

Appendix A Supporting Papers.

Josephine's Review

Tel: 101
Text Relay: 18001 101
www.derbyshire.police.uk

Contact: PC 2013 Dunn
Direct Tel: 0300 122 5408
Ext: 75 02013
Fax: 0300 122 8862
Our ref: PID/2184

Josephine's
27 Wardwick
Derby
DE1 1HA

Tuesday 5th Aug 2014

Dear Wendy CHAPMAN

PREMISE LICENCE PL10551042 – LICENSING ACT 2003

In the early hours of Sunday morning 3rd August 2014, police on duty in the area were alerted to a violent altercation that had occurred in the premises. This altercation resulted in two people, a member of the public and door staff from your premises being hospitalised after sustaining injuries from an attack from a third party with a broken bottle.

Ms CHAPMAN, you are the person holding the position of the Designated Premises Supervisor for Josephines and as such have the responsibility of the day to day control of the premises. It is down to you to ensure that people that attend your premises can enjoy themselves in a safe environment and will not be subjected to crime and disorder or be in fear for their own safety, this can only be done if you adhere to the conditions on the licence and promote the licensing objectives.

It is unfortunate that more robust procedures had not been in place on the evening, if so the offender may have been refused re-entry to the premises after initially being ejected by door staff for disorderly conduct. If such procedures were in place and being adhered to, this serious incident may well have been avoided and a customer and member of staff may not have sustained the substantial injuries recorded.

As a police licensing enforcement officer I have a duty of care to people living, working, and enjoying them selves in Derby City centre to protect them where possible from being subjected to alcohol related violence and the fear of violence emanating from our night time economy. This can only be achieved with the full support of the Premises Licence Holders and Designated Premises Supervisors in the City, working in partnership with the Responsible Authorities to fully promote all four licensing objectives.

I thank you for attending a meeting yesterday and commend you and your management for the swift action that you have taken to try and address this issue and prevent a similar incident from reoccurring in the future.



'D' Divisional Headquarters Prime Parkway Chester Green DERBY DE1 3AB

I believe that the following action plan was discussed and is to be implemented with immediate effect.

- 1) The Head of Security is to be issued with and utilise a body cam.
- 2) A stricter admission policy is to be adopted; all large groups are to be checked as being 25 or older before being allowed entry.
- 3) The CCTV system and its operation is to be made available to staff working on the night, a laptop is being purchased specifically for this purpose.
- 4) An extra door supervisor is being employed and will be situated at all times in the rear drinking area.
- 5) A stringent policy to vet any event promoter is to be introduced.
- 6) Events carrying some risk will be discussed with the local police licensing team before being booked.

I would ask that you take the appropriate corrective measures to address the police concerns. Should any incident of a similar nature take place it could seriously undermine the licensing objectives and I would at that time have to consider taking further action by way of a licensing review.

That said, the Derbyshire Police Licensing Team are committed to helping you resolve any problems relating to this letter in an effort to gain full compliance to the Licensing Objectives and to the conditions attached to the operating schedule.

Please contact me on any of the numbers listed should you want to discuss these matters further.

Yours sincerely



Mark Dunn
PC 2013
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Tel: 101
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Contact: PC 2168 Suiter
Direct Tel: 0300 122 5836
Ext:
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Our ref: PID/2184

**5 ST JOHN'S STREET
SOMERCOTES
DERBYSHIRE
DE55 1RD**

Tuesday, 20 October
2015

Mr Sandhu,

PREMISE LICENCE PL10551042 – LICENSING ACT 2003

Re – Meeting 20th October 2015.

On Tuesday 20th October 2105 Pc 2168 Suiter and Pc 2013 Dunn attended Josephine's, 27 Wardwick, Derby and spoke with you with regards to issues relating to incidents at the premise. I am writing this letter to confirm the content of the discussion.

