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Neutral Citation Number: [2013] EWHC 2174 (Admin)

Case No: CO/10284/2012

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT**

Royal Courts of Justice
Strand, London, WC2A 2LL
22/07/2013

Before:

MR JUSTICE TURNER

Between:

EXTREME OYSTER

1st Claimant

STAR OYSTER LTD

2nd Claimant

- and -

GUILDFORD BOROUGH COUNCIL

Defendant

**James Rankin for the 1st and 2nd Claimants
James Findlay QC (instructed by Bridget Peplow of Guildford BC) for the Defendant**

HTML VERSION OF JUDGMENT 

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Mr Justice Turner :

Introduction

1. The second claimant, Star Oyster Ltd ("Star"), is the freehold owner of two nightclub premises in Guildford: the "Casino and Players Lounge" and "Bar Mambo". Both premises are covered by licences granted in respect of "licensable activities" under the Licensing Act 2003. The tenant of the clubs, and holder of these licences, is Luminar Leisure Limited ("Luminar"). The two club premises, although presently run as distinct undertakings, are housed within the same building.
2. The first claimant, Extreme Oyster Ltd ("Extreme") is the trading company of Star. Extreme ran Bar Mambo prior to Luminar taking over on 13th May 2012. Extreme continues to be an active trading company employing staff and receiving income from the rental of the premises from Star. It pays all of Star's running costs and expenses.
3. On 2 May 2012, the claimants applied to the defendant, Guildford Borough Council ("Guildford") for "shadow" licences in respect of these two premises and areas within them. The term shadow licence is not defined in either statute or regulations but is a convenient shorthand way of describing a licence which has been obtained by one party in respect of premises in relation to which another licence (to which I propose to refer as the "primary licence") has already been granted to someone else. In short, the claimants wished, for commercial reasons, to have the benefit of licences operating in parallel to those held by Luminar.
4. Guildford refused the claimant's applications on the basis that they had failed to satisfy the terms of Section 16 of the 2003 Act compliance with which is a pre-condition of the consideration of any application for a premises licence. The claimants now seek to challenge the legality of this decision by way of judicial review.

The disputes

5. Guildford accepts that circumstances may arise in which a shadow licence can lawfully be granted but contends that such circumstances do not arise on the facts of this case. Of more generic importance is the question as to just how wide is the category of applicants which the law permits to apply for such a licence. The claimants advocate a broad approach; Guildford a narrow one.
6. Further issues fall to be addressed. The first pertains to the lawfulness of the process by which Guildford purported to reject the application. The decision had been purportedly delegated to Mr Curtis-Botting, the defendant's Licensing Services Manager. The claimants contend that this delegation was unlawful and that any decision should have been taken by the licensing sub-committee. The second issue relates to Guildford's refusal to return to the claimants the fees which they had paid in respect of the failed applications.
7. An unhappy aspect of this case is what could be described, perhaps euphemistically, as a lack of empathy between Mr Michael Harper, the owner of Star, and Mr Curtis-Botting. This case is not, however, about personalities and, although I have read with care the evidence relating to the background history, I must remind myself that there are no express allegations of bias, in the legal sense, against Mr Curtis-Botting and that his decisions must stand or fall on their own merits.

Shadow licences – the legal background

8. Under betting legislation, it was (and still is) only ever permissible for there to one licence at any one time in respect of any given set of premises. Section 152(1)(b) of the Gambling Act 2005 provides:

"152 (1) A premises licence—

... (b) may not be issued in respect of premises if a premises licence already has effect in relation to the premises..."

9. The position under the Licensing Act 2003 is, however, less strict and allows for the existence of more than one licence in respect of the same premises. Section 2 of the Act provides:

"Authorisation for licensable activities and qualifying club activities This section has no associated Explanatory Notes

(1) A licensable activity may be carried on—

(a) under and in accordance with a premises licence (see Part 3), or

(b) in circumstances where the activity is a permitted temporary activity by virtue of Part 5.

(2) A qualifying club activity may be carried on under and in accordance with a club premises certificate (see Part 4).

(3) Nothing in this Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person."

10. The Department of Culture Media and Sport ("DCMS") is required by section 182 of the 2003 Act to publish guidance indicating how the Act will be administered by the licensing sub-committees of the local authorities who now exercise the relevant jurisdiction over the grant, refusal, variation and review of licences for premises that offer regulated entertainment and licensable activities.

11. Section 4 (3) of the 2003 Act provides:

"4 General duties of licensing authorities This section has no associated Explanatory Notes

(3) In carrying out its licensing functions, a licensing authority must also have regard to

... (b) any guidance issued by the Secretary of State under section 182."

12. The applicable DCMS guidance provides at paragraph 8.19:

"...There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held".

13. Nevertheless, an applicant for a licence must qualify under one or more of the gateway criteria imposed by section 16 of the 2003 Act (of which there are ten). Only the first of these is directly material to this application:

"16 Applicant for premises licence

(1) The following persons may apply for a premises licence—

(a) a person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates..."

The explanatory notes refer to this as the "principal category" in this section. However, they provide no further guidance as to its interpretation.

14. Paterson's Licensing Acts provides the following commentary on section 16 at paragraph 1.321:

"Who may apply?

Whereas a justices' licence could be granted to any person whom the justices thought fit and proper, under the new legislation section 16 specifies a restricted list of persons who may

apply for a premises licence. The most common applicant will be *'a person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities ...'* It is suggested that the use of the term *'involves'* might denote a broad range of businesses including that of a landlord receiving a rent from a premises being used for such a purpose (this interpretation cited and approved by the district judge and subsequently Richards L.J. at para 24 of his judgment in Hall & Woodhouse Ltd v Poole Borough Council) as well as an owner of such a business, a local authority, the holder of a franchise or a tenant..."

And at paragraph 1.3515 footnote 3:

"...Quaere whether e.g. a developer of a site who intends to construct premises to be used for the sale of alcohol would be able to apply. It could be argued the business involvement in the use of the licensed premises is too remote. This could be an issue for developers who have historically put licences in place at an early stage in a project, albeit often only on an outline basis under s 6(5) of the Licensing Act 1964. For those persons the procedure afforded by the Licensing Act 2003 (which also presents difficulties) might be the more appropriate route. For a case which raised similar issues arising under the Gambling Act 2005 see Betting Shop Services Ltd v Southend-on-Sea Borough Council [2007] EWHC 105 (Admin)...In that instance it was held that Guidance published by the Gambling Commission dealing with the point was inconsistent with the true construction of the Act. Where the applicant fulfilled the other statutory criteria, an application for a premises licence might be granted in respect of premises not yet ready for gambling (in that they had not been fully constructed or were to be altered). The claimant had met the relevant statutory criteria for its application and the authority was therefore obliged to consider it."

15. The case of Hall, to which Paterson refers, involved a criminal prosecution under section 136(1)(a) of the 2003 Act. The appellant, Hall & Woodhouse Limited ("Hall"), was the owner of the Stepping Stones public house in Poole. It let the premises to one Cartlidge under a tenancy agreement. He, in turn, employed one Ferguson to be the manager and designated premises supervisor. Hall had obtained the relevant premises licence.
16. In the early months of 2007, it became clear that those responsible for running the Stepping Stones were ignoring the terms of the licence in a number of respects. In particular, they were serving drinks after hours and failing to maintain adequate protection against the risk of fire.
17. Charges were brought against Cartlidge and Ferguson under section 136 (1) of the 2003 Act alleging that they had knowingly allowed a licensable activity to be carried on at the public house otherwise than under and in accordance with an authorisation. They duly pleaded guilty.
18. Hall was also prosecuted on the basis that, in the words of the section, it "had carried on...a licensable activity on...premises otherwise than under and in accordance with an authorisation...".
19. When the matter came before the District Judge, he applied the following reasoning:

"(1) Section 16 of the Licensing Act specifies a restricted list of persons who may apply for a premises licence. The only basis on which the appellant could apply was as a person who carries on or proposes to carry on a business which involves use of a premises for licensable activities to which the application relates; (2) I am satisfied that use of the term "involves" denotes a broad range of business including that of a landlord receiving rent from premises being used for such purpose as in this case; (3) In making the application for the licence, the appellant must have considered itself to be carrying on a business which involves use of premises for licensable activities; (4) The grant of premises licences and enforcement of any conditions in them are fundamental to the licensing system and enforcement of it. To find

otherwise would be to undermine the whole basis of the licensing regime and to negate the effect of the offences in section 136(1) ."

20. There is a due diligence defence under section 139 upon which Hall did not rely. In consequence, the District Judge convicted. Hall appealed to the Divisional Court.
21. The Divisional Court held that section 136 (1)(a) is directed at persons who *as a matter of fact* actually carry on or attempt to carry on a licensable activity on or from premises. Being a licence holder does not make a person automatically liable in respect of licensable activities carried on or from the premises.
22. One of the arguments rejected by the Divisional Court was that the language of section 136 should be equated with that of section 16. The prosecution had contended that a licence holder who applies for a premises licence will only qualify under the relevant part of section 16(1)(a) if he is a person carrying on a licensable activity. From this, it would have followed that passing through this section 16 gateway would automatically mean that the successful applicant was to be taken, for the purposes of section 136, to be carrying on the activity thereafter. Richards L.J. considered this argument to be fundamentally misconceived. He held:

"24 Under section 16(1)(a) an application for a premises licence may be made by "a person who carries on, or proposes to carry on, *a business which involves the use of the premises for the licensable activities* to which the application relates" (emphasis added). Carrying on such a business is self-evidently different from carrying on the licensable activities themselves, and the fact that a person's actual or proposed business involves the use of the premises for licensable activities does not mean that he necessarily carries on the licensable activities themselves at the premises for which the licence is granted. The commentary on section 16 in *Paterson's Licensing Acts*, 117th ed (2009), para 1.3515 states, at note 3:

"It is suggested that the use of the term 'involves' might denote a broad range of businesses including that of a landlord receiving a rent from a premises being used for such a purpose, an owner of such a business, a local authority, the holder of a franchise or a tenant."

"I agree that the statutory expression is broad enough to cover the case where a freehold owner carries on the business of letting premises to tenants on the basis that the tenant will carry on licensable activities at the premises. But the landlord's business in such a case is, in principle, distinct from the activities carried on by the tenant, and I regard it as a complete fallacy to merge the two elements together and to treat the landlord as automatically carrying on the licensable activities at the premises.

25 I should note that the June 2007 revised guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003 states, at para 8.20, that in the case of public houses it would be easier for a tenant to demonstrate that it has carried on a business within section 16(1)(a) than it would be for a pub-owning company that does not itself carry on licensable activities. That may or may not be so. The language used in that paragraph might be thought to support my construction of section 136(1)(a) , but in any event what is said in the guidance does not affect the view I have expressed about the meaning and effect of section 16(1)(a) or the distinction to be drawn between that provision and section 136(1)(a) . I expressly reject Mr Light's submission that the premise of the legislation is that the person granted a premises licence is himself necessarily carrying on such licensable activities as are carried on on or from the premises to which the licence relates.

