for drug offences had taken place at various addresses. Inspector Mildren emphasised that all the arrests related to offences committed at the Blue Rooms.

A Member suggested that there was a discrepancy between Mr Shayeganzadeh's statement that there had been previous problems with drugs at the premises with Mr Ruddick's statement that he had not been aware of any drug problems during his five years as DPS. Mr Ruddick replied that what Mr Shayeganzadeh had actually said was that some time ago an individual involved with drugs had tried to enter the premises, not that there had previously been problems with drugs on the premises. Mr Shayeganzadeh confirmed this. Members expressed scepticism that a large number of incidents occurring in George Street were erroneously being attributed to the Blue Rooms. Mr Shayeganzadeh insisted that this was the case and that was why he had written to the Police. Mr Ruddick said that more steps were now being taken to increase the management's awareness of any potential problems with drugs.

The Chair asked whether body searches would be carried out on customers. Mr Ruddick replied that there would not be body searches, but searches of handbags etc. Mr Smith asked whether the first time that management at the Blue Rooms was aware of problems with drugs was when they had been served with the application for today's hearing.

Mr Shayeganzadeh replied that the first time he had been aware of any problems with drugs was when the local paper had contacted him after arrests had been made.

Replying to further questions from Mr Smith, Mr Shayeganzadeh and Mr Ruddick stated that;

- female members of door staff were employed
- on the busiest night 6 security staff were employed, but usually 4; 2 at the top of the stairs and the rest circulating inside the premises
- toilet attendants were not employed
- CCTV was monitored constantly; 8 cameras had been added because re “blind spots” had been identified in the premises ; the installation of the additional cameras had commenced in October 2012 and had been completed in December; the monitoring of CCTV was shared between Mr Ruddick and other staff

Mr Purchase said that the improvements in CCTV had been done at the request of the Police following incidents at the premises.

The parties were invited to sum up.

Mr Holley said that that communication between the premises and the Police was continuing. The management felt bitter disappointment at what had happened. The licensee was offering to have the improvements in anti-drug measures, such as random searches, frequent checks of the toilets and frequent radio checks, to be made licence conditions. The Police were invited to re-inspect the CCTV system. The CCTV system now covered the car park. It was important that the premises should be able to provide proof of searches and checks carried and it was best that such they should be registered electronically. The first time that management became aware of issues relating to drugs was in November 2012 and no complaint about drugs had ever been received from the Police. The licence holder was sure that the additional measures that had been introduced would allow effective control of any potential problems.

Inspector Mildren stated that the summary review application had been made solely because of the drug offences. Information received had led to a covert investigation. However, the premises were associated with a high level of other serious crime and disorder problems, evidence of which would be submitted for full review hearing.

The Sub-Committee adjourned and then reconvened to ask the licence holder which was the busiest night at the premises. Mr Ruddick replied that Thursday was the busiest night with 300-350 customers. Fridays and Saturdays were the next busiest with 180-220 customers.

Following a further adjournment, the Sub-Committee **RESOLVED** that it was necessary to take interim steps to prevent serious crime from occurring on the

premises by the imposition of the following additional conditions on the licence with immediate effect:

1. All persons entering the premises will be searched for drugs, weapons or other illegal items on both entry or re-entry.
2. Any persons refusing to be searched will not be permitted to enter the premises.
3. A female Door Supervisor will be employed at all times the premises are open to the public.
4. A minimum of 8 Door Supervisors on Thursdays and 6 Door Supervisors on all other days, from opening to closing, will be employed at all times the premises are open to the public.
5. CCTV monitors will be watched at all times the premises are open. The person monitoring the CCTV will be in radio contact at all times the premises are open with a member of Door Staff and will report any illegal activities they see to the Door Supervisor.
6. The premises licence holder will invite the Crime Prevention Officer, from Avon and Somerset Constabulary, to the premises to advise on any measures needed regarding the supply, use and prevention of drugs.
7. Checks will be made of the male and female toilets on the premises every 15 minutes by Door Supervisors while the premises are open.

Whilst it is not possible to impose the following as a condition, the premises licence holder was informed that it would be expected that 3 Door Supervisors would be present at the entrance to the premises at all times the premises are open to the public.

REASONS

Members have today determined interim steps to be taken following an application made by the Avon and Somerset Constabulary for a summary review of a premises licence of The Blue Rooms, 1 York Buildings, Bath.

In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Home Office Guidance on Summary Reviews, the Council's Policy and the Human Rights Act 1998.

The application was made on the basis of concerns of serious crime in respect of drug dealing on the premises and a number of arrests had been made and charges laid in the Magistrates' Court.

The Members listened carefully to the representations made by the Police, the premises licence holder and his agent and manager.

Members did only what was necessary to promote the licensing objectives in light of the representations made to them today. They decided that it was necessary and

proportionate to take interim steps in the form of imposing conditions on the licence in order to ensure that the management and operation of the premises could be immediately improved in light of the representations made by the Police on serious crime.

Members noted that the premises licence holder had not been made aware of the supply, use and possession of drugs prior to the service of the review and had made genuine attempts to improve matters.

They decided not to suspend the licence but do want to send a strong message that the supply, use and possession of drugs will not be tolerated.

The meeting ended at 8.03 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services