The main areas of concern were linked to incidents on the 27/09/15 and 11/10/15. On the 27/09/15 there was a violent incident at around 0300 hours where a male was assaulted by a unidentified group. The management failed to inform the police of this assault, in which two people received injuries. Concerns were raised that door staff and management did not follow any sort of procedure, apart from the ejection of all parties. Potential evidence was lost and suspects and witnesses details not obtained. Police were only made aware of this by a third party. This incident failed in the general licence principles to prevent crime and disorder, prevent public nuisance and in the general interest of public safety.

On the 11/10/15 there was some disorder within the premise. Although not as serious as that described previously it did highlight some issues which were discussed. A female possibly intoxicated, was seen to be carried off the premise at the same time. Staff did not enquire as to her wellbeing or collect any details. Whilst door staff were ejecting the persons, a number of people queuing for last admittance were seen to enter without any supervision.

Mr Sandhu stated that he was fully aware of these instances and had already taken steps to remedy issues highlighted. He had met with his management and his security to try and limit these issues. This will include a more structured entrance policy using both physical barriers and a coherent entrance policy. Door staff were to be informed of this and they are to take primacy over entry.

These incidents took place between 02:25 hours and 03:00 hours. At the moment 02:30 hours. Mr Sandhu is going to monitor admittances made between 02:00 02:30 hours to see if there is any link between the two.



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To monitor numbers at the premise Mr Sandhu informed police he was going to install a new system which can 'body count' customers automatically. He was informed about ID scanners and their potential in identifying and barring known troublemakers.

Mr Sandhu stated that he was looking to take over the role of DPS in order to provide a more centralised point of contact and to also be able to direct staff as necessary.

I will remind you that continued issues at the premise could lead to a review under Section 51 of the Licensing Act 2003.

As explained to you at the time of the visit The Derbyshire Police Licensing Team are committed to helping you resolve any issues relating to this letter in an effort to gain full compliance to the Licensing Objectives and conditions attached to the operating schedule.

Should you have any further queries regarding this matter please do not hesitate to contact this office on the telephone numbers listed.

Yours sincerely

MAS/ke

Mark Suiter
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Licensing Enforcement Officer
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DERBY
0300 122 5836
mark.suiter.2168@derbyshire.pnn.police.uk

Tel: 101
Text Relay: 18001 101
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Contact: PC 2673
Hannah
Direct Tel: 0300 122 5643

Our ref: PID/ 2184

FAO Tony Sandhu

Thursday 31st December
2015

**Josephines Bar
27 The Wardwick
Derby
DE1 1HA**

Dear Tony,

PREMISE LICENCE PL 10551042 – LICENSING ACT 2003

Re – Meeting regards Josephines Bar, 27 The Wardwick, Derby, DE1 1HA, 31st December 2015 at SMWPS, Derby.

On Thursday 31st December 2015, in your capacity as Premises Licence Holder for the above premises, you attended St Mary's Wharf Police Station for a meeting with myself and Sgt Manjit Chauhan.

This was arranged by myself after recent concern was expressed about your premises, and in an effort to work with you going forward. Various issues were discussed, and problems around displacement from other premises was an issue that was recognised by yourself, and is something you stated you were dealing with. You appeared concerned by the displacement issue, and acknowledged that this needed to be tackled positively from your perspective.

It has come to our attention that there may be an issue with you overruling staff on the door, in order to let people in who may have been refused. I must remind you that SIA registered door staff are vetted and trained to deal with issues in the night time economy, and the suggestion that they are being 'overruled' is concerning if true. Indeed one of the licensing objectives '**Prevention of Crime and disorder**' is a key objective that all responsible people need to promote at their premises. As discussed as well as 'financial gain' the promotion of the licensing objectives must be of paramount importance to operators.



Concern has also been raised recently about high volumes of people spilling out onto the road on the Wardwick, which has on occasion blocked the road. This is generally around closing time at your premises, and I would urge you to implement a dispersal policy with your management to ensure a steady dispersal is implemented. By doing this another licensing objective '**promotion of public safety**' could be demonstrated. It is also worth noting that Police Officers have had to manage this problem which needs to be prevented by the premises in the first instance.