26 It is, of course, possible for a landlord to carry on a licensable activity at premises notwithstanding that the premises have been let and notwithstanding the existence of the landlord/tenant relationship, but whether he does so or whether, as an alternative possibility,

he knowingly allows a licensable activity to be carried on at the premises has to be determined as a question of fact. Nor do I see how the mere inclusion in the tenancy agreement of obligations aimed at ensuring that the premises are managed properly and in compliance with the Act could *of itself* warrant the finding that licensable activities carried on there are carried on by the landlord."

The factual background

23. The licence applications to which this claim relates are eight in number. Four were made by Star and four by Extreme. Between them they covered different permutations of the physical extent of the premises to which they were intended to apply. Those numbered 92057 and 105889 were, for reasons which will be examined later in this judgment, to assume particular prominence during the course of oral submissions.
24. Three of the eight applications were listed to be heard by the licensing sub-committee. The first of these hearings was to take place at 2pm on Tuesday 24 July 2012.
25. However, by email sent at about 5pm on Thursday 19 July 2012, one Sophie Butcher, Committee Member for Legal and Democratic Services, wrote to Star's solicitors to say that the hearings had been "cancelled" on the basis that the applications did not comply with section 16 of the Licensing Act 2003. In addition no further arrangements were to be made to convene hearings in respect of the other outstanding applications. Full and detailed reasoning was promised for the following Monday. During the course of submissions, I elicited from counsel for the defendant that the decision upon which this mail was based had earlier been reached, but not contemporaneously recorded, by Mr Curtis-Botting.
26. This mail prompted a response from Star's solicitors expressing surprise and dismay at the decision and pointing out that, since the decision had not been taken by the sub committee, there was no statutory right of appeal and thus the only route of legal challenge would be by way of judicial review.
27. On 23 July, the promised letter containing the defendant's reasons was sent by one Mr Gerrard, Interim Head of Legal and Democratic Services. With respect to the legal position, having set out the terms of section 16(1)(a), it said:

"The Licensing Authority's view is that none of the above companies now fall within this definition. Luminar Group Limited are carrying on the licensable activities. Whilst the case of [Hall] indicated that a landlord could fall within the definition by virtue of carrying on a business of collecting rent, this only applies if the landlord applies for a licence in respect of the licensable activities carried on by the tenant. In the case of the above applications, they are in respect of a business which would be carried on by the companies themselves and do not relate to Luminar Group Ltd's licensable activities."

28. The letter went on to say :

"The Licensing Authority have (sic.) considered whether the above companies can fall within the definition of proposing to carry on a business. On the facts of this case, it is not considered that they can. It will be 5 years before the lease comes to an end. If the 3 year break clause is invoked the premises will have to be redeveloped, in which case further licence applications would be required in any event. Counsel's view is that any plans that the companies may have to carry out licensable activities in the future are at most a consideration of a proposal and do not fall within section 16(1)(a)."

Terminology

29. The defendant takes issue with the use of the term "shadow" licence and challenges the claimant's assertion that such arrangements are and were commonplace. Ultimately, however, so long as the term shadow licence is treated as being no more than a convenient label, and not one to be accorded any special

legal status, then I see no harm in using it. This is particularly so in the light of the fact that the claimants do not contend that every shadow licence application will automatically comply with section 16(1)(a) and the defendants do not contend that every shadow licence will automatically fall foul of it. Each case will fall to be decided on its own facts.

Interpretation of section 16(1)(a)

30. In the Hall case, the court was not dealing with circumstances in which it was proposed that two premises licences would be held by two persons in respect of the same premises. In the instant case, there was disagreement between counsel as to whether or not applications for shadow licences had now become standard practice within the industry. In the event, I do not find that this is an issue which it is necessary to resolve. Orthodoxy is no more proof of legality than novelty is of illegality.
31. Despite the strongly opposed position of the parties on a number of issues, there were, nevertheless, some areas of agreement between the parties. In particular, counsel for the defendant, Mr Findlay Q.C. conceded, importantly, that the defendant could not legitimately have found that Star, as landlord, was precluded by section 16(1)(a) from making an application for, what he described as, a "mirror" licence. Such a licence, he explained, is a licence in identical terms to the primary licence insofar as it relates to the "licensable activities" covered by the latter. His concession was based on the approach of Richards L.J. in Hall.
32. Of the eight applications which are the subject matter of this case, it is applications 92057 and 105889 made by Star (to which I have already made passing reference) which were the most closely equivalent in scope and content to the existing licences held by Luminar. They related to the "Mambo" and "Casino and Players Lounge" premises respectively. Counsel for the defendant conceded that, if the claimants' applications had related to exactly the same activities in scope and form in respect of premises exactly as delineated in the Luminar licences, then the section 16 gateway would have been open to the claimants and Guildford could have had no legitimate basis upon which to refuse to proceed to determine the applications on their substantive merits.
33. However, Mr Findlay went on to assert that the defendant was entitled to reject the applications because of differences between the activities to which the shadow applications related and those covered by the primary licences.
34. When, in response to these submissions, I enquired just what these differences actually were, Mr Findlay was unable to provide me with a full answer. I, therefore, permitted him a short adjournment to find out the answer from Mr Curtis-Botting who was in attendance at the hearing. Copies of the Luminar licences for comparison were not immediately to hand, not having been included in the trial bundle.
35. After the adjournment, Mr Findlay identified the following differences between the terms of the primary licence and the proposed terms of the shadow licences:
 - i) Application 92057 provided for the showing of films not suitable for children and for tableside and show dancing. The corresponding Luminar licence did not. Star's application also purported to cover a small and roughly square area which, although falling within the footprint of both premises as a whole, had not been included in the equivalent Luminar licence. In all other particulars the activities were identical as, indeed, were the operating times.
 - ii) Star's application 105889 was different to its Luminar counterpart to the extent that there was no specific provision for door supervisors and there were differences in relation to the permitted scope of lap dancing activities and the provision of CCTV surveillance. Upon enquiry as to the actual nature and extent of the differences relating to lap dancing and CCTV, Mr Findlay was unable to offer further assistance and said that he would be prepared to base his case on this issue with reference to the provision of doormen alone.

36. Of the differences relied upon, it must be said that none of them had ever been referred to in any communication written or oral from the defendant to the claimants. None of them was mentioned in Mr Curtis-Botting's witness statement, a document not otherwise short on detail. Furthermore each and every one of them could have been addressed at the sub-committee hearings which had been listed and the sub-committee would have been able (had it considered it to be necessary for the promotion of the licensing objectives in the light of material representations) to impose conditions which would have removed or mitigated these differences.
37. Mr Findlay assured me that, despite all of the above, Mr Curtis-Botting had, indeed, considered these very factors in reaching his decision. I accepted this assurance.
38. I then enquired of Mr Findlay whether his case was that an application for a shadow licence must fail under section 16(1)(a) unless the licensable activities identified therein were identical in every single respect to those contained in the primary licence. This was the stance which he initially adopted but, thereafter, he conceded that not every difference no matter how small would have this effect and argued that the differences had to be "material". Even accepting that Mr Curtis-Botting had applied his mind to these differences, there was no evidence as to which of them he had considered to be "material" or upon what basis.
39. I was and remain concerned that Mr Curtis-Botting made a mere mental note of these limited discrepancies and, thereafter, peremptorily cancelled (or refused any further consideration of) these applications without ever volunteering which discrepancies he had identified. I am not persuaded by the argument that the nature of the discrepancies was not communicated to the claimants because their challenge by way of judicial review was insufficiently focussed and that this justified Guildford's silence on the point. It will be recalled that the letter of 23 July 2012, which Guildford had said in the earlier email would contain "full and detailed reasoning", dealt with the point in the following way:
- [The case of Hall] "...only applies if the landlord applies for a licence in respect of the licensable activities carried on by the tenant. In the case of the above applications, they are in respect of a business which would be carried on by the companies themselves and do not relate to Luminar Group Ltd's licensable activities."
40. A reasonable interpretation of this passage would, in my view, have been that Guildford's objection was not that there was a material difference between the licensable activities referred to in the claimant's applications and those contained in the primary licence but that the shadow licence applications related to free standing activities which were within the claimants' contemplation to carry out themselves and not through mere involvement in a business carried out by Luminar. In other words, the objectionable factor was that, in order to comply with section 16(1)(a), the claimants' applications should have been entirely parasitic upon the activities of Luminar and should not have reflected any future contemplated activities of the claimants themselves. However, this objection, if valid, would have applied equally to an application drafted in terms identical to those of the primary licence and thus is inconsistent with the concession made by Mr Findlay in his submissions. Nevertheless, despite any perceived contrast between the wording of the letter and the submissions now relied upon by Guildford, I approach the determination of the issue *de bene esse* as if the letter articulated unambiguously the same analysis as that upon which it now relies.
41. Ultimately, the resolution of this issue depends upon the interpretation of the words "the licensable activities to which the application relates" in section 16(1)(a) of the Act. The narrow interpretation favoured by Guildford is that such licensable activities should be materially identical in content to the primary licence with specific reference to the scope of the plan and operating schedule which must accompany the shadow application.
42. Guildford advances three specific policy bases in support of its approach. It contends:
- (a) Section 16 does not provide for a free for all. In restricting the pool of possible applicants Parliament clearly considered there was benefit in so doing.

(b) Numerous licences make enforcement more difficult. Clarity of responsibility is important as noted by the current Guidance at paragraph 8.17.

(c) Unrestricted applications place an undue burden on licensing authorities.

43. Contention (a) does not, in my view, advance Guildford's case. No one suggests that section 16 provides a "free for all". It is self-evident that Parliament would not have imposed the section 16 gateways unless it considered that some benefit would thereby be achieved. This, however, begs the question as to where the line is to be drawn. The existence of the line cannot, of itself, determine its position.

44. Contentions (b) and (c), on the other hand, relating to difficulties in enforcing multiple licences and the burden of dealing with them, are not without some weight. Nevertheless, this weight is not sufficient, in my view, to preclude a broad interpretation of section 16(1). The potential deleterious consequences must be balanced against the following factors:

i) The holder of a premises licence is under duties imposed by section 57 of the Licensing Act 2003 (breach of any one of which is an offence) in respect of keeping, displaying and producing such a licence. These obligations apply equally to holders of a shadow licence. There is, therefore, a level of well defined statutory control over the risk of confusion arising over the existence and parameters of any given licence. I accept that this does not remove all risk that, in any given case, the position may be less clear than if only one licence holder were permitted but the position is, at least, mitigated by the formalities of section 57 and, if the risk of confusion were to be prioritised as a factor in the threshold test, Parliament could have made express provision for this in the wording of the statute. It did not.

ii) The broader interpretation of section 16(1) continues to preserve the important control measure that any given applicant must demonstrate a sufficient nexus between its business and the relevant licensable activities. Accordingly, those operating businesses with a more tenuous link, such as developers, may well be excluded from using this gateway. Borderline cases will have to be decided on their own facts.

iii) A further disincentive to the making of multiple applications is that a fee is payable in respect of each of them. In this case the level of fee was £625 per application.

iv) Situations may arise, in any event, in which one set of premises is covered by a number of licences. Even on a narrow approach, a multiplicity of licences is not precluded in respect of any given premises. Simply by limiting applications in relation to existing businesses where the licensable activities are virtually identical to those already carried on will not obviously achieve a substantial reduction in the number of multiple applications made.

