

**DERBYSHIRE DALES DISTRICT COUNCIL
LICENCING & APPEALS SUB-COMMITTEE**

DECISION

Licensing Act 2003

Hearing held on Tuesday 14th November 2023 at 10.30am

Full name of Applicant:	Chief Officer of Police for Derbyshire
Premises Address:	Bulan Bar and Nightclub, 119 Dale Road, Matlock, DE4 3LU
Application	Review of a Premises Licence The application seeks a reduction in the hours of operation for the premises and modification to the schedule of conditions attached to the current premises licence – Licence Number DDPLN/1715. The applicant considers that one or more of the licensing objectives are being undermined as a result of the way in which the premises is currently being operated.
Members of the Sub Committee	Councillor Mark Wakeman (Chair) Councillor Sue Hobson Councillor Peter Dobbs
Legal Advisor	Kerry France Solicitor
Officers in Attendance	Eileen Tierney Licensing Manager Tommy Shaw Democratic Services Team Leader Lucy Harrison Democratic Services Assistant
Date of Decision	14 th November 2023

Reason for attendance at the Sub Committee:

The Sub-Committee is asked to consider the application and the representations received during the 28-day advertisement period.

Representations have been received both in support of the Chief Officer of Police's application, and others in support of the Premises Licence Holder.

Recommendation

That the application received from the Chief Officer of Police for Derbyshire for a Review of the Premises Licence held by Luke Jonathan Taylor for Bulan Bar and Nightclub, 119 Dale Road, Matlock, DE4 3LU, be determined.

Review Applicant Representations:

The party that raised the review and their representatives:

PC Lora Holdgate (Licensing Officer, High Peak and Derbyshire Dales),
Sgt Adam Harrison (Licensing Officer),
Mr Adam Keenaghan (Legal Representative)
Fiona Brooks (East Midlands Police Legal Services).

The Premises Licence Holder and their representatives:

Mr Luke Taylor (Premises Licence Holder),
Mr John Taylor (Designated Premises Supervisor),
Mr Chris Grunert (Legal Representative)
Mr Darrell Butterworth (Expert Witness).

Other Party Representations

Ms Amanda Goodwill (Environmental Health Manager),
Mr David Cowley (Principal Environmental Health Officer),
Mr Matthew Hulley (Environmental Health Officer),
Cllr Susan Burfoot (Derbyshire Dales District Council),
Cllr Steve Wain (Derbyshire Dales District Council)
Mr Richard Plant (Local Resident).

The meeting was conducted in public, with the agreement of all parties.

The Sub-Committee withdrew into private session to consider its decision and were advised by the Sub-Committee's legal representative that only evidence relevant to the four Licensing objectives could be taken into consideration and that it was important that any conditions attached to a Licence should be to promote the Licensing objectives.

Decision

Having considered all the evidence put before it, The Sub Committee has decided that the Premise License be reviewed in the following manner.

1. That a reduction in the hours of the sale of alcohol from 3:00am to 2:00am and reducing the premises opening time from 3:30am to 2:30am
2. That the Suggested Conditions proposed from Environmental Health be Included in the Licence as displayed in Appendix 3 (page 114)
3. That the Suggested Conditions proposed from the Fire Service be Included in the Licence as displayed in Appendix 3 (page 116)

4. That the recommendation proposed by Mr Butterworth in his report be Included in the Licence (a-n) with the following being amended.

(a) That a condition be included to ensure that a minimum of 3 SIA registered door supervisors

A minimum of 3 SIA registered door supervisors should be employed at the premises at all times that it is trading. (This will normally be on Thursdays, Fridays and Saturdays from 22.00 to the close of trading).

5. That a Condition be included to ensure body cameras be worn by all door supervisors as per A4 of the police suggestion with the addition of a body camera worn by the Supervisor on duty at the premises as per D4 of the police suggestions.

Reasons

In reaching its decision the Sub-Committee had regard to

- The licensing objectives,
 - the prevention of crime and disorder.
 - public safety.
 - the prevention of public nuisance; and
- The Council's statement of licensing policy,
- The Statutory Guidance issued under section 182 of the Licensing Act 2003
- The Application for Review
- The Report by the Licensing Manager
- Both the written and oral representations made to the Sub-Committee by
 - Review Applicant Representations
 - The Premises Licence Holder and their representatives
 - Other Party Representations

The Sub-Committee considered the report and comments made by the Licensing Manager including details of the application for a Review of the Premises Licence at Bulan Bar and Nightclub.