Police have also been informed that on the evening of 12th to 13th December 2015 there was an incident of disorder allegedly in your premises. From information gained it is believed that some of those involved may have been involved in a major disturbance at another nearby bar that has had its premises licence suspended. I made a request for CCTV footage between 22:00hrs on 12th to 03:00hrs on 13th December 2015 to enable the Police to try and identify any potential offenders who may have been involved in the later incident. I note that no call for service was made during that timeframe from your premises, if an incident did indeed take place.

Police have recorded around 25 incidents in the last year, most of which are related to violence offences. This is a cause for concern, and I expect that responsible drinking is promoted, and this in turn will improve your premises and promote the licensing objectives. Whilst we are wanting the business to thrive and people to enjoy themselves the licensing objectives must be promoted to ensure the safety of everyone.


I do hope that the issues raised will be addressed and we can work together in the future.

As explained at the time of the visit The Derbyshire Police Licensing Team are committed to helping you resolve any issues relating to this letter in an effort to gain full compliance to the Licensing Objectives, and conditions attached to the operating schedule.

A copy of this letter will be forwarded to Derby City Council for their information.

Should you have any further queries regarding this matter please do not hesitate to contact this office on the above telephone number.

Yours sincerely



Kelvin Hannah
PC 2673
Licensing Enforcement Officer
'D' Division Licensing Department
St. Mary's Wharf Police Station
DERBY
0300 122 5643
Kelvin.hannah.2673@derbyshire.pnn.police.uk

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Contact: PC 2013 Dunn
Direct Tel: 0300 122 5408
Ext: 75 02013
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Our ref: PID/2184

Josephine's
27 Wardwick
Derby
DE1 1HA

Wednesday 22nd June
2016

Dear Permela Kaur Sandhu

PREMISE LICENCE PL10551042 – LICENSING ACT 2003

In the early hours of Sunday morning 19th June 2016, police on duty in the area were alerted to an incident that had occurred in the premises. This incident involved a male threatening your door staff with a knife. This male had entered your premises without any challenge and without adequate safeguards being in place. He later was allowed to leave the premises and make further threats to members of the public and the police.

Mrs Sandhu, you are the person holding the position of the Designated Premises Supervisor for Josephine and a Premises Licence Holder, as such you have the responsibility of the day to day control of the premises. It is down to you to ensure that people that attend your premises can enjoy themselves in a safe environment and will not be subjected to crime and disorder or be in fear for their own safety, this can only be done if you adhere to the conditions on the licence and promote the licensing objectives.

It is unfortunate that the previous "Action Plan" discussed with Tony a Premise Licence Holder and the subsequent procedures that had been agreed were not in place on the evening. If so the offender would have been refused entry into the premises after a search, he could, safety permitting have been detained by your security. The police may then have intervened and apprehended this individual before he had the opportunity to consume more alcohol and therefore eliminate any threat at an earlier time.

As a police licensing enforcement officer I have a duty of care to people living, working, and enjoying them selves in Derby City centre to protect them where possible from being subjected to alcohol related violence and the fear of violence emanating from our night time economy. This can only be achieved with the full support of the Premises Licence Holders and Designated Premises Supervisors in the City, working in partnership with the Responsible Authorities to fully promote all four licensing objectives.

I thank you for the meeting yesterday which involved Tony a Premises Licence Holder, your manager Suneeta and Raj the area manager for Bridgate Security who you employ for your door staff and other security matters.



'D' Divisional Headquarters Prime Parkway Chester Green DERBY DE1 3AB

At this meeting, a further Action Plan was discussed and the police feel that the actions agreed should be implemented with immediate effect.

The Action Plan is to be in a written form and once agreed shall be signed by parties from the police and the Premises Licence Holder/Management.

Although not binding in law, if the agreement is breached the police would use it towards evidence of a break down in confidence with the current management and look to put the matter before the licensing sub-committee by way of a review.

I am confident that it will not come to that and a preferred agreement can be operated to the satisfaction of all; Derbyshire Police Licensing Team are committed to helping you resolve any problems relating to this letter in an effort to gain your full compliance to the Licensing Objectives, the conditions attached to the operating schedule and the "Action Plan".

