



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: THURSDAY, 31 JULY 2014 at 9:30 am

P R E S E N T :

Councillor Dr Barton (Chair)

Councillor Riyait

Councillor Shelton

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1. APPOINTMENT OF CHAIR

Councillor Dr Barton was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence

3. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interest they may have in the business on the agenda.

There were no declarations.

**4. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE:
THE NEW JOINERS, 59-71 SANVEY GATE, LEICESTER, LE1 4EQ**

The Director, Environmental Services, submitted a report that required Members to determine an application for a review of an existing premises licence for The New Joiners, 59-71 Sanvey Gate, Leicester LE1 4EQ.

Members noted that a representation had been received in respect of the application which necessitated that the application for the review of an existing premises licence had to be considered by Members.

Mr Hardial Singh, the Premises Licence Holder (PLH) was present at the meeting, PC Webb and Sgt Wadsworth Leicestershire Police were present.

The Licensing Team Manager and the Solicitor to the hearing panel were also present.

The Licensing Team Manager presented the report. It was noted that the review application had been made by Leicestershire Police on 13th June 2014 on the grounds of preventing crime and disorder, and public safety.

PC Webb outlined the reasons for the review application and answered questions from Members:

- The trigger for the review application was an incident that occurred at 11.14pm on 8th June 2014 when a report of a glassing at the premises was made by a third party.
- The New Joiners was a medium sized premise's just outside the city centre that catered to the local population in the area.
- Mr Singh applied for the premises licence in April 2006. In May 2006 variations were agreed to allow conditions to be added regarding CCTV and to use SIA door staff if and when required.
- On 8th September 2006 a review was called after a number of incidents, one being a serious assault, on that occasion the police were told the CCTV system was not working.
- In October 2006 the committee reduced the licensable hours and removed Mr Singh as the Designated Premises Supervisor (DPS).
- Following appeal to the Magistrates court the decision of the panel was partly upheld, with Mr Singh being removed as DPS but the hours being unchanged.
- The Designated Premises Supervisor was changed in July 2007, August 2007, April 2008, June 2009, August 2009, September 2009 and finally in 2011 when Brinderjit Singh (Mr Singh's son) was made DPS.
- The statements of the attending officers on 8th June 2014 had been provided to the panel and extracts were referred to.
- PC Reeve had attended the premises and asked a male if he was the licensee, he confirmed he was Hardial Singh, and was asked if anything had happened and he clearly stated that nothing had happened in the pub.
- Officers observed that outside the premises there were tissues with small amounts of blood on, there was also a larger amount of blood in the road.
- PC Reeve asked to view the CCTV and was taken upstairs to view the CCTV, at that point Mr Singh said he had not told the police everything and there had been an incident inside the bar between 2 males and he explained he had not called the police.
- Officers looked at the CCTV, PC Reeve asked Mr Singh to burn a copy of the CCTV and he said he could not provide a copy because he could not work the system to do that and he did not have any discs. Mr Singh was told he must provide a copy of the footage and he confirmed he would do so the next day. PC Reeve recorded the CCTV footage from the TV screen onto her body camera so the evidence was not lost.
- Mr Singh should be expected to know how to operate the CCTV system properly.

- A statement was taken from Mr Singh, he said he heard a glass smash, he turned around and then went over to a group of males and was told by others a man at the table had broken the glass, Mr Singh said he cleared it up and asked the man to leave and he was not told by anyone what had happened. He then went outside and saw the man, another came out and an altercation occurred, both tumbled to the floor. Mr Singh said he saw a patch of blood on one. Others from the pub separated the 2 men.
- There was clearly an amount of time when Mr Singh could have called the police but didn't. Mr Singh was there to uphold the licensing objectives and should have made a call to the police and certainly for an ambulance.
- On 13 June 2014 PC Webb received a call from Mr Singh asking the grounds of the review application, Mr Singh was invited to Mansfield House and there was a lengthy discussion on the basis for the review and the possible outcomes. Mr Singh said again what his version of the events was. Mr Singh appeared to change his story to fit the police officer comments or to completely ignore them.
- Mr Singh was informed that police officers would attend to collect the CCTV and an appointment was made. Before the appointment an envelope that contained discs was left at Mansfield House for PC Webb, attempts to view the discs showed they were all blank. Mr Singh was phoned and PC Webb arranged to collect the CCTV again.
- On 24 June 2014 PC Webb visited the premises but they were secured and he was unable to obtain the CCTV. Many attempts had been made to recover the CCTV but on each occasion it was not made available and the system by now would not have it available to recover.
- A change to the DPS was discussed and an application had been made to make Wayne Smith the DPS, he was experienced and was previously the DPS at the Ship Inn which had recently stopped trading – the police did not object to Mr Smith becoming DPS.
- Despite the pending review application and a new DPS there was a further incident at 12.30am on 14 July 2014 when a female within the venue was punched in the face by a male and lost 2 front teeth. Mr Smith was behind the bar, the system showed that one phone call was made and that was made by the victim to the ambulance service, no-one called the police. The ambulance service relayed details to the police who attended, their opinion was that Mr Smith was intoxicated at the time and confidence in him as the DPS had therefore waned.
- Mr Singh had complete influence over the running of the premises, Mr Singh failed to uphold the licensing objectives by not reporting a serious incident to the police, his management was poor in relation to failing to work the CCTV, failing to keep appointments with police officers and Mr Singh appeared to be more concerned with making money than the primary objective of public safety.
- It was the responsibility of the Premises Licence Holder or the Designated Premises Supervisor to provide the CCTV recording.

