

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Nigel Rixon

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description AU 35 St Nicholas Place Leicester LE1 4LD	
Post town LEICESTER	Post code (if known) LE1 4LD

Name of premises licence holder or club holding club premises certificate (if known) Shane WHITFIELD LTD
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Number of premises licence or club premises certificate (if known) LEIPRM1682

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Nigel Rixon Leicestershire Police Mansfield House Police Station 74 Belgrave Gate Leicester LE1 3GG
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The premises is located at 35 St Nicholas Place in Leicester city centre, opposite a public open space area known as Jubilee Square.

St Nicholas Place / St Nicholas Circle is one of the main and busiest gateways into the city centre. The western gateway links the city centre to the other night time economy areas in the West End area of the city, including Braunstone Gate, Narborough Road and Hinckley Road.

The premises tends to attract customers predominantly at weekends and later in the evening, as they drift into the city centre for the remaining of the night time economy.

The premises is located next door to Mosh nightclub, which is a long established nightclub venue.

Other night time economy and licensed premises are located a short distance away on Highcross Street and High Street.

Due to the premises location, it has a high night time economy footfall. The premises experiences a greater number of incidents of crime and disorder. As a result of this the premises requires strong management in order to ensure that the fundamental principles of the licensing objectives are upheld.

Due to the volume of incidents of crime and disorder at the premises, Leicestershire Police have identified a number of incidents of bad management practices, failures to assist the police with criminal investigations, delays in assisting the police with criminal investigations, failure to report criminal activity and incidents of disorder

being committed both by door staff employed by the premises and suspected members of staff/management. These incidents of disorder are also combined with excessive use of force being used.

In relation to CCTV, PC2093 Pritchard has personally observed an external CCTV camera directly above the entrance to the premises. The position of the camera would capture facial images of those person(s), both entering, queuing and leaving the premises. The camera would also capture the actions of the door staff / staff. As result of a number of criminal investigations, PC2093 Pritchard has noticed that this camera footage has never been be supplied to the best of his knowledge.

PC2093 Pritchard would state that in his capacity as the City Centre Licensing Officer for Leicestershire Police, that the entrance to any licensed premises is always the "flash point". The fact that the footage from this CCTV camera if it is working is never supplied to Police suggests that the premises does not take its licensing responsibilities to prevent crime and disorder seriously.

The designated premises supervisor (DPS) is listed as Craig Harris on the premises licence. PC2093 Pritchard through his role as Licensing Officer is not aware of anyone who has actually spoken to or encountered Harris at the premises.

PC2093 Pritchard has seen a Leicester City Council Licensing Authority letter dated 02/10/2018, addressed to the owner of the premises Shane WHITFIELD. The letter gives WHITFIELD's address as [REDACTED] which is identical to that of Craig Harris's address on the premises licence.

Please provide as much information as possible to support the application
(please read guidance note 2)

(1) Friday 29th December 2017. Licensing Issues. (See Annex B)

PC 4550 Burton added an entry to INNWEB, the Police Licensing Database, following a serious crime at the premises which resulted in an arrest. PC 4550 Burton's entry raises significant concerns. See Annex B for full details.

(See Annex A and crime number [REDACTED] 29/12/2017 & Annex B).

(2) Sunday 2nd September 2018 (01:25 hours) - Violent Disorder.

At approximately 01:25 hours, a group of males are either ejected or asked to leave the premises due an altercation / fight in the basement area of the premises. On exiting the premises a large scale fight erupts with a doorman arming himself with a piece of rope with a metal clip end, the type used on crowd control barriers. The doorman swings the rope/metal end multiple times as he is chased down the street by the group of men. During the incident multiple members of the public are caught in the cross fire and are also assaulted.

Whilst fighting continues outside the premises in the street, a doorman can still be seen armed with the rope. This same doorman later arms himself with a metal pole / bar.

The fighting continues for approximately seven minutes, with metal safety barriers/ railings being thrown, metal barrier stands being thrown, rope being swung and both the group of males and door staff arming themselves with metal bars/poles. Again, throughout the incident, numerous other members of the public are caught in the cross fire and either assaulted or put in fear of violence.

As a result of this incident six persons were arrested. The criminal investigating process is now at the stage where a Crown Prosecution Service charging decision is being sought.

Please note that as a result of this incident, a victim who became involved in the fight, who attempted to protect other members of the public, was punched by an unknown suspect resulting in him losing the sight in his left eye. (See Annex A and crime Number [REDACTED])

CCTV is the primary evidence and is available for the committee to view. (Please disc 1)

(3) Saturday 15th December 2018 (23:47 hours) - Violent Disorder.