Please contact me on any of the numbers listed should you want to discuss these matters further.

Yours sincerely

Mark Dunn
PC 2013
Licensing Enforcement Officer
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Agreed action plan with Josephines Bar, 27 Wardwick, Derby.

After discussions with the management of the premises, it was decided to implement an action plan in an attempt to reduce the number of violent incidents at the premises. After a meeting on 21st June 2016, and email liaison the following points are being adhered to by the premises on a voluntary basis, working with the responsible authorities going forward.

Below are points which were discussed and which will promote 'the prevention of crime and disorder' licensing objective.

- Any pre booked tables have to provide photographic ID of themselves and members of the party. A deposit shall be taken from the applicant, and the party has to arrive before midnight at the premises. Logged records shall be kept of such transactions, and be produced to a responsible authority on request.
- A last door entry policy will be in operation on Friday and Saturday evenings and no one shall enter the premises after 02:30 hours and those entering after 02:00 hours shall meet strict entrance criteria.
- 3 SIA registered door staff will be positioned at the mouth of the premises on Friday and Saturday evenings. All persons entering after 22:00 hours will be subject to searches and wand using a metal detector. *Fridays to be a minimum of two, subject to events.*
- A written risk assessment will be produced around search policies and positioning of door staff at the premises.
- Foyer lights to be turned up at 02:30 hours on Friday and Saturday evenings.
- Posters informing customers around entrance criteria to be displayed to assist door staff.
- Attendance at Pub watch meetings in Derby City, and utilising the Pub watch banning order mechanism when necessary.

These points have all been discussed between ourselves, and if you are in agreement with these points I would invite you to sign below to ensure we are taking positive measures moving forward. This document will then be saved onto the licensing database for any future reference.

Signed *[Signature]* Position MANAGER Date 7/07/16

Signed *[Signature]* Position R 2.168 Date 7/7/16

Josephine's

OUR DOOR TEAM ARE TIGHT AND POLITE. PLEASE TREAT THEM HOW YOU WOULD WISH TO BE TREATED. WE ASK YOU TO ADHERE TO OUR RULES ACCORDINGLY.

The door team and management have the right to refuse entry to anyone who appears intoxicated or under the influence of drugs, as well as anybody not following our strict dress code. We also have all rights to refuse entry to selective large groups and anyone deemed unfit to enter the premises.

DRESS CODE

NO HEAVY BRANDED SPORTS LABELS

NO HOODS, MAN-BAGS, SHELL JACKETS

NO HEAVY JEWELLERY THAT MAY CAUSE DAMAGE TO OTHERS

NO CAPS OR SUNGLASSES

NO PUMPS OR WHITE FOOTWEAR

SMART DRESS ONLY

CLOAKROOM

Our cloakroom has a £1.00 charge. Anything left in the cloakroom is left at your own risk. We do not accept responsibility for any lost/damaged property.*

GUEST LIST

Our guest list ends at 1.00am. If you are on the guest list please be aware that you still may be refused entry if you are not following our rules. Guest list only gets you a queue jump.

TABLE BOOKINGS

If you have booked a table with us please be aware you have to be on your table by 12pm (midnight). You may lose your table and your deposit if not. If you are running late please contact a member of them team.

Your deposit for your table is NON-REFUNDABLE.

RUMOURS EVENT

Rumours is a NEW event we run every Saturday. This is an over 25's event. This policy will be ongoing EVERY SATURDAY. Our door team hold all rights to refuse entry if you do not have the correct ID, are not over 25 years of age or are not following the STRICT, SMART DRESS CODE.

Suiter, Mark, 2168

From: Suiter, Mark, 2168
Sent: 01 December 2016 10:12
To: 'Suneeta Sandhu'
Subject: Tens
Attachments: ACTION PLAN 070716.pdf

Tony,

The hours requested within the festive period will not be objected against. However, I have attached the action plan agreed in July. In relation to last door entry and the addition time you have requested then 3am would be more appropriate. Could you please ensure that the dispersal policy is strict. The main issue is when the whole premise leaves at the same time. Please ensure soft closure, i.e. lights on music lowered etc.