Sgt Wadsworth responded to Members questions:

- Consideration had been given to seizing the CCTV but because a “victim” had not been found a decision was taken to allow time for Mr Singh to provide it.
- The blood outside the premises was believed to be from 2 people. The larger amount in the road was a substantial amount of blood.
- On the 9th June 2014 a disc of CCTV was provided however the timings were out on the recording system and the incident was not shown. On the 2nd occasion that discs were provided they were blank and contained no CCTV footage.

Mr Hardial Singh was then given the opportunity to present his submissions during which he made the following points and answered questions from

Members:

- There had not been any incidents inside the pub before the 8th June 2014 and there was nothing to record, he knew how to look at the CCTV and record but did not know how to burn a copy of the CCTV off, he called a friend to help but the timings were out, he never meant to hide anything.
- On 8th June 2014 he was watching football on the TV, one guy was sitting across table, there were Zimbabwean customers and they all talked loudly and often sounded like they were arguing, there was a scuffle by the pool table that quickly broke up and he asked what happened and was told nothing it was just between 2 brothers, he looked around and didn't see any blood. There wasn't a victim and within seconds they were gone so why should he have called the police?
- When he was clearing the glass he heard a noise and there was a rush to the windows and he was told there was a fight outside, he saw one man rugby tackle another but within seconds it was done and they were gone so why call the police?
- The incident happened at 10.30pm, if it had been after midnight he would have had doormen on but there were only about 10 people in the pub so he was looking to close.
- If something had happened inside the premises he would have called the police, glasses got broken inside the pub often and he couldn't just leave it there, he cleaned it up not knowing it was evidence as he didn't know anything had happened.
- In relation to the DPS he was looking to change him anyway, Wayne Smith came in looking for somewhere to live and work so Mr Singh changed the DPS over to him. He decided to change DPS because before it was his son and there was a bit of a family argument and his son did not want to be involved anymore.
- A doorman was not on the door on the 8th June 2014; a doorman would be called in if there was a party but not on Sundays as the pub usually closed early then. There would usually be a doorman after 11pm but if there were only 4 people in the pub at 11pm he wouldn't call a doorman.
- When asked if he accepted there was an incident on 8th June and the police should have been called Mr Singh said he hadn't seen anything, he hadn't seen the outside incident either, he was clearing up and people rushed out and he just saw a quick tackle and then it was all

over. He only saw the blood afterwards when the police had come.

- Mr Singh was told it was his responsibility to provide CCTV and part of the condition of the licence. He was asked why that hadn't been provided and why he had not checked that the discs he gave the police contained the CCTV. Mr Singh said he didn't provide the CCTV because he hadn't burnt any CD's in a long time and was scared in case he wiped anything off. He called a friend who knew how to do it and the friend may also have put it on a memory stick and he had been asked for that.
- Although he was the premises licence holder for 12 years there hadn't been any other incidents so he hadn't needed to burn CD's, only to check the system.
- Mr Singh was asked again when doormen were used and whether they were used at the time of the 2nd incident. Mr Singh said he would use doormen after 11pm. The second incident in July happened early on Sunday, he went to the premises the next day to check for CCTV but the CCTV didn't cover the area where the incident took place, since then he had corrected the camera's and changed positions to cover all seating areas.
- Mr Singh was asked about comments in the statement of PC Reeve and that there was an implication that if there were future incidents and he felt threatened he wouldn't call the police. Mr Singh said that he thought the wording in that statement was wrong, he grew up in Birmingham and never felt frightened. On 8th June 2014 he was told it involved two brothers and not to call the police, the customers were not threatening towards him and he had not felt manipulated by them.
- When asked if he had not felt the incident serious enough to call the police Mr Singh reiterated that he hadn't called the police because it was all over within seconds and they had all gone, he asked people in the pub for names but no-one said anything. If someone was sat injured he would have called police or ambulance but no-one was there. He had since decided to put more cameras outside.
- Mr Singh was asked why he could not operate the CCTV, he responded that he knew now but had never had to do it so didn't know, but the system was in working order.
- Mr Singh was asked what he was doing to uphold the licensing objectives and why he had been watching TV when he should have been supervising, he replied he had barred the people now and although he was watching TV on 8th June there were other staff working and only 10 in the pub and he was on the premises.
- Mr Singh said again that there was no-one to call the police to, the people who had the argument had gone in seconds; he hadn't tried to hide anything or cover anything up.
- At the time of the second incident in July, Mr Singh was not on the premises, the new DPS was and the woman involved was the same one who made the call regarding the incident on 8th June 2014. Mr Singh said that the woman involved did and said things that she didn't realise were wrong, he had spoken to her husband about that. On the second incident she took the guy's glasses off and broke them – she seemed to make up stories – on that night she lost a tooth but Mr Singh wasn't

there and he thought there were only 3 or 4 people there.