Significant evidence was presented by the police that indicated that incidents of crime and disorder and public nuisance had occurred with some threatening public safety.

Testimony from ward members and local residents emphasised the issue with public nuisance.

Documentation was provided showing the level of resource from the police and ambulance service that had been employed in dealing with the issues that had occurred. The number of meetings that had taken place with the licensee, Luke Taylor, with suggestions for remedial action, were also presented.

In addition, there were representations from Environmental Health officers and from Derbyshire Fire and Rescue Service that made recommendations over matters concerning public nuisance (from noise) and public safety (from fire).

A significant number of revised conditions for the licence were suggested by the review applicant (the Police) and these are listed on pages 46 – 50 of the pack.

The Sub-committee felt that these were appropriate and proportionate conditions to be applied to the licence to promote the licensing objectives.

It was noted by the sub-Committee that majority of these conditions were accepted by the Premises Licence Holder

There was careful consideration of the recommendations from Mr Darrell Butterworth, employed as a consultant by the licensee which are listed on pages 24 – 25 of the written submission provided on behalf of the licensee.

Similarly, the Sub-Committee felt that these conditions were appropriate and proportionate, and the Sub-committee noted that these should be applied to the ~Premise Licence except recommendation (a) on p25. This should read;

- (b) A minimum of **3** registered door supervisors should be employed at the premises at all times that it is trading. (This will normally be on Thursdays, Fridays and Saturdays from 22.00 to the close of trading).

This brings it in line with the conditions set out on page 46, detailing the new conditions

Points of difference and reasons for imposing these conditions

General Although it was suggested by the representative of the licensee that an attempt had been made by his client to reduce shortcomings in addressing three of the licensing objectives (prevention of crime and disorder, public safety and prevention of public nuisance) it was evident that there had been a significant rise in the number of such incidents since the licensee, Luke Taylor, had taken over the premises (previously known as Harvey's Bar). It is patterns of behaviour that appear to have become established during Mr Taylor's running of Bulan that have created the problem that we now have. An improvement from a low base can still be unacceptable.

In addition, we have heard evidence that some errors of judgement in recruitment of staff with appropriate qualifications have occurred.

For these reasons and other more specific ones listed below, we wish to impose the following conditions.

Reduction in premises opening times from 03.30 to 02.30 (Fri, Sat, Sun) Reduction in licensable activity of sale of alcohol and the provision of live and recorded music from 03.00 to 02.00) Fri, Sat, Sun

This is in response to police evidence that indicated that approximately half of incidents that they had reported occurred between 02.00 and 03.00.

Three suitably qualified door supervisors to be on duty when the club is open.

This is to reflect the size of the club premises, the need to monitor front and rear doors and to allow staff a comfort break as required.

All door supervisors as well as the Designated Premises Supervisor should wear body worn cameras that should be activated when dealing with an incident.

This is help establish evidence to identify those responsible for misbehaviour that can be shared with the police and others via Pubwatch.

In all the circumstances and taking into account the 4 Licensing Objectives which are key and paramount, on the evidence before them the Sub-Committee feel this decision is appropriate and proportional to ensure the review application can be granted whilst promoting the Licensing Objectives.

Date of decision: 14th November 2023

**Councillor Mark Wakeman
Chair
Licensing & Appeals Sub-Committee**

There is a right of appeal to the Magistrates Court against the decision of the licensing authority.

Such right of appeal must be exercised within 21 days of receipt of this notice.

How to appeal

You should appeal in writing to the designated officer for the magistrates' court in the area where the premises is situated.

In Derbyshire this is usually:

North East Derbyshire & Dales Magistrates Court

Chesterfield magistrates court,
Chesterfield Justice Centre
Tapton Lane
Chesterfield
S41 7TW

or

Southern Derbyshire Magistrates Court

The Court House
St Mary's Gate
Derby
DE1 3JR

You must make your appeal within 21 days of being formally told of the Licensing Committees' decision in writing.