At approximately 23:47 hours, three males are refused entry to the premises and an altercation can be seen escalating. A fight subsequently breaks out between two males and at least two doormen. During the fight, there is a suggestion that one of the males was in possession of a knife and on viewing CCTV, one of the males can be seen with an item in his hand, which may or may not be a knife.

At 23:49:50 hours, the two doormen arm themselves with the metal barrier stands and start to swing them at the males, before throwing them at them. A doorman and one of the males, now armed with a metal barrier as well can then be seen swinging the barriers at each other in the street.

At 23:50:26 hours, police officers arrive at the scene, mid fight, at which point the

three males run off. The doorman admits hitting the males after he stated one of them was in possession of a knife. However, he describes the third male who actually acted as a peace maker and who attempted to drag the two other aggressive males away. Despite the above and despite officers stating that the doorman had used excessive force, no arrests were made.

Again CCTV is primary evidence and is available for the committee to view. (Please see disc 2)

Further to the above. The premises did not report the incident and manager Rhys Nyszczone emerges from the venue post fight.

PC2093 Pritchard on becoming aware of this incident requested the CCTV footage from Rhys Nyszczone. Despite a delay, the CCTV was eventually provided shortly before it was due to be overwritten. PC2093 Pritchard on viewing the CCTV noticed there were a number of issues. The footage speed on one of the camera's is sped up which makes viewing the footage and determining individuals actions extremely difficult. The camera's position and obstructions means the footage is of poor evidential value. As for the requested internal camera footage, looking towards the entrance, which would show the start of the incident clearly, the footage would not play. PC2093 Pritchard would state that it is unclear if this was intentional or not, but raises suspicion, especially as the conduct of the door staff and staff was being questioned.

PC2093 Pritchard's statement is attached.

(4) Saturday 22nd December 2018. Licensing Visit Concerns.

PC2204 Milnes attended the premises just before midnight and spoke with the manager Rhys Nyszczone, however the licensee was not present. PC Milnes would state that the premises licence was not on display and nor was Nyszczone able to produce a copy of it.

PC2204 Milnes returned at 01:45 hours on Sunday 23rd December 2018. The premises licence had not been located and the licensee was unable to bring the licence to the premises.

The display of a premises licence is a fundamental basic requirement of the Licensing Act. The fact that it was not on display is an offence under Section 57 of the Licensing Act 2003.

The fact that the licensee was not present on what would be the busiest night of the week is also of concern.

PC2204 Milnes statement is attached.

(5) Sunday 23rd December 2018 - Investigation Concerns.

PS2233 Brennan attended the premises following a report of an assault inside that resulted in a victim being taken to hospital with a facial injury. The injury was suspected to have been caused by a glass.

PS Brennan spoke to a staff member who stated that he did not know what had happened, apart from that an incident on the dancefloor resulted in a male exiting the venue with a bleeding head injury. PS Brennan states that the door staff stated that they were unaware of who the suspect was but believed the offender had already left the premises.

PS Brennan spoke with the manager Rhys Nyshota and as the premises was due to close shortly, waited outside. It was at this point Police were informed by two alleged witnesses, who refused to give details or provide statements, that the suspect for the assault was linked to either the premises management or door staff.

PS Brennan spoke to Rhys Nyshota and requested to view the CCTV. Nyshota stated that someone else, not present, had the key to access the CCTV. However the CCTV could be collected in the morning. Nyshota confirmed that providing CCTV is part of their licensing condition but was too busy trying to run the business and clearing the venue ready to close. PS Brennan asked Nyshota if he was refusing him entry, to which he replied he had already had two earlier licensing checks (PC2204 Milnes - as above) and that there was no time to check CCTV.

Rhys Nyshota's account seems to contradict his earlier statement about not having access to the CCTV.

PS Brennan summarizes in his statement that he was concerned about the staff's lack of control or knowledge about a serious injury which had occurred inside. PS Brennan also states that he was concerned by Rhys Nyshota's unwillingness or inability to assist the police with the CCTV enquiry which hindered a criminal investigation. PS Brennan also states that there is either poor management or at worse, staff have been involved in protecting the suspect for this offence.

PS Brennan's statement is attached.

(6) Tuesday 1st January 2019 (03:03 hours) - Violent Disorder.

At approximately 02:54 hours, a group of males are refused entry to the premises. After a short while one of the group is allowed entry, whilst the others remain speaking to door staff and an unknown male in a beige coloured, sheep skin type coat and black coloured beanie hat.