- PC Webb referred to the consistency of his account relating to the incident on 8th June, PC Webb pointed out that Mr Singh had said in his statement that he was outside at the time and saw the males come together.
- Mr Singh said he agreed an incident had occurred on 8th June 2014 but he wasn't outside at the time. The people in the pub told him what had happened.
- PC Webb asked if the statement made on the night of the incident was correct. Mr Singh said he never saw the blood on the back of anyone's head. PC Webb clarified that Mr Singh was now saying his statement about seeing blood on back of the head was not correct to which Mr Singh replied he never saw blood on back of anyone's head.
- Mr Singh was asked if he felt responsible to call the police if he saw something happen outside the pub. He was also asked if he agreed the incident outside the pub was connected and he had a duty to inform the police an incident had occurred. Mr Singh said he would now call the police to everything but on that day there was no-one around to call the police to. Sgt Wadsworth commented that the toilet roll outside in the street had obviously been used to tend an injury so the person had not immediately left.
- In relation to PC Reeves statement Mr Singh said he had not said a glass was involved; the statement was taken after CCTV was viewed and he hadn't told the police officer that when he went upstairs, there was just a little scuffle inside not a major incident.
- Members were concerned that in the statement provided to the police, which Mr Singh had read and signed and been given a copy of, he had not stated that it was incorrect. Mr Singh was asked what the truth was, was he outside and had he witnessed the incident? Mr Singh said he hadn't witnessed the incident; he now thought he should have said in his statement it was what people had told him. Mr Singh said he took the police upstairs and showed the CCTV, when there he hadn't seen anyone hurt, he checked outside, came in and started clearing and by the time he was outside again they had gone so he asked people again what happened and he was told one man had rugby tackled the other then it was over. Mr Singh thought he had got his wording wrong in his statement.
- In relation to members concerns that the police were not called to the second incident, Mr Singh said the DPS was experienced and had been in the trade 14 years and he had seen his certificates. When he went to the premises the day after the incident he told the DPS whenever an incident happened he should call the police. Mr Singh said the DPS told him he was closing up and had not seen anything.

All parties were then given the opportunity to sum up and make final comments.

PC Webb said there were a series of relevant events which included the failure to provide CCTV, what was said about the incident, the statement given on the night, the different and confusing story told today by Mr Singh. The police had

no confidence that the premises were managed and run correctly whilst Mr Singh was in charge. The prevention of crime and disorder, and public safety must come to the front and if not being upheld robustly that was a concern.

Mr Singh said:

- There had been no incidents in 12 years of him being in charge.
- The people causing the fight had gone and Mr Singh was now the victim being punished more than them.
- If he had known who was involved he would have called the police.
- He was willing to remove himself as the PLH and put someone else in place to run the pub.
- The CCTV was in working order and he could now show others how to use it.

Prior to deliberation, the Solicitor to the hearing panel advised Members of the options available to them in making a decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest in their deliberation taking place with the parties represented present.

Mr Singh then asked to put forward additional information and the Chair informed him that he had already had the opportunity to make his submissions.

Mr Singh, PC Webb, Sgt Wadsworth, the Licensing Team Manager and the Solicitor to the hearing panel then withdrew from the meeting.

The Members then gave the application full and detailed consideration.

The Solicitor to the hearing panel was recalled to give advice to Members on the wording of their decision.

Mr Singh, PC Webb, Sgt Wadsworth and the Licensing Team Manager were recalled to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the hearing panel for advice on the wording of their decision.

RESOLVED:

That the existing premises licence for The New Joiners, 59-71 Sanvey Gate, Leicester LE1 4EQ be revoked.

The Hearing Panel considered that the incidents were too serious for no action to be taken. The Hearing Panel thought of an informal warning or a suspension but at the end would still have the same person in charge as the premises licence holder (PLH). The Hearing Panel were not convinced that he fully understood and was able to implement the licensing objectives especially relating to public safety and the prevention of crime and disorder.

The Hearing Panel also considered the removal and replacement of the

designated premises supervisor (DPS) but this had already taken place and a subsequent serious incident involving an assault had occurred and again was not reported by the DPS or the PLH.

The Hearing Panel felt the existing conditions on the licence were not being used to uphold the objectives and no additional conditions would satisfy them that the licensing objectives would be upheld.

The Hearing Panel came to the decision to revoke the licence as they had no confidence in Mr Hardial Singh's ability to uphold the licensing objectives and he had not supplied evidence of any steps he could or would take to uphold those objectives in the future.

In reaching their decision the Hearing Panel's primary consideration was the safety of the public in this issue.

5. CLOSE OF MEETING

The meeting closed at 11.50am