45. On the other hand, there are a number of factors which provide support for a broader interpretative approach.

46. Firstly, the Licensing Act 2003 was not intended to support a regime based on a narrow and restrictive approach to licensing. As Black J. observed in R (Daniel Thwaites plc) v Wirral Borough Magistrates' Court and Others [2008] EWHC 838 (Admin) at para. 13:

"The Licensing Act 2003 was intended to provide a 'more efficient' 'more responsive' and 'flexible' system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour."

And at para. 42:

"... the Act anticipates that a 'light touch bureaucracy' (a phrase used in para 5.99 of the Guidance) will be applied to the grant and variation of premises licences."

A wider approach to the interpretation of section 16(1)(a) facilitates these policy aims. The narrow one advocated by the defendant does not.

47. Secondly, the applicant for a shadow licence may have very good and perfectly legitimate business, or other, reasons to include some details of the relevant licensable activity not included in the original primary licence. The automatic exclusion of such applications from further consideration under section 16(1)(a) would celebrate the triumph of bureaucracy over common sense.
48. Thirdly, if, in any given case, there were sound policy reasons for taking issue with any differences between the terms of the shadow application and those contained in the primary application, then these could be considered at the hearing and dealt with on their merits based upon an assessment of what would be necessary for the promotion of the licensing objectives in the light of representations made. It is far better that the proper control mechanism for such applications should involve the considered application of policy rather than the operation of a mechanistically applied threshold condition. Any frivolous, vexatious or repetitious applications could always be dealt with by way of delegation to a single officer and, in obvious cases, be disposed of in a proportionately summary fashion.
49. Fourthly, if Parliament had wished to preclude the making of second or subsequent licence applications on anything but identical or near identical bases to those contained in first licences, then this could have been made clear in the Guidance. It was not.
50. Fifthly, section 17 of the 2003 Act treats the "relevant licensable activities" as enjoying a separate conceptual existence from, for example, "the times during which it is proposed that the relevant licensable activities are to take place". It follows that "a business which involves the use of the premises for the licensable activities to which the application relates" does not cease to be such a business merely because the application relates, for example, to operating hours which are different from those covered by the primary licence. The licensable activities remain the same even when the times over which they are permitted do not.
51. There are provisions in the 2003 Act upon which Guildford rely which allow an owner to apply for the transfer of the original licence back from the tenant in the event of insolvency or surrender or because the tenant had given up occupation but these are circumscribed by time restraints and depend in part upon the cooperation of the tenant which may not always be forthcoming.
52. Having concluded that a narrow test is not appropriate, it is necessary to consider the parameters of a broader interpretation. In my view, the answer lies in the legislation itself. Section 1(1) of the 2003 Act categorises licensable activities thus:

"Licensable activities and qualifying club activities This section has no associated Explanatory Notes

1. For the purposes of this Act the following are licensable activities—

- (a) the sale by retail of alcohol,
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- (c) the provision of regulated entertainment, and
- (d) the provision of late night refreshment.

This categorisation provides a logical and straightforward basis upon which to apply section 16(1)(a).

53. Where the shadow application is limited to actual (as opposed to proposed) use, a sequential analysis would involve the following steps:

- i) Is the applicant a person who carries on a business? If not, he does not satisfy 16(1)(a) and the application must fail. If he does, then go to (ii).
- ii) Does that business involve the use of the premises to which the application relates for licensed activities? If not, it does not satisfy 16(1)(a) and the application must fail. If it does, then go to (iii)
- iii) Identify the categories of licensable activities as listed under section 1 of the 2003 Act for which the premises are used. Go on to (iv).
- iv) Does the application relate to any category or categories of licensable activity not identified under (iii) above? If so, the applicant does not satisfy 16(1)(a) and the application must fail in so far as it purports to apply to those activities. If not, 16(1)(a) is satisfied.
54. It would follow that the landlord of a public house (the tenant of which held the primary licence to sell alcohol) would not be precluded from applying for a shadow licence also for the retail sale of alcohol even if, for example, the standard days and timings in the shadow application differed from those permitted under the primary licence. The category of licensable activity would remain the same. By way of contrary example, the shadow application could not, however, satisfy the requirements of sub-section 16(1)(a) if it were made in respect of regulated entertainment where the primary licence did not include provision for regulated entertainment. In such a case the applicant, in order to bring itself within the subsection, would have to demonstrate that it actually proposed to carry on a business at the premises which involved regulated entertainment.
55. Applying this approach to the circumstances of this case, it follows that the defendant was wrong to decide that section 16(1)(a) applied so as to exclude Application 105889 from further consideration. The differences relied upon did not relate to the categories of licensable activity but merely to details such as the provision of doormen and the like.
56. Application 92057 is different to the extent that the area covered in the shadow application is not co-terminous with that to which the primary licence relates. However, the discrepant area still falls within premises used by Star as landlord but is merely covered by a different primary licence held by Luminar.
57. In my view, it matters not for the purposes of the application of section 16(1)(a) whether the shadow licence application covers an area entirely co-incident with any given primary licence. So long as the extent of the shadow licence application does not stray beyond the parameters of the premises used by the applicant as a business and that the matching categories of licensable activities are carried out under the primary licences relating thereto then the threshold of section 16(1)(a) is surmounted.
58. Again, in the event that there were any legitimate policy concern over the proposed physical area of the premises covered by the shadow application, this could be addressed at the substantive hearing.
59. It therefore follows that the defendant was wrong to conclude that section 16(1)(a) precluded application 92057 from further consideration.
60. I would therefore order Guildford to proceed with these two applications on the basis that they pass through the section 16(1)(a) gateway.
61. With respect to the remaining Star applications, I quash Guildford's decisions and require it to approach the issue as to whether they qualify under section 16 afresh applying the law as I have ruled it to be.
- Proposed carrying on of business**
62. In case I am wrong about my interpretation of section 16 in so far as it relates to existing (rather than proposed) use, it is necessary to consider whether, even if Star could not bring itself into the category of carrying on a business within the scope of section 16(1)(a) it could still rely upon the assertion that it

proposed to carry on a business which involved the use of the premises for the licensable activities to which the application related (to which, for ease of reference, I will refer as "the alternative limb").

63. Star contends that its intentions in respect of the future of its business at the premises were sufficient to comply with the alternative limb. These intentions were:
- i) To protect Star in the event that its tenants went into liquidation or surrendered its licence, or was the subject of review proceedings.
 - ii) To protect Star in the event that its tenants failed to pay/were late paying their rent.
 - iii) In the event that Star gave its tenants notice to quit and retake possession pending redevelopment of the premises, to enable it to run the premises in the meantime.
 - iv) To enable Star to market the premises or parts of the premises should the tenants stay in possession for the full term.
64. Guildford rejects this approach and submits that "proposes" is a normal English word which should be given its normal meaning, subject to any special meaning that may be attributable to its particular statutory context.
65. Guildford contends that the approach of the Court of Appeal in Mainwaring v Trustees of Henry Smith's Charity [1998] QB 1 at 18E, a case determined under the Landlord and Tenant Act 1987, is equally applicable to the Licensing Act 2003. Sir Thomas Bingham MR held:
- "It is in our view clear that the expression "proposes" describes a state of mind somewhere between mere consideration of a possible course of action at one extreme and a fixed and irrevocable determination to pursue that course of action at the other. As Lord Denning MR observed in Trustees of the Magdalen and Lasher Charity, Hastings and Others v Shelover (1968) 19 P & CR 389 at 392, contrasting different expressions to be found in the Landlord and Tenant Act 1954, "The word "proposes" is different from the word "intends". A man may propose to do a thing without having formed a fixed and settled intention to do it. "A "proposal" under the Act means that a project must have moved out of "the zone of contemplation ... into the valley of decision": Cunliffe v Goodman [1950] 2KB 237 at 254 per Asquith LJ."
66. Star cautions against the suggestion that the interpretation of "proposes" in the policy context of the provisions of the Landlord and Tenant Act 1987 should be translated directly into the context of the Licensing Act 2003.
67. For my own part, I do not consider that there is anything in the quoted passage from Sir Thomas Bingham's judgment in Mainwaring which could, in any event, be interpreted as giving the word "proposes" anything other than its ordinary English meaning. He certainly did not consider that it was necessary to give the word any purposive (let alone strained) interpretation to achieve a just determination of the cause before him. On the contrary, he concluded that, in the circumstances of that case, "it is impossible to feel any doubt". He acknowledged, however, that "Cases could well arise in which it might be very doubtful whether a landlord's plans had hardened sufficiently to be regarded as a proposal..."
68. I resist the temptation to provide any further judicial gloss on the proper interpretation of the word "proposes".
69. In this case, however, regardless of the proper interpretation of the word "proposes", Mr Curtis-Botting made a mistake. When deciding whether Star was able to bring itself within the alternative limb he was under the mistaken impression that the lease contained a three year break clause when, in fact, it was a one year break clause. This, in my view, amounted to a material misdirection.

70. On this basis, I would have quashed his decision on the alternative limb in any event. I do not, however, find that a decision adverse to the claimants on this issue, had it been based on accurate primary facts, would automatically have been *Wednesbury* unreasonable. This is a court of review and not of appeal.

Extreme Oyster

71. The role of Extreme is referred to in paragraph 2 of this judgment. In summary, it receives income from the rental of the premises from Star. It pays all of Star's running costs and expenses.
72. Extreme is not, however, the landlord of the premises or any part of them and arguably operates at a further stage removed from the business which actually uses the premises for the licensable activities to which the application relates. This does not mean that Extreme's applications must automatically be excluded from consideration by the operation of section 16(1)(a) of the 2003 Act but it does mean that this is an issue upon which the decision maker and not the court should be the final arbiter (acting, of course, within the constraints of public law).
73. The reasons given in the decision letter for finding that Extreme did not satisfy the threshold criteria of section 16(1)(a) are flawed. The decision with respect to whether Extreme was carrying on a business which involved the use of the premises for the licensable activities to which the application relates (as articulated in Guildford's submissions to me) was wrongly based on the assumption that there had to be virtual equivalence between the scope of the activities actually carried out and those in respect of which the application was made. The decision on the alternative limb was also flawed by Mr Curtis-Botting's error relating to the timing of the break clause. The decisions relating to the Extreme applications are, therefore, quashed and must be considered afresh applying the law as I have held it to be.

Delegation

74. The decision to rule against all of the Claimants' applications was taken by Mr Curtis-Botting alone and not by the sub-committee. The powers of sub-delegation under the 2003 Act are contained within section 10 which provides:

"10 Sub-delegation of functions by licensing committee etc.

This section has no associated Explanatory Notes (1)A licensing committee may arrange for the discharge of any functions exercisable by it—

(a) by a sub-committee established by it, or

(b) subject to subsection (4), by an officer of the licensing authority.

(2) Where arrangements are made under subsection (1)(a), then, subject to subsections (4) and (5), the sub-committee may in turn arrange for the discharge of the function concerned by an officer of the licensing authority.