Thank you

Mark Suiter
Pc 2168
Licensing Officer
Licensing Team
South Division HQ
Prime Parkway
Chester Green
Derby DE1 3AB

* Mobile 07711036868
* Mobex 737 1092
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Email mark.suiter.2168@derbyshire.pnn.police.uk

From: Suneeta Sandhu [<mailto:Suneeta@josephinesderby.com>]
Sent: 30 November 2016 16:44
To: Suiter, Mark, 2168
Subject:

Hi Mark

I would like to put in 4am opening hour applications on sat 10th Dec for guest Dj Firestar, sat 17th Dec for guest Dj Complexion, sat 24th Dec Abstract Sounds event, Mon 26th Colin Francis guest Dj and Sat 31st Dec New Year's Eve party. All of the above have played for us before and we have had successful nights with no problems. The only exception is Colin Francis who is an older gentleman and we expect to have an older clientele. Could you please let me know your thoughts so I can get the paperwork in on time.

Many thanksT

Tony 07970385834

Tel: 101
Text Relay: 18001 101
www.derbyshire.police.uk

Contact: PC 2673
Hannah
Direct Tel: 0300 122 5643

Our ref: PID/ 2184

FAO Tony Sandhu

Thursday 22nd December
2016

**Josephines Bar
27 The Wardwick
Derby
DE1 1HA**

Dear Tony,

PREMISE LICENCE PL 10551042 – LICENSING ACT 2003

Re – Visit by Inspector Keene, Friday 9th December 2016 23:55 hours.

On Friday 9th December 2016 at around 23:55 hours a disturbance took place in the mouth of your premises between persons attending your premises.

Police attended to assist door staff who were having problems with person(s) and had to intervene to stop the problems escalating.

Whilst assisting your staff and dealing with the aftermath of the disturbance, it was noted by the duty Inspector that you were not happy with the Police being outside your premises, and you asked them to move. Your attitude was described as being very poor, and this is disappointing to hear from a Police Inspector who was present. As the Premises Licence Holder I would hope you would understand why we were there.

I must remind you one of the licensing objectives which must be promoted is 'The prevention of crime and disorder'. All responsible persons at licensed premises are expected to work with the responsible authorities to ensure this happens. Police would not have to attend such incidents if they did not take place, so although they were outside your premises, they were there for a reason. By working together problems can be prevented using a range of methods.

Police will only become involved at licensed premises if it is believed door staff are struggling with a situation, and this appears to have been the case on the evening. Officers will not be told where to go when they are dealing with a live incident and attempting to protect the public from violent people.



As explained at the time of the visit The Derbyshire Police Licensing Team are committed to helping you resolve any issues relating to this letter in an effort to gain full compliance to the Licensing Objectives.

A copy of this letter will be forwarded to Derby City Council for their information.

Should you have any further queries regarding this matter please do not hesitate to contact this office on the above telephone number.

Yours sincerely

A handwritten signature in black ink, appearing to read 'KHannah', written over the typed name.

Kelvin Hannah
PC 2673
Licensing Enforcement Officer
'D' Division Licensing Department
St. Mary's Wharf Police Station
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Kelvin.hannah.2673@derbyshire.pnn.police.uk

**APPLICATION AND CERTIFICATE FOR SUMMARY
REVIEW OF PREMISES LICENCES**

(Section 53A Licensing Act 2003)

Derby City Council
The Licensing Team
Environment & Regulatory Services
The Council House
Corporation Street
DERBY, DE1 2FS

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime, serious disorder or both)

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 the 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.

I Superintendent Harrison.....
[on behalf of] the chief officer of police for the Derby Division of the Derbyshire Constabulary police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description: Josephine's 27 Wardwick
Post town: DERBY
Post code (if known): DE1 1ha

2. Premises licence details:

Name of premises licence holder (if known): Mr Kamaljit Singh Sandhu Mrs Permela Kaur Sandhu
Number of premises licence (if known): PL1055142

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

(Please tick the box to confirm)	<input checked="checked" type="checkbox"/>
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4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Summary of incident triggering expedited review.