At 02:55:51 hours, a fight breaks out. One of the group throws the first punch which causes the incident to escalate into a large scale fight between 3/4 males and 3/4 doormen / staff members.

At 02:56:30 hours, the group of males walk away from the premises.

At 02:57:40 hours, five males return and one of the males throws a bottle towards the door staff. Several of the males run towards the door staff. Again, a large scale fight moves across the street and away from the entrance to the premises.

At 02:58:35 hours, the male in the beige coloured coat and black coloured beanie hat ushers the door staff back towards the entrance of the premises which is six to eight metres away.

At 02:58:50 hours, two of the group approach the door staff and engage in conversation.

At 02:59:09 hours, the three other males, the main aggressors, re-approach the front of the premises before they walk off again.

At 03:00:00 hours, two of the males return and speak with door staff.

At 03:01:35 hours, the main aggressor returns and starts to speak to door staff but

waves his arm out in the direction of one of the doormen.

At 03:01:44, a doorman lunges towards the males from the side and causes the situation to erupt again and the whole group surge away from the door in a mass brawl.

At 03:01:49, the mass brawl ends up on the floor with multiple persons involved. Several doormen and the male in the beige coloured coat can be seen punching and kicking the main aggressor whilst he is on the floor. However, due to the number of persons involved it is difficult to say if the strikes connected, but I suspect so.

At 03:02 hours, the main aggressor gets back to his feet but continues to act in an aggressive manner. A long stand-off occurs, whilst the aggressive male gestures, whilst rocking on the balls of his feet. The aggressive male subsequently pushes a doorman at which point a male suspected to be a staff member throws a bottle from the middle of the pack towards the male. The injured male subsequently retreats away holding his forehead. I have been informed through a source that the male received a laceration about his eye as a result of the bottle being thrown.

The male in the beige coloured coat ushers the door staff back towards the premises and stands at the entrance. The male that had thrown the bottle is ushered inside but later exits but is again ushered inside. As this occurs a female is carried out of the premises by a doorman and a male and is taken across the road and sat on the steps of Jubilee Square.

PC2093 Pritchard would state that from viewing CCTV, he is under no doubt that the male in the beige coloured coat and the male who threw the bottle are either members of management, staff or part of the promotion team at the premises.

PC2093 Pritchard would state that there appears to be a high degree of provocation which resulted in the door staff / staff using excessive force, causing the situation to escalate and also committing criminal offences themselves.

Despite the incident lasting approximately nine minutes and with sufficient time between incidents, no one from the premises phoned the police.

Again, CCTV is the primary evidence and is available for the committee to view. (Please see disc 3)

PC2093 Pritchard statement is attached.

(7) Tuesday 1st January 2019 - Licensing Issues. (See Annex C)

PC 4381 Ahmed added an entry to Innweb, the Police Licensing Database, raising concerns about the managers unwillingness to provide CCTV, despite a suspect being in police custody at that time for alleged domestic related assault whereby the victim received an injury as a result of being hit, allegedly by a glass. Following the suspects arrest he allegedly assaulted and racially abused the arresting police officer. This matter is currently under investigation. PC 4381 Ahmed's Innweb entry states that the arrested individual stated that he has shares in the premises and can obtain CCTV footage.

(See Annex A and crime numbers [REDACTED] on 01/01/2019 and Annex C).

(8) Sunday 13th January 2019 (02:39 hours) - Unprofessional Behaviour/Assault.

At 02:39 hours, an unknown male is seen to urinate in the doorway of Mosh nightclub, immediately next to Au 's entrance. As the male does so, he can be seen talking to AU staff. PC2093 Pritchard would state that the same male wearing the beige coloured sheep skin coat as on 01/01/2019 is present and stood at the entrance to the premises. Another doorman is present along with another male who PC Pritchard suspects to be the manager, Rhys Nyszczoata. Nyszczoata proceeds to pick up the metal barrier stand and jab the unknown male in the face whilst he continues to urinate. Nyszczoata then jabs the unknown male in the chest causing the male to react angrily, before walking away.

CCTV is the primary evidence and is available for the committee to view. (Please see disc 4)

PC2093 Pritchard's statement is attached.

In short, Leicestershire Police have no confidence in the premises management and believe that the premises has failed to uphold the licensing objectives and are putting members of the public at significant risk of harm.

Therefore, I respectfully request that the committee consider revoking the premises licence.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

30/1/19

Capacity Licensing Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.