(3) Arrangements under subsection (1) or (2) may provide for more than one sub-committee or officer to discharge the same function concurrently.

(4) Arrangements may not be made under subsection (1) or (2) for the discharge by an officer of—

(a) any function under—

(i) section 18(3) (determination of application for premises licence where representations have been made),

- (ii) section 31(3) (determination of application for provisional statement where representations have been made),
 - (iii) section 35(3) (determination of application for variation of premises licence where representations have been made),
 - (iv) section 39(3) (determination of application to vary designated premises supervisor following police objection),
 - (v) section 44(5) (determination of application for transfer of premises licence following police objection),
 - (vi) section 48(3) (consideration of police objection made to interim authority notice),
 - (via) section 53A(2)(a) or 53B (determination of interim steps pending summary review),
 - (vii) section 72(3) (determination of application for club premises certificate where representations have been made),
 - (viii) section 85(3) (determination of application to vary club premises certificate where representations have been made),
 - (ix) section 105(2) (decision to give counter notice following police objection to temporary event notice),
 - (x) section 120(7) (determination of application for grant of personal licence following police objection),
 - (xi) section 121(6) (determination of application for renewal of personal licence following police objection), or
 - (xii) section 124(4) (revocation of licence where convictions come to light after grant etc.),
 - (b) any function under section 52(2) or (3) (determination of application for review of premises licence) in a case where relevant representations (within the meaning of section 52(7)) have been made,
 - (ba) any function under section 53C (review following review notice), in a case where relevant representations (within the meaning of section 53C(7)) have been made,
 - (c) any function under section 88(2) or (3) (determination of application for review of club premises certificate) in a case where relevant representations (within the meaning of section 88(7)) have been made, or
 - (d) any function under section 167(5) (review following closure order), in a case where relevant representations (within the meaning of section 167(9)) have been made.
- (5) The power exercisable under subsection (2) by a sub-committee established by a licensing committee is also subject to any direction given by that committee to

the sub-committee

75. The Amended Guidance contains a table of "Recommended Delegation of Functions" but this takes the issue no further to the extent that it does not state whether or not it is generally appropriate for a decision under section 16 to be delegated to an officer.
76. I am satisfied that Guildford would not have acted in breach of the provisions of section 10 if it had actually authorised the Licensing Committee to arrange for the relevant function (i.e. to determine whether or not a prospective applicant falls within the scope of section 16) to be delegated to an officer of the licensing authority such as Mr Curtis-Botting. However, to examine whether such delegation actually took place or was compliant with Guildford's policy on the matter, it is necessary to have regard to Guildford's "Delegation to Officers" document which is accessible on its website.
77. This document, rather than listing, as does the Act, those decisions which are *not* to be delegated to officers, lists those decisions which *are* to be so delegated. Guildford relies upon category 8 in the list in the Delegation document which, it contends, empowered Mt Curtis-Botting to make the decision. It provides that such a delegation is permitted:
- "To determine all applications for a premises licence...where no representations have been made."
78. During submissions, I was first informed on behalf of Guildford that in respect of some of the eight relevant applications no representations had been made but in respect of others representations had been made. Further enquiry revealed, however, that this was wrong and that representations had, in fact, been made in respect of all eight applications.
79. When pressed on this issue, Guildford's argument was to the effect that I should treat the case as if no representations had been made (even though they had) on the basis that the issue under section 16 was to be looked at sequentially before the determination of an application because, if the proposed applicant fell outside the terms of section 16, then the issue of whether or not representations had been made would fall out of the equation.
80. I disagree with this analysis. Section 10 of the 2003 Act prohibits the delegation of any function under... section 18(3) (determination of application for premises licence where representations have been made). Thus the Committee was entitled to permit a determination under section 18(3) where no representations had been made. However, it simply did not go on, as it could have done, to authorise the single officer to determine issues arising under section 16(1).
81. There was no justification for Guildford to act in breach of its Delegation Policy. The public and the claimants had a legitimate expectation that this Policy would be followed. I am, therefore, satisfied that the decision on section 16 is one that ought not to have been determined by Mr Curtis-Botting alone and would quash his decisions on this basis also. I would add that the answer to the question whether, in any given case, there is a sufficient nexus between an existing business and the licensable activities to which an application is made may not always be straightforward and that it would not be generically inappropriate for policies to provide for licensing sub-committees to make the relevant determination rather than to delegate it to an individual officer.

Fees

82. A subsidiary issue arose relating to the fees paid by the claimants in respect of their applications. In summary they contended that it was unlawful for Guildford to retain fees paid in respect of applications which had been rejected without any substantive consideration of the merits. In the light of my findings with respect to the status of Guildford decisions relating to such fees I find it unnecessary to adjudicate on this issue.

Consequences

83. In summary, therefore, this court makes a declaration that Star's applications 92057 and 105889 are compliant with section 16(1)(a) and must be allowed to proceed to substantive determination and that Guildford's decisions on the remaining applications from Star and Extreme are quashed and are to be revisited on the legal basis I have ruled upon.

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URL: <http://www.bailii.org/ew/cases/EWHC/Admin/2013/2174.html>

MAYOR OF LONDON

Kate Josephs
Chief Executive
Sheffield City Council
Town Hall
Pinstone Street
Sheffield S1 2HH

Date: 6th January 2022

Dear Ms Josephs

I am writing to you to express my support for Dominic Madden and his team in relation to Sheffield's historic venue The Leadmill.

Mr Madden and his team took on much loved historic- yet dilapidated- venue in South London and transformed it into one of the most diverse and successful cultural spaces in the capital. Electric Brixton is a key part of Brixton and London's night time culture offer which attracts locals and visitors alike. Host to over 200,000 gig goers a year, it is a vital part of the capital's music eco-system. The venue also hosts a number of club nights, including significant support for the LGBTQ+ community.

Dominic and his team have a long track record of delivering success and I confidently recommend them as a professional and industry leading team spearheading the independent music sector in the UK. Should you wish to discuss this further, I would be happy to do so.

Yours sincerely,



Amy Lamé
Night Czar

From the Leader of the Council

Our Ref: **Leader/2015-09/043**

Wednesday, 02 September 2015

Sir Robin Wales
Mayor of Newham
Newham Dockside
1000 Dockside Road
London
E16 2QU



Dear

Sir Robin

Dominic Madden

I understand that you have recently met with Dominic in respect of his plans for a Lease on the **Stratford Rex** in the new cultural quarter in Stratford Centre. Dominic is a key individual in the Brixton and Lambeth's economy, through his management of the **The Electric** (formerly The Fridge). I can vouch for him as an Individual who has the drive and ambition to deliver on his commitments and as a record of accomplishment of someone who has helped turn around a troubled venue (under former management) into a very successful enterprise.

I have been a Lambeth councillor since 2001 and Leader of Lambeth Council since 2012. Brixton and its night-time economy always featured on the work load of Members and Officers – sadly all too often relating to crime, disorder and anti social behaviour problems. One of the most problematic (and to some extent one of the most iconic) of these venues was The Fridge. It had been allowed, by poor management, to become a venue where violent crime was common and the management control was virtually non-existent. Members wanted the licence revoked however before the Licensing Committee could consider the issue, the venue closed and was placed on the market.

I was subsequently made aware that a new operator had acquired the premises and also that there was a strong local feeling – including within the Council and Statutory partners - that the club should not re-open. I was kept briefed by Officers (including the then Brixton Town Centre Director) on the progress of the acquisition by Dominic Madden of the lease on the premises. Police, Community Safety, Licensing and the Brixton Society all worked together on a series of conditions and undertakings that they wanted applied to any new licence for the premises. I understood at the time that Dominic was something of a new experience for colleagues, as he was so keen to deliver a new type of venue for Brixton.

The venue was subsequently re launched as The Electric with a very closely monitored and heavily conditioned licence. The management team at The Electric ensured that it quickly became a very popular and well managed venue that lived up to the promise to provide a fresh approach to live music venues. The client base changed, reflecting the new nature of the premises, and the re-launched venue has also been something of a catalyst in triggering a similar revamp of two other nearby venues.

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INVESTOR IN PEOPLE

Dominic and his team have delivered on all their commitments and I would be happy to recommend them as being suitable people to take on similar projects elsewhere.

As always, I would be happy to speak to you on this or any other matter

Yours sincerely,

Lil

Hope all well with you

Lil

Cllr Lib Peck
Leader of Lambeth Council



ROCK POINT

- LEISURE -

To Whom It May Concern,

I am writing this reference letter in support of Dominic Madden, the operator of Electric Brixton, a prominent concert and nightclub venue located in Brixton, South London. I have had the privilege of closely observing Dominic's management of the Electric Brixton since its reopening in 2011 and can confidently attest to his exceptional capabilities as an operator and his commitment to upholding licensing objectives.

As the Chair of the Institute of Licensing, I have had the opportunity to assess numerous licensed establishments and Dominic Madden's dedication to maintaining a high standard of operation stands out significantly. The Electric Brixton, previously known as The Fridge, has a rich history spanning over 100 years and has faced its share of licensing challenges. Under Dominic's management, the venue has not only overcome these challenges but has also evolved into a thriving cultural and entertainment hub in the heart of Brixton.

Dominic's leadership has been instrumental in creating a professional and proactive culture within his venue group. The Electric Brixton has consistently demonstrated its commitment to upholding licensing objectives, ensuring the safety and well-being of its patrons, and contributing positively to the cultural economy of the Lambeth/GLA area. The venue's larger capacity of 1800 requires meticulous operational planning, and Dominic's team has successfully met this challenge, maintaining an impeccable track record since 2011.

I must highlight that Dominic's professionalism and competence were evident even during challenging situations. An incident of violence related to a concert in 2019 was promptly and effectively managed by Dominic, his licensing team, and the local police. Their collaborative efforts not only addressed the issue but also prevented any disruption to the venue's operations and reputation.

Based on my observations and experience, I wholeheartedly recommend Dominic Madden as a person of high integrity and exceptional operational skills. His proven track record at Electric Brixton, along with his success in managing other venues across the UK, demonstrates his consistent adherence to licensing objectives and commitment to responsible operation. I have full confidence that Dominic has the capacity and expertise to successfully apply for and manage premises licenses for other establishments.

In conclusion, I am pleased to offer my strongest endorsement of Dominic Madden and his team at Electric Brixton. Their dedication to maintaining a safe, compliant, and vibrant entertainment venue has had a positive impact on the local community and cultural landscape. Please do not hesitate to contact me if you require any further information or clarification.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Davies', with a long horizontal flourish extending to the right.

Daniel Davies

Chair of the Institute of Licensing

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Wirral

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The Leadmill
6 Leadmill Rd
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Tel: 020 7 355 6104

Email: christopher.hutchings@hamllins.com

Our Ref 189

Date 14 April 2022

By email:

ian@leadmill.co.uk

wecantloseleadmill@leadmill.co.uk

information@leadmill.co.uk

**PRIVATE & CONFIDENTIAL
NOT FOR PUBLICATION**

Dear Sirs

Re: Our Clients: Electric Group Limited & Mr Dominic Madden

Introduction

We represent the Electric Group Limited and its CEO and founder, Mr Dominic Madden.