At 02:53 hours on Sunday 15th January 2017 the Police were made aware of a collapsed male inside Josephine's by EMAS.

Police were already dealing with an intoxicated, injured male outside the premise but had not been informed by staff of the collapsed male. The incident has been viewed on CCTV and this occurred at 02:47 hours.

Police entered the premise to find a male collapsed on the floor and it was evident his injuries were serious. EMAS dealt with the male and he was taken to the QMC where his injuries were identified as a fractured skull and bruising to the brain.

As a result of viewing the CCTV footage from within the premises, the actions of a member of the doorstaff were identified as the cause of the male sustaining injury. The doorman is seen to approach the male, who is offering no threat, from behind and slam him to the floor. The same member of doorstaff then punches a second male to the face. This male also offered no perceived threat. The door staff member then drags the unconscious male towards the exit, offering no aftercare. The door man then leaves the area. A second door man also throws a man to the floor causing facial injuries.

CCTV has been seized.

The suspect has been arrested for a Section 20 GBH which as an offence which falls within the definition of a serious crime under section 81 of the Regulation of Investigatory Powers Act 2000.

At the premise that evening were both of the Premises Licence Holders (PLH), Mr Kamaljit Singh Sandhu and Mrs Permela Kaur Sandhu. The Designated Premises Supervisor was not working that evening. Mr Sandhu is captured on the CCTV footage approaching the incident as the male is being dragged unconscious along the floor. He does not intervene, a few moments later his manager comes past him and deals with the injured party. There is no record of the Police being called or of any member of staff speaking with officers who were already on the street dealing with the ejection of the other three males. The police only become aware of the situation on the arrival of EMAS. Although the timescale is short, a member of staff when questioned stated that she thought the male was 'dead' and informed the PLH of such almost immediately.

Summary of recent interaction with licensing team

The Premise received its licence in 2013.

The Premise has been subject to interaction with the Licensing Team regarding a number of incidents between the hours of 1am and 3am since 2014. A full bundle of documents detailing other relevant police incidents and interaction will be presented to the Licensing Sub-Committee in due course for the full review hearing

In December 2015 a meeting was held with Mr Sandhu regarding door entry policy and door staff and the DPS being over ruled by Mr Sandhu regarding persons being allowed entry.

March 2016, Premise closed at 02:52 hours after an incident of disorder.

As a result of these incidents a meeting was held with Mr Sandhu.

In 2016 the DPS was changed.

In June 2016, male allowed to enter the premise and on leaving found to be in a possession of a knife.

In July 2016, as a result of these further incidents, an action plan was agreed with DPS regarding last door entry, search and door staff procedures.

RESTRICTED (when complete)

On 6th November 2016, two incidents of disorder was reported between 0200 and 0330 hours.

On 10th December 2016, a duty Inspector attended an incident at the premise. He stated that the PLH, Mr Sandhu, had been un co-operative at the time.

On 17th December 2016 a dispute had taken place on entry resulting in two males being arrested by the Police

On 7th January 2017 the DPS was spoken too about the failure to conduct entrance policies as agreed under the July action plan. No metal detection was taking place as agreed, door staff stating they did a pat down .A handheld metal detector was given to the premise the following evening.

The Police have identified certain areas which have needed strenghtening and in doing so have worked with the PLH and DPS to remedy these without recourse to a variation of their licensable activities. However these actions plans are limited in their effectiveness and rely on the PLH/DPS pro-actively carrying them out.

It is the view of the Police that the incident has, on its own, has triggered an application for a summary review under Section 53A of the Licensing Act 2003.

Although an application for a suspension of the licence has been considered, at the present time it is submitted that a proportional action upon summary review is one of requesting the consideration of an interim step of modifying the conditions of the Premise Licence. The Police, as a Responsible Authority, ask for a reduction of the hours open for licensable activity until 00:30 with full closure of the premise at 01:00. Members of the door team are to sign in at the start of any shift, providing name, badge number and contact phone numbers.