We are instructed with regards to a number of apparently connected incidents, in which our clients have been wrongly accused, primarily on social media, of taking actions which falsely portray our clients in a negative and damaging light.

Our clients have been left with no other option but to instruct us to contact you about false allegations that are now widely circulating on social media.

Background

Our clients run a music venues group which include some of the most culturally significant music venues in the UK including their flagship, Electric Brixton.

They have owned the Freehold of the 'Leadmill' premises since March 2017. The building was acquired from a property developer, MCR, who had an intention to redevelop the site for residential apartments.

It is the case that you, as tenant, have had 2 opportunities to acquire the premises; firstly in 2014 when the building was placed at auction; and secondly when approached by MCR prior to our client's purchase of the building. We understand that the sum of just £150k was offered for the Freehold and this was turned down.

Our clients are, as previously stated, a well-respected music venue operator and only intend to operate the premises, with no intention of changing its use. In fact, our client's purchase of the premises in 2017 arguably preserved its future given that there were well advanced redevelopment proposals for the building which were extinguished by the purchase. Secondly, our clients would wholeheartedly welcome the opportunity to retain the staff who have been such a key part of its success. Thirdly, it is their intention to undertake a light touch refurbishment, which would see backstage facilities upgraded. It is our clients view, having substantial experience of such refurbishments that this would take around 3 months, meaning the venue would remain operational within short-order of the end of the lease. They will maintain the premises as a community orientated national touring standard live music venue.

Publication complained of

At 2:17pm on 1 April 2022, an individual, or individuals, with access to the Twitter account for the Leadmill, @Leadmill, tweeted the following: *"Please keep your kind messages of support coming and continue to share your reasons why #WeCantLoseLeadmill"* (**the Tweet**). The Tweet contained an image comprising a statement in which Electric Group and Mr Madden are identified as 'the Landlord'. Mr Madden is also identified by name. A copy of the Tweet is enclosed. The Tweet remains available online:

<https://twitter.com/Leadmill/status/1509882751264202752>.

Meaning

The Tweet alleges the following:

1. The landlord and/or Mr Madden intend to destroy the Leadmill by evicting the tenant and business currently occupying the building.
2. The landlord and/or Mr Madden is guilty of conducting business that is both cheap and shabby.
3. The landlord and/or Madden have deceived the tenant by being sly and using underhand tactics to force the company to cease trading.
4. The landlord and/or Mr Madden have poor ethical values because their ambitions will undo the tenant's long-standing reputation gained over 40+ years.

The statement meant and would have been understood to mean that our clients intend to destroy the Leadmill as demonstrated by their decision to evict the current management from the building/site, that our clients have utilised certain tactics to deceive the current management to force you to end trading and that our clients have conducted their business affairs in such a manner to eradicate and ruin the Leadmill's long standing reputation in the local community.

Our clients refute these false and misleading allegations and, accordingly, the Tweet and the accompanying statement is defamatory at common law.

Serious Harm

The Tweet has caused and is likely to cause serious harm to Mr Madden's reputation. For Electric Group Limited, the Tweet is likely to cause serious financial loss. By including the hashtag *#WeCantLoseLeadmill*, it is inferred you sought to initiate a conversation about our client's conduct with an aim for the Tweet to trend on Twitter and go 'viral'. Accordingly, this has aggravated and continues to aggravate the serious harm being caused to our clients. As a result of the Tweet, Mr Madden has been personally and directly targeted by your supporters attacking his purported conduct. This includes the tweeting by an individual using the account @eleanorpc_, who is currently promoting the hashtag *#WeCantLoseLeadmill* on her profile. We understand the same person is a former employee of your business. A selection of @eleanorpc_'s tweets on 2 April 2022 are enclosed. We also enclose a copy of @eleanorpc_'s tweet at 18:09 on 13 April 2022. This tweet, which directly targets Mr Madden, alleges he has stolen the Leadmill. The same individual has also begun directly tweeting acts who are due to perform at venues managed and owned by our clients. In relying on the false allegations, the individual behind @eleanorpc_ is trying to persuade the acts to pull out because of future events. A copy of these tweets are also enclosed. Plainly the actions of @eleanorpc_ are a direct consequence of the Tweet. If any acts were to pull out as a result of @eleanorpc_'s tweet, such an action would inevitably impact all profits our client is due to make from these future events. This demonstrates a strong likelihood that our client will suffer serious financial loss.

As of 12 April 2022, the Tweet has been widely published and currently has 1,548 Retweets, 216 Quote Tweets and 5,202 Likes. One of these retweets includes a tweet by @Leadmill at 5:30pm on 1 April 2022, which states *"To clarify, if the landlord gets their way then there will be NO more Leadmill. Everything that currently makes our venue what it is will be gone. The sign will go, the staff will go and the building will be stripped of everything that makes it unique, including our name."* This tweet contains the imputation the landlord's actions will lead to the end of the Leadmill. This is untrue. We refer you to Mr Madden's comments in an interview with Inzaman Rashid of *Sky News* on 2 April 2022, *"I totally get that everybody is very upset and*

worried about the future of the Leadmill, but I would just like to say again, the Leadmill won't be closing. We're retaining it. We are a music venue operator. This is what we do every day with our lives operating independent music venues up and down the country." This tweet remains pinned to @Leadmill's profile meaning any visitor will see both the tweet and the retweet of the statement complained of. Such an action aggravates the serious harm being caused to our clients, especially when they have made public statements that confirm the allegations are false.

The premise of the Tweet calls for your Twitter followers to use the hashtag and share their reasons why our clients should not be able to take over management of the building/site. As we say above, it is inferred you wanted the conversation to go 'viral'. We note you have actively repeated the same or similar allegations as above in reply to tweets from your supporters. The following tweets are an example:

1. *"Their plans are to destroy our business by evicting us. They intend to profit from the goodwill and reputation we built up over 42 years. The Leadmill brand, name, fixtures & fittings and heritage is owned by us and only us, without us there is no Leadmill."* @Leadmill at 2:09pm on 2 April 2022. This tweet remains available online. Our client acknowledges The Leadmill Ltd is the owner of the UK registered trademark for THE LEADMILL which covers services including "live music services" but, as stated above and on numerous occasions, our clients only intend to operate the premises as a leading live music venue and has no intention of changing its use.
2. *"Sly and underhand tactics is how it got to this :)"* @Leadmill at 3:18pm on 2 April 2022. This tweet remains available online.

In addition to the above, our clients are aware @Leadmill is actively retweeting messages and tweets of support from anyone opposing our clients' plans. These retweets contain several defamatory allegations against Mr Madden alone. The following tweets are an example:

1. *"Sticky carpets" is a testament to how little Dominic Madden knows about the Leadmill - his tenants. He doesn't know how the venue or management operates. He doesn't realise the amount of work put in to bring Leadmill to where it is today. He is a liar.* RT by @Leadmill of @willpinning at 1:27pm on 3 April 2022. This is an allegation that Mr Madden is lying when he says he intends to invest in the building.
2. *"You have bought a building and are trying to steal the business that is currently renting that building."* RT by @Leadmill of @RichardHow at 5:39pm on 3 April 2022. This is an allegation that Mr Madden purchased the Leadmill building to steal the business from the current tenants.
3. *"You just bought the freehold ownership of the @Leadmill building with the aspiration of kicking out the current tenants business to copy it and capitulate on their hard work for your benefit ...so you're genuinely in P&O ferry esque territory..."* RT by @Leadmill of @popty_ping_ at 10:09pm on 3 April 2022. This is an allegation that Mr Madden bought the Leadmill building to evict the current tenants' business so he could copy it and enjoy the benefits of their reputation. It also suggests there are 'genuine' grounds to suspect Mr Madden's conduct is the same as P&O Ferry's recent action to sack 800 UK employees with immediate effect via pre-recorded video message.
4. *"That's the point. It's not easy to create a club/venue & name as iconic as The Leadmill, that means so much to so many people. @Leadmill have done that themselves over the last 40+ years. Dominic wants to kick them out & capitalise on their brand. Sheffield won't stand for it."* RT by @Leadmill of @triscoe at 1:12am on 4 April 2022. This is an allegation that Mr Madden wants to kick the Leadmill out of the premises and use their brand for his own profit.
5. *"Your daily reminder that: (i) @dominiccadden didn't invest in the @Leadmill during the pandemic, but waited until the moment the lease was up; (ii) nobody wants the 'Sheffield Electric'; and (iii) without the support of the community, his venture will be an expensive failure."* RT by @Leadmill of @LPLiveTweet at 7:13am on 4 April 2022. This is an allegation that Mr Madden didn't invest in the Leadmill during the pandemic and waited until the lease expired before he began doing so.

If our clients are forced to resort to taking legal action in relation to the Tweet, they are confident they will satisfy the requirements of s.1 of the Defamation Act 2013.

Next steps

The purpose of this letter is at this stage to put you on notice that we are instructed to closely monitor the situation and that we are ready to take all formal steps necessary to protect the reputation of our clients and, moreover, to protect the interests of their business.

Yours faithfully

Hammins LLP

Hammins LLP

Evidence of Crime and Disorder.

The 2 Nightclubs referred to in this evidence are Electric Brixton and SWX, Bristol.

They are owned and controlled by Jacob Lewis and Dominic Madden of Electric Group Ltd. A subsidiary of this company, MVL Properties (2017), owns the freehold of 6 Leadmill Road, home of The Leadmill for the last 42 years. The Landlord has issued The Leadmill with an eviction order thereby securing the extinction of The Leadmill.

The potential for Crime and Disorder is immediately apparent from a reading of the evidence, and should be of great concern to anyone who would wish to keep these Premises and the surrounding area free from this threat.

SWX Bristol;

We understand that this nightclub was set on fire in July, 2021. It has not reopened.



Woman sexually assaulted in toilets of Bristol's SWX nightclub.

A woman was sexually assaulted in a Bristol nightclub, police say.

The woman reported being sexually assaulted in the toilets of SWX nightclub in Nelson Street, Broadmead on Sunday, August 13. Police are investigating and are keen to speak to a man who helped the woman after the incident.

A spokesperson for [Avon and Somerset Police](#) said: "We are appealing to trace a witness in an investigation into a sexual assault at a Bristol nightclub.

"Immediately after the assault took place the woman spoke to a man about what had happened to her and this man helped her to find her friends in the smoking area of the club.

"The man is described as white with dark hair and wearing a dark jacket".

Man jailed for stabbing victim outside Bristol club SWX



Douglas Barbosa

A revenge stabbing turned the centre of Bristol into a battlefield.

Douglas Barbosa was set upon after he left [SWX night club](#) in Nelson Street in the early hours of New Year's Day.

But in the "mutual combat" that followed, he stabbed two men, causing one a life-threatening injury.

Barbosa, 23, of Bruce Avenue in [Easton](#), pleaded guilty to wounding and possessing an offensive weapon.

Judge William Hart jailed him for four-and-a-half years.

Her told Barbosa: "Your life and background shows you are not unprepared to face violence and respond when it comes your way.

"You said in interview you assaulted others who were rival gang members.

"You said you had a very serious gang problem and you carried a knife because it made you feel at ease.

"Knife crime has had no impact on you.

"You say that since you were 10 or 11 you have carried a weapon.

"You spoke of your involvement in gangs in Bristol."

Mary Cowe, prosecuting, said an altercation in SWX around 2.30am resulted in security staff ejecting a group of men.

Around an hour later Barbosa was ejected, the court heard, and he was rushed by a group which included Baseer Marhoof-Khal and Alamzeb Hassan.

Miss Cowe said: "The defendant was set on by a group of people and went to the ground.

"Mr Hassan ripped the defendant's shirt off.

"Punches were then thrown by the complainant's group.

'Belt were used as whips'

"Later the defendant was noticed to have injuries to his face, fingers, arm and back - after belts were used as whips."

The court heard that later, more violence flared in which Barbosa and the other men clashed again.

But this time Barbosa, who had consumed a cocktail of vodka, cognac, cannabis and ecstasy, swung a flick knife.

As a result Mr Marhoof-Khal suffered a laceration to his left forearm and a laceration to the wall of his abdomen.

Mr Hassan suffered stab wounds to his left hip and left upper arm, suffering "massive" blood loss due to a severed artery.

Barbosa told police he had carried a knife for protection since he was a child, and he used it to defend himself "thinking he was going to die" like a number of his friends.

Ramin Pakrooh, defending, said: "Two people were injured.

'It was mutual combat'

"The attacks were directly one after the other.

"They are part of the same incident.

"They took place in the context of him having been attacked by multiple parties and he retaliated.

"It was mutual combat, both parties moved towards each other."

Man taken to hospital with fractured eye socket after assault at SWX nightclub

Police have released CCTV images of men who they would like to speak to

A man was taken to hospital with a fractured eye socket after a serious assault in a Bristol nightclub.

The incident happened in SWX in Nelson Street at about 3.30am on Sunday October 13.

The victim, a 23-year-old man, suffered a fractured eye socket for which he needed hospital treatment. Two other men with him were also assaulted during the incident.

Disabled gig-goer slams Bristol venue SWX for 'poor accessibility'

AJ Le Brun is angry about the lack of accessibility at SWX.

A disabled gig-goer in Bristol has criticised the accessibility of one of the city's biggest venues.

Keen live music fan AJ Le Brun was diagnosed with myalgic encephalomyelitis (ME) in 2018 and functional neurological disorder last year, leaving her largely wheelchair-bound.

In May 2019 the 33-year-old went to see rock band The Pineapple Thief at SWX on Nelson Street, where the main room is located at the top of a twisting staircase.

AJ was aware of this, and that there is no lift at the venue, but had purchased a ticket for the gig when it was scheduled to take place at The Fleece before being moved due to high demand.

When she arrived at SWX staff offered to carry her up a flight of stairs at the side of the venue, she told Bristol Live, but she rejected their offer as she thought it would have been 'humiliating', so instead 'crawled up on hands and feet'.

The digital marketing specialist is angry that the owners of the 1,100-capacity venue carried out a refurbishment last month, which [saw the addition of VIP booths in the upstairs room](#), but 'didn't consider the needs of disabled gig-goers'.

SWX's manager said his company has looked into the possibility of installing a lift at the venue, but added it is 'proving impossible to do'.

'It's insulting that they think this is okay'

AJ told Bristol Live: "When I got to the venue their solution was for security guards to carry me up the stairs as there is such poor accessibility.

"This would have been humiliating, and because the stairs are concrete I was scared of being dropped, so I decided to crawl up on my hands instead and sort of bum-dropped down after the gig.

"It's insulting that they think this is okay.

"When I got to the main room I found the viewing platform was actually very good and the disabled toilet was alright, so it seems bizarre to me that they don't have a lift to get people up there.

"They recently spent all that money on new VIP booths and things like that but they didn't consider the needs of disabled gig-goers, which is a real shame as they get lots of good acts there now."

AJ said she brought up her concerns with staff at the venue on the night, who apologised. She did not lodge a formal complaint.

There is a goods lift at SWX used for loading in musical equipment, which AJ believes demonstrates the venue has 'the right structure to have a lift installed for people'.

'We continue to consider options of how this can be resolved'

Dominic Madden, Electric Group Co-Founder, told Bristol Live the company's 'existing structure' means installing a lift for people is very difficult.

He said: "SWX is committed to ever improving the experience for gig goers with disability.

"Since 2017, we have worked with our professional advisors to establish the methodology of installing a lift at the front entrance of the venue.

"Unfortunately due to the existing structure of the building this is proving impossible to do.

"We have also considered installing a passenger lift in the rear of the building to achieve the same purpose but have been advised that this is not an acceptable solution as it puts SWX in breach of insurance and health and safety regulations.

"Sadly, we have not been able to install a lift but we continue to consider options of how this can be resolved."

Woman 'accused of racism by white staff' at Bristol venue

Published 14 February 2019

Marie O'Shepherd is due to give a statement to police on Friday

A mixed-race woman who said she was accused of "racism against white people" by nightclub cloakroom staff has reported the incident to police.

Marie O'Shepherd, 32, said it happened while she was collecting her coat after a Matt Corby gig at SWX in Bristol.

She said the man who took her cloakroom ticket accused her of being racist as "all the guys here are white and I can't tell them apart".

The BBC contacted SWX, which said it did not want to comment.

Ms O'Shepherd said after the concert had finished, she and her husband went to get their coats.

'Absurd accusations'

She said: "We were left waiting far longer than anyone else. A staff member said it wasn't he who had served me and dismissed me.

"He and a few staff went out back and my coat was thrown to the floor. The staff member then publicly and repeatedly accused me of being racist because I couldn't tell the white members of staff apart.

"Whenever I tried to speak, he loudly repeated his absurd accusations. Other staff didn't intervene. It was the highly professional and friendly security team that helped me speak to the bar manager and eventually get our coats."

Ms O'Shepherd, a publishing art director from Bristol, said: "I've experienced discrimination and it's awful.

"I am mixed race: white and Asian. I grew up within two cultures of which I'm extremely proud.

"Out of respect for my parents I won't discuss their experiences, but my mother is Pakistani-born British and my father is a white man from Cumbria.

"People like my parents changed the world for the better, making it a more tolerant place. How dare this man be so disrespectful and ignorant as to use a word he clearly doesn't understand?"

She reported the incident to charity Stand Against Racism and Inequality (SARI), which reported it to Avon and Somerset Police as racial harassment. Ms O'Shepherd is due to give a statement to police on Friday.

An Avon and Somerset Police spokesman said: "We can confirm we've received a report from a third party of a racially aggravated public order incident at Bristol's SWX nightclub.

"A woman in her 30s was verbally abused by a man on 28 January. Inquiries into the incident are ongoing."

Ms O'Shepherd said she had received support on Instagram after what happened, both from friends and people she has never met.

Alex Raikes, from SARI, said: "We are glad that Marie has reported her concerns - reporting is critical as if people don't speak out, those who perpetrate hate crime get away with it and more people will suffer."

Teen says he 'maybe' wants to give up weed after being busted at SWX in Bristol

'I'll ask my dad to pay it for me'

By [Conor Gogarty](#) Chief reporter

- Updated 13:12, 10 MAR 2020

A Stockwood teenager told a court he "maybe" wants to stop taking drugs after being caught with cannabis at a city centre nightclub.

Police caught Connor Trent-Williams, of Longreach Grove, with 3.4g of the [Class B](#) substance at SWX on Nelson Street.

The 18-year-old, wearing a gilet over a T-shirt with a skull image, appeared at [Bristol Magistrates' Court](#) today (March 10) and admitted the possession offence.

Prosecutor Jeremy Oliver said: “On October 13 last year, police had gone to [SWX](#), where the defendant was found to be in possession of a small amount of cannabis.

[Gemma](#)

Calne, UK1 contribution

Harassment, assault and ridiculed by SWX Bristol door staff.

Feb 2020 • Friends

Me and my friend went to this club on the 1st of feb. We had a good night up until we went to collect our coats from the cloakroom. When we got to the person at the desk we realised we lost our ticket. The bouncer immediately came over and started to talk down on us. Luckily we got our coats back but after this, the bouncer was still there harassing us. We were going to leave when he got his other bouncer friends over. Me and my friend had done absolutely nothing wrong when a female bouncer grabbed my friend and shoved her down the stairs and literally threw her onto the ground outside. We tried to call the police and we're currently making a formal complaint to the manager of swx Bristol. This was so incredibly out of order. The way they treated us makes me feel sick! The bouncers literally harassed us and ridiculed us. By calling us names and making fun of our professions because I'm a manager at McDonald's. The bouncer that made fun of us was wearing a beanie hat with holes with glasses sewn into it and the woman who assaulted my friend was a bit on the larger side and had blonde hair. I can't wait to be able to name and shame these low lives. Please be very wary when going to this club as me and my friend did absolutely nothing wrong and yet they treated us as though we were animals. In fact worse than animals!

Written 3 February 202

[Reviewer](#)

1 contribution

Terrible - would not recommend

Dec 2019

Nightclub is overcrowded, unclean and ran by some of the surliest staff I've ever met. Music really wasn't great, and fights seemed to break out frequently with no help from security.

Overall staff were rude and unhelpful and the place had a bad atmosphere. Would NOT recommend to anyone visiting Bristol! Try elsewhere- plenty of better clubs around.

Written 29 January 2020

[glostwo](#)

Gloucester, UK136 contributions

Over bearing

Jan 2020 • Friends

On a night out after watching the rugby everything in bristol is friendly until you meet the overbearing arrogant and threatening security guards at this venue. Never again and i would advice people to.be wary of the security here ..i also watched as young looking girls were allowed in not being challenged on age ..poor

Written 27 January 2020

End

[msy_msy_msy](#)

St Neots, UK173 contributions

Lovely venue for music

Dec 2019

==Notes== Neat mid-sized venue in the city centre. Went to watch a gig there in Dec-2019.

==Positives== Set up well to watch bands, and captured good atmosphere. The gig I watched was awesome.

==Negatives== Surliest staff of any place I'd been for a long time: slow, rude and aggressive. If that attitude was a one-off, I don't know why it would happen that night because the crowd was wonderfully warm and happy. Small selection of drinks on tap but non appealed to me.
Written 2 January 2020

[kirenchattha](#)

Birmingham, UK7 contributions

SWX employ security guards that like to hit women

Jul 2019 • Friends

I have never been so disgusted with the management and customer service in such a place before.

The staff were rude, we have never met such an ignorant DJ in our lives with a very poor playlist, and the security guards like to call the guests scumbags and even tried to hit woman calling her a fat b****. Absolutely shocking. First and last time we will be going there again.
Written July 23, 2019

[Albia-Newton](#)

Weston super Mare, UK 3,605 contributions

Hu Concert

Jun 2019 • Friends

Went to see the Hu Great band

No support band only a naf DJ who played track far too loud. Much louder than the live band. Everyone cheered ironically when he finished

Toilets dirty and unhygienic. This venue has gone downhill. Won't be back in a hurry
Written June 17, 2019

[Bob M](#)

Bristol, UK16 contributions

It's not the 1970s

Dec 2018 • Couples

Ok venue. Good view of the stage and very good sound quality. Drinks ok if a little expensive. One big gripe. Watching a person get out of a wheelchair and crawl up a couple of stair steps to get the viewing area. FFS it's 2018. A ramp at the side would sort it. Hang your head in shame.