Signature of applicant:

Date:

Capacity: Superintendent

Contact details for matters concerning this application:

Address: The Licensing Department, South Division HQ, Prime Parkway, DERBY, DE1 3AB

Telephone number(s): 0300 122 5836

Email: derby.licensing@derbyshire.pnn.police.uk

Notes for guidance:

RESTRICTED (when complete)

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



GENERAL LICENSING SUB-COMMITTEE

NOTE OF DECISION

NAME: JOSEPHINES

ADDRESS: 27 THE WARDWICK, DERBY DE1 1HA

1. The Sub-Committee has considered an application for the summary review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime, serious disorder or both).
2. The Sub-Committee has heard evidence from: Sandra Mansell (Derby City Council Licensing Team), Matthew Green (solicitor for Derbyshire Constabulary), PC Suiter (Derbyshire Constabulary), Kamaljit Sandhu (joint premises licence holder), Permela Kaur Sandhu (joint premises licence holder), Suneeka Kaur Sandhu (Designated Premises Supervisor) and Karen Cochrane (solicitor for the premises licence holder), and has also been shown video evidence from CCTV footage from 27 Wardwick, Derby ("the licensed premises") taken on 15 January 2017, in addition to considering the entirety of the content of the application paperwork compiled into a 26 page bundle of documents, submitted by Derbyshire Constabulary at approximately 9.45am on Wednesday, 18 January 2017. Also present, but offering no evidence, were Sgt. Chohan (Derbyshire Constabulary) and Wayne Peters (accompanying the premises licence holder).

DECISION

3. In making its decision, the Sub-Committee has had regard to the Derby City Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Human Rights Act 1998, and has carefully considered all the evidence presented to it.
4. The Sub-Committee makes this decision to promote the 4 Licensing Objectives namely:
 - (a) Prevention of crime and disorder;
 - (b) Public Safety;
 - (c) Prevention of Public Nuisance;
 - (d) Protection of Children from harm.
5. **Findings**
 - 5.1 There was a valid summary application to review the premises licence for Josephines, 27 The Wardwick, Derby, together with a valid certificate issued under section 53A(1)(B) of the Licensing Act 2003, which were served within the correct time period to enable consideration of the application.

- 5.2 The Sub-Committee considered whether the evidence adduced constituted 'serious crime' within the scope of the meaning set out section 53A(4) of the Licensing Act 2003. The Sub-Committee is satisfied that the alleged offences of grievous bodily harm identified by Derbyshire Constabulary, occasioned by doorstaff employed at the licensed premises, could reasonably be expected to attract a sentence of imprisonment for a term of three years or more upon conviction.
- 5.3 In the early hours of Sunday, 15 January 2017, serious crime took place within the licensed premises, whereby a male patron of the licensed premises (Male A) is approached from behind by a doorman (Doorman 1) and slammed to the floor. Video evidence then shows Doorman 1 punch a second man (Male B) in the face. Doorman 2 is then seen to drag the now unconscious Male A across the floor towards the exit.
- 5.4. The premises licence holders, Permela Kaur Sandhu and Kamaljit Sandhu, were both present on the licensed premises when the incidents referred to in paragraph 5.3 occurred; in the case of the latter, he witnessed the aftermath of the incident involving Male A, and was observed failing to intervene when Male A was being dragged across the floor.
- 5.5 The Designated Premises Supervisor was not present on the licensed premises when the incidents referred to in the two preceding paragraphs occurred. While the Licensing Act 2003 does not require the Designated Premises Supervisor to be present on licensed premises when it is open for trade, the statutory guidance is clear that the Designated Premises Supervisor's primarily role is responsibility for the day to day management of the premises.
- 5.6 The evidence adduced did not provide any confidence that the Designated Premises Supervisor had ensured that there was in place, in respect of the premises whether personally present or not, an effective system of management control:
- (a) In relation to the potential for drunkenness by patrons, Mr. Sandhu accepted that while the intoxicated male seen in the CCTV footage would have been allowed into the premises because he showed no signs of being drunk on arrival, the implication is that he got drunk on the premises – any system that it could be argued was in place was therefore ineffectual in operation. It was of course the attempt to get the drunken male out of the premises that resulted in the situation that unfolded.
 - (b) Similarly, it was clear from the responses to the questions asked that there were no house rules put in place and enforced, written or otherwise, about what is acceptable conduct for engaged doorstaff while on the premises. On the contrary, the suggestion by the premises licence holders and the Designated Premises Supervisor that merely because doorstaff are SIA registered, no additional responsibility for their conduct on licensed premises