Written December 6, 2018

[Cruiser12942268128](#)

1 contribution

Ridiculous rules and terrible bouncers

Nov 2018 • Friends

I have been on many nights out in Bristol and enjoyed the majority of them. Ok this particular night we were celebrating a big birthday of one of my friends. However, even though I had been well behaved and done very little to antagonise the bouncers, I was thrown out because I had my cap on the wrong way round. I understand why this was a rule, however the bouncer clearly had no consideration for the fact that I had done nothing wrong and instead decided to remove me from SWX. The incident has left me with pure loathing for the club and I shall not be returning to it as their is clearly no sympathy shown to those who are just enjoying a night on the town.

[Adam P](#)

3 contributions

Over crowded.

Dec 2019

Codec at SWX for wilkinson on Saturday was overcrowded and dangerous, lots of violence took place which security saw but failed to bother to deal with it. unacceptable and a waste of money. Will not be returning.

Written 9 December 2019

[Sherif Essawi](#)

[Local Guide·303 reviews·2,194 photos](#)

a year ago

I entered clubs all over Europe (Spain , Germany , France , Netherlands) and without doubt this is the worth experience I had.

The staff is very rude and aggressive.

The security was very aggressive , they took my sealed gum?!!! Really why?.

When the security was searching my pockets and bag , he was very rude like I was a drug dealer or a thief. When I went out the club with a plastic cup of water , the security stopped me aggressively that I must go out without the water . They are disrespectful .

The bathrooms are not clean , the dancing area is small.

Really an awful experience.

Electric Brixton.



March 12, 2022.

No arrests after triple stabbing at Electric Brixton puts three in hospital

Footage from the scene shows security guards trying to break up a number of men before one suddenly collapses.

A fight at a [Brixton](#) concert left three men with reported [stab injuries](#) and led to the whole venue being evacuated.

American rapper Roddy Ricch was performing at the Electric Brixton on Town Hall Parade on Tuesday (March 12) when a fight broke out among the crowd.

Police, along with [paramedics](#) , were called to the scene at around 10.30pm and took three young men to hospital.

All three have since been discharged.

A [Metropolitan Police](#) spokesman said: "It is believed that a fight broke out in the venue, during which three males in their 20s are believed to have been stabbed.

"The venue was evacuated and there have been no other reports of injuries. There have been no arrests."

Helen W
17

Worst Night Out in London (Possibly Anywhere)

Review of [Electric Brixton](#)
Reviewed 30 October 2016

I attended the October 14 Shpongle gig where I unfortunately had to endure my first certainly last encounter with the Electric Brixton. After seeing a lot of the night's acts earlier this summer in the psychedelic forest at Boomtown, I was excited to revisit that joyous atmosphere of souls on fire in a surreal and serene environment. Instead I was met with the most hostile and aggressively managed event I've ever encountered in my life. Never has the phrase "big brother is watching" felt so scarily appropriate. The tone for the night was set by the near two hour queue, for a sold out event, keep in mind, that all of us already had tickets for. Most of us missed the acts we paid to come see. The exasperation of waiting was then paired with the lovely experience of being subjected to an overly zealous security search by staff members so off their face it felt humiliating to have their hands on my body. Once inside, I tried to find a spot to relax and release the tension of the 3 hr+ buildup up to getting in, only to find the place rammed to the rims with people. The standard refuge of the smoking area was instead a stressful tangled pit of bodies constantly trying to get in and out of the ridiculously small space. Every member of staff we encountered treated us with utter disdain and disrespect. Telling people to go home because they want to sit down after dancing for hours on end is inconsiderate, entirely unnecessary and dare I say, fascist. Security roamed the venue like guard dogs of some illegal drug smugglers operation, foaming at the mouth and snapping at anyone who happened to look their way or ask a question or God forbid sit down. I have never felt so unsafe or unwelcome at an event. This was the antithesis of the love and healing community that psytrance brings together. I'm so sad the beautiful night had to be ruined by ego and aggression and I hope the organisers think twice before stooping to such a heartless and authoritarian venue ever again.

Mike Weller, I look forward to your copy and pasted response in which absolve yourself of any responsibility and continue to treat us as cattle to feed your fat pockets. The psytrance community will always be about love, liberation and connection. You can ruin our night but you can't break our spirit.

[Antonio Casanez](#)
[34 reviews · 1 photo](#)

a year ago

This place has the worst and most aggressive people working there, security treat you like a second class citizen no matter when you go. I think for such a small venue you can definitely do better spending your money somewhere else. I will tell this to everyone I come across not worth it.

[Tomasz Dobrowolski](#)

[Local Guide](#) · [36 reviews](#) · [1 photo](#)

2 years ago

The bodyguards were absolutely awful. I have been to many venues, but never before have I been searched so invasively. They pretty much grabbed all of my private areas so rigorously to the point it felt like sexual assault. I've been to many venues where a pat down is a standard procedure, but never to the extent of the method of searching I faced at The Electric Brixton. I will definitely be avoiding going to this venue again.

[Marek Aurel](#)

[6 reviews](#) · [11 photos](#)

2 years ago

Went there once for a concert. They kicked us out immediately after the concert as they had another event planned 20 mins later. Arrogant bouncers did not even allow us to use bathroom after the concert even though there was still a 1hr queue to the cloak room.

[S "Sugarplumfairy." H](#)

[Local Guide](#) · [100 reviews](#) · [1 photo](#)

2 years ago

Hmmm. Where do i begin. First and last time. Went to see a concert. Whilst there i felt sick. And was. When my friend tried to ask for help etc she was suspiciously looked at and staff was not nudging. I've never felt so uncomfortable in my life. An experience.

[Adam Webb](#)

[Local Guide](#) · [133 reviews](#) · [148 photos](#)

a year ago

Horrendous, grimy 90s style club, tacky, no atmosphere

[bokishon](#)

[11 reviews](#) · [5 photos](#)

a year ago

Really disappointed with the way the whole venue is organised. It was overloaded with people, walking corridors very complicated and packed, smoking area is a serious disaster waiting to happen, waiting at the door for 1 hour, etc.

[Miklos Buglyo](#)

[Local Guide](#) · [28 reviews](#) · [49 photos](#)

3 years ago

It was the most disgusting party ever in my life. Had to quing for almost 2hours in the rain and cold. After at the bar took forever to get served urine hot beer and the shot wasn't a normal size. Wasn't even space to dance it was extremely overcrowded. Hated it every minute of it. The toilet was disgusting. I will never ever going to your party anymore. I will tell to everyone on all platforms how awful it was. Also I would like a refund please. Really extremely disappointed on WE PARTY!!!!

[Helena](#)

[Local Guide](#) · [41 reviews](#) · [1 photo](#)

2 years ago

The sound system was so poorly regulated after the event we went to, my friends and I couldn't even talk to each other in the car home our ears were ringing so much. Hearing damage is no joke, this venue needs to get it together. Also, at the cloak room they make you check each individual layer you're wearing on separate hangers?? Ludicrous.

[andrea bohmer](#)

[Local Guide](#) · [2 reviews](#)

3 years ago

Quite disappointed with the venue. We turned up after the gig started hoping the queue would be shorter. We had to queue with non ticket holders. This was a sold out event how were people then getting tickets on the door? The security check was a bit much; my bag was dug through before a very thorough body search that at some points crossed the line. When we finally got in we were hit by a solid wall of heat. The whole venue was boiling people were just wiping sweat off constantly. We ended up missing half the gig just so that we could cool down a bit. And the signage in the venue is awful sending you in the wrong direction or just no signs. The bathrooms were not clean. Toilet rolls were left on a dirty wet floor instead of the holder. Drinks were extremely expensive definitely worth having predrinks somewhere else. The wait to be served at the bar was very long. There are some obvious improvements needed. Combining the heat and wait to be able to get even just a bottle of water will lead to people losing consciousness.

[Mateusz Dominik](#)

[54 reviews](#) · [33 photos](#)

2 years ago

My recent experience with this place was worst of a kind. The party on 17th February was overcrowded and surely the capacity of the club must have been overreached. However, the most shocking was the cloakroom situation. First people were queuing to leave their coats up until 2.30am and then to get them back. Despite party finished at 6am we left the club after 8am!!!!!! Appalling!!! I won't visit this venue ever again!!

[Josh Middleton](#)

[9 reviews](#)

a year ago

Terrible sound, could barely hear the band. Feedback everywhere. confiscated my food on entry, then when I came out they had lost it. There's no food in the venue. What is this??

[Alex Fanthome](#)

[Local Guide](#) · [70 reviews](#) · [17 photos](#)

a year ago

We went to see dimension which was great, only let down down by rude staff members

[K Jackson](#)

[9 reviews](#)

a year ago

Been waiting 45mins for drinks. Terrible service.

[Aleksi Davidson](#)

[1 review](#)

2 years ago

Oversold tickets last nye, to the point the lines were atrocious, tjere was no room to dance, and had a fire broke out, everyone would have died. Dangerous and no lazer lights mean i will never be going again. 1/5 because camelphat was amazing.

[Jay Ramesh](#)

[Local Guide·46 reviews·65 photos](#)

a year ago

Awful... nothing more to say than if you visit, you will be a sardine. Also £20 entrance is crazy

[KING OZYMANDIAS](#)

[Local Guide·39 reviews·356 photos](#)

3 years ago

prices were too way high for pretty much everything even the clockroom (£2.50 for item!!!???) really small drink glass for £9.50, not mantioning we paid £10 for the entrance, music was decent but nothing special and too crowded inside the club, and was too hot and people couldn't breath properly... i'll never come back here, not recommended.

[Radek wuerski](#)

[14 reviews·4 photos](#)

3 years ago

Very rude security staff. Rasist experience. I'd love to admit that I work in the biggest high profile venues, and I have never been treated so bad like here. Romanian security guard didn't even want to listen my explains. I got lost and went wrong and have been thrown out. Disgracefully bully altdtute.

[Sholto Channer](#)

[2 reviews](#)

a year ago

Kicked me out for looking at a bouncer... Okay??

[Dean White](#)

[3 reviews](#)

3 years ago

Had the worst time. I accidently stumbled into the female toilet, before I knew it i was kicked out. Absolutely unacceptable and will not be returning to this place where the bouncers have a chip on their shoulder. Avoid at all cost. They are unreasonable so 1 star. Electric brixton should be ashamed.

[Sonia Ben Achoura](#)

[16 reviews](#)

3 years ago

Poor layout, nowhere to sit all night, useless security... go to that place at your own risk

[Mike Parkin](#)

[2 reviews](#)

4 years ago

As per many other attendees of the Shpongles all-nighter, I found the search and subsequent 2 hour queue appalling, as well as the aggressive staff. Ruined the night for many. Zero stars. I've a bad back and stretched for less than a minute, was told to go home as I shouldn't have come if I'm ill / injured / disabled / tired. Rather aggressively too.