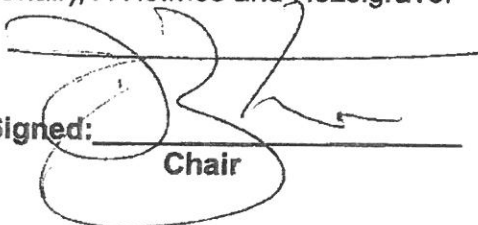
should properly attach to the management of the licensed premises is not accepted and amounts to a denial of responsibility. It was of course the serious misconduct of doorstaff acting on behalf of the management that gave rise to the application.

- (c) Several references were made to a multitude of family members of, or other connected persons to, the premises licence holders being on the premises and available to exercise effective management control in the absence of the designated premises supervisor on the premises. If effective, that would invite an outcome that would mean the events that unfolded would have been more quickly contained because one or more such persons would or should have intervened sooner, and more decisively. Clearly that did not happen.
 - (d) The absence of any defined management rules put in place by the designated premises supervisor and which should apply when she is absent from the premises, or indeed of any equivalent rules when she may be present, is of concern.
- 5.7 The details referred to in paragraphs 5.3 – 5.6 demonstrate a failure by the licensed premises management to promote the licensing objectives detailed in paragraphs 4(a) – (c), above.
6. The Sub-Committee has **RESOLVED** to take the following interim steps pending the hearing of a full review:
- 6.1 Remove the Designated Premises Supervisor, Suneeka Kaur Sandhu.
 - 6.2 Modify the premises licence by specifying that on each day for which they are employed on the licensed premises, all doorstaff must, on arrival, sign in to identify the time of arrival along with their full name and contact address, telephone number and SIA registration number and, on departure, sign out and identify the time of departure.
 - 6.3 In accordance with the DCMS guidance on Expedited/Summary Reviews under the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), these interim steps shall apply immediately and will remain in force until a full review hearing is held or an appeal is disposed of resulting from that full review hearing, whichever is the latter.
 - 6.4 The date set when a full review of the Premises Licence shall take place at Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS is Monday, 13 February 2017 at 10.00am.
7. The reasons for this decision are as follows:

- 7.1 Having taken into account the four licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the Council's licensing policy and the Human Rights Act, the Sub-Committee was satisfied that one or more of the licensing objectives have been undermined by virtue of serious crime having taken place on the licensed premises, sufficient to justify these interim steps being taken.
- 7.2 The Council rejects the proposal by Derbyshire Constabulary to reduce the terminal hour for regulated entertainment at the licensed premises **as an interim measure**. A reduction in terminal hours does not preclude the premises licence holder from altering its trading pattern to accommodate currently unused or underused hours. Violent crime in improperly managed premises can occur at any time, so that merely reducing the hours as proposed by Derbyshire Constabulary does not provide any certainty that the sort of events that occurred in the early hours of 15 January 2017 would not happen again within any reduced trading hours.
- 7.3 The Council was not satisfied, nor was it presented by either the premises licence holders or Derbyshire Constabulary with any evidence in support of or against the proposition, that either exclusion of licensable activity or suspension of the licence were proportionate considerations at this summary stage.

Date of Decision: 20 January 2017

Members of the General Licensing Sub-Committee: Councillors Barker (Chair), A Holmes and Hezelgrave.

Signed: 
Chair

Dated: 20-1-17