[Nicolas Harari](#)

[5 reviews](#)

2 years ago

Avoid as much as you can!!!! You can have the best DJ playing there, the staff is gonna find a way to ruin your night

[James Phillips](#)

[Local Guide](#) · [8 reviews](#) · [8 photos](#)

a year ago

Criminally overpriced drinks, and a cloakroom that charges 2.50 per item (no options to put items together) with a half-hour-plus queue both before and after whatever show you are watching.

[Martin Izat](#)

[5 reviews](#)

4 years ago

I went to a Spongles gig there, the event opened late, the venue had still not noticeably reduced the queue by midnight which meant that I missed the main headline act, in that I was far from being alone, the security were a bunch of scum, who behaved in an overbearing manner. The Fridge had been one of my favourite venues in London, but I will never be returning to it whilst it's run by its present management. It was shocking a disgrace, one woman had her diabetic medication taken from her! Which just ablujt sums up how shite it has become

[Ben Robart](#)

[Local Guide](#) · [74 reviews](#) · [1 photo](#)

a year ago

The most insane drinks prices I've ever seen. £120 for a bottle of spirits?

[Marius Geovanni](#)

[8 reviews](#)

a year ago

Awful

[Anna x](#)

[6 reviews](#)

a year ago

Awful, do not recommended

[David Coates](#)

[12 reviews](#)

3 years ago

Door staff are way too brutal, rude, and over staffed. The bar miserably slow with a sub par sound system. Would rather have listened in my front room.

[Georgie Meredith](#)

[1 review](#)

2 years ago

Paid £30 to wait in a toilet queue for 45 mins during the main act completely unacceptable

[Jake Atkinson](#)

[Local Guide](#) · [357 reviews](#) · [212 photos](#)

2 years ago

Overcrowded, choke of a smoking area, rude bouncers and rip off drinks

[Danny Wells](#)

[4 reviews](#) · [2 photos](#)

3 years ago

Horrible club, horrible door staff...

[Jake Arnold](#)

[Local Guide](#) · [28 reviews](#) · [10 photos](#)

4 years ago

Staff could do with some training. They're about the rudest people I've ever come across.

[Paula Terrón](#)

[2 reviews](#) · [4 photos](#)

a year ago

(Translated by Google) DON'T BUY ANTICIPATED TICKETS, YOU MIGHT PAY AND NOT BE ABLE TO ENTER AS IT HAPPENED TO US. We weren't allowed to enter for no reason.

I do not recommend at all. We went to an I love reaggeton event and paid early admission. We arrived there at the opening time, 11 o'clock. And they didn't let us in, telling us the security girl to try in an hour. The next hour we returned kindly and still we could not enter either this time or the next. I asked to be able to read the terms and conditions that referred to as a reason to deny us entry and thus be able to request a refund. The person in charge only told us that we will send an email to an address that we do not even find on the website. The fault of not entering was the safety of Electric Brixton but those in charge of the I love reaggeton event did nothing because we could enter even when we had the seal on. DO NOT go under any circumstances and, above all, you DON'T HAPPEN TO BUY AN ADVANCED TICKET, you cannot guarantee that they will let you pass.

[Charlie J](#)

[Local Guide](#) · [105 reviews](#) · [420 photos](#)

2 years ago

Been here twice for 2 different music nights, left early on both occasions. The traffic of people doesn't flow very well so wherever you stand you get barged into. The toilets are grim and can be smelt from the dance floor!

Water costs £3.60 for a small cheap bottle.

Cloakroom is more than most venues at £2.50 per item.

When the venue is busy temperatures can rise above my comfort level, there doesn't appear to be much ventilation or air conditioning in the venue unfortunately.

The tiny smoking area (the only option for fresh air) is very small and often packed with no security to ensure things are staying sensible. The entrance to the smoking area is small and you often have to wait to get outside and anyone over 5ft5 will have to duck.

When the upstairs bar is closed, you have to make your way around the front of the upper mezzanine with people flowing in both directions. The walking space at the front of the upper mezzanine does not have enough room to cater for the flow of people trying to get through and does become dangerous at times. I have seen this cause fights between people.

The venue is generally very dirty and the floors and stairs were very slippery (I was sober as i was driving so you cant blame beer!)

I also find security to be unapproachable and rude in my experience.

Not happy, won't be coming again for a rave event.

Electric Group
Electric Brixton,
Town Hall Parade,
Brixton Hill,
London
SW2 1RJ

3rd August 2023

To Whom It May Concern,

I am writing this reference letter on behalf of Dominic Madden, the operator of Electric Brixton, a prominent concert and nightclub venue located in Brixton, South London. I have had the pleasure of working closely with Dominic since the reopening of Electric Brixton in 2011, and I am pleased to provide my full endorsement of his exceptional skills and dedication as an operator in the nightlife and entertainment industry.

Electric Brixton holds a significant position within the cultural and economic landscape of Lambeth and Greater London. The venue, previously known as The Fridge, boasts a rich history spanning over a century. Under Dominic's management, the venue has transformed into a flagship establishment, upholding the highest standards of professionalism and compliance with licensing objectives.

One of the paramount aspects of operating a venue of Electric Brixton's scale and centrality is maintaining rigorous operational practices to always ensure the adherence to licensing regulations. Dominic's commitment to these objectives is unwavering, resulting in an establishment that consistently meets and exceeds the expectations set forth by responsible authorities.

I have had the privilege of observing Dominic's leadership first-hand, and I can attest to his exceptional capabilities. He has cultivated a culture of professionalism and proactivity within his team, leading the group and in particular the seamless management of Electric Brixton. Over the years, I have found Dominic and his team to be diligent, reliable, and responsive to the needs of both patrons and regulatory bodies.

Despite the challenges associated with running a high-profile venue, Dominic has consistently demonstrated his ability to address potential issues swiftly and effectively. Even when faced with exceptional circumstances, such as the incident related to the Roddy Rich concert in 2019, Dominic's collaborative approach with the Licensing team and law enforcement yielded a satisfactory resolution.

Considering Dominic's track record at Electric Brixton and his broader portfolio of establishments across the UK, it is evident that he possesses the skills, expertise, and integrity required to succeed in the realm of licensing and operations. I wholeheartedly endorse Dominic Madden and his team for their dedication, professionalism, and compliance with licensing objectives.

Should you require any additional information or further elaboration on Dominic's qualifications, please do not hesitate to contact me at [Your Contact Information]. I have the utmost confidence in Dominic's ability to excel in any future endeavours within the hospitality and entertainment sector.

Sincerely,



Michael Kill
CEO Night Time Industries Association

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Observations Log PRO FORMA Exh ref letter DJB 01

Premises

Name of premises	Electric Brixton	
Address of premises	Town Hall Parade London SW2 1RJ	
Day/ Date of visit	Sunday 20 th August 2023	
Name of consultant conducting visit	Darrell Butterworth	

Time	Comment
2000	<p>I arrived in the Brixton area where on leaving the overground station I saw a street disturbance taking place involving a large number of people and several police officers. I made my way along Brixton Hill to Electric which was approximately 1/3 of a mile from the station. The weather was warm and dry. Electric was located on Buxton Hill between Lambeth Town Hall and the Civic Centre where the licensing authority and environmental health authority for the area are both located. The venue was not open.</p> <p>I then looked around the area for signs of residential accommodation which may likely be affected by activities at Electric. The nearest residents located were to the South in Porden Road and to the rear of the venue in Buckner Road. Directly opposite the entrance to Electric was St Matthew's Church and large Church gardens.</p> <p>I then looked around the area for signs of local authority controlled CCTV cameras that are often located in areas of high crime and disorder. Two such cameras were located on Brixton Hill. One directly opposite the venue and one at the junction of the A2217. Both cameras appeared to have a line of sight to the entrance to Electric.</p> <p>Also open in the area at this time are El Rancho De Lalo, Mama Pollo, Quick Stop Food and Wine, McDonalds, KFC, Satay, Prince of Wales, Pow, Meza Me, Market House, Prince Albert, Brixton Hill Express, Chicken and Pizza, Refill, Subway, Barrio, Blues Kitchen, and Gremio De Brixton.</p>
2039	Queuing barriers were brought out and put in place but the venue did not open.
2050	A rough sleeper is begging near to the Nat West bank cash points.
2230	Two doormen are at the front of Electric but customers are turned away. Some are seen to be checking their watches.
2254	Three scan net machines are positioned at the entrance.
2305	Customers start to be allowed into Electric. All are seen to have their ID checked and given a pat down search. 12 door supervisors and 4 event staff are around the front entrance. All are wearing high visibility clothing and the security staff have SIA licences displayed.

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2320	I noted a strong smell of cannabis resin in the area in front of Brixton underground entrance 200 metres from Electric.
2330	The queue to enter Electric had grown to approximately 30.
2340	A group of males and females are drinking from bottles of wine and beer on the steps to Lambeth Town Hall. 20 people are in St Matthew's Church gardens drinking and chatting.
0026	40 in queue.
0028	Male (non-customer) urinates in Church gardens. Police and ambulance with emergency lights and sirens travel past on numerous occasions but do not stop. No foot patrol of the area is seen.
0050	Male (non-customer) urinates in church gardens.
0100	Still open in the area are Electric, Gremio De Brixton (open until 0300), Brixton Hill Express, Blues Kitchen, Barrios, Mama Pollo, McDonalds, KFC, Refill, Subway (open until 0400), Underground station, Prince of Wales, Market House. Staff from Electric are observed clearing rubbish from along Brixton Hill. Some of the rubbish has been left by their customers but some has not. A group of males are seen inhaling laughing gas from balloons outside McDonalds.
0130	I entered Electric and identified myself to the manager Michael Yardy. I then conducted an internal licensed premises inspection report.
0335	I completed my internal inspection and returned outside to continue my external observations and monitor the dispersal of customers from the venue. I noted that a Jerk Chicken seller had set up a BBQ outside Lambeth Town Hall and was selling to passers by. The seller also had a stereo system and was playing music to attract customers.
0345	Still open in the area are Chicken and Pizza, Brixton Hill Food and Wine, McDonalds, KFC, Refill, and the underground station. Two rough sleepers are now outside the Nat West bank. Staff at Electric are seen removing drinks other than water from exiting customers.
0400	The number of people in Electric had reduced to 378
0500	The number of people in Electric had reduced to 106. Still open in the area are McDonalds, Refill and the underground Station
0522	Male (non-customer) urinates in Church gardens
0532	Male (non-customer) urinates outside the Civic Centre.
0536	Staff begin to dismantle the queuing barriers.
0547	Between 0540 and 0547 the final 52 customers exit Electric and the doors are closed. All customers leave towards Brixton underground.
0550	All customers have left the area leaving the Jerk chicken seller the only person outside. Still open in the area are McDonalds, Refill and the underground station.
0615	Nothing further of note occurred and I ceased my observations.

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Observations Log PRO FORMA Exh ref letter DJB 05

Premises

Name of premises	NX
Address of premises	Westgate Road Newcastle NE1 1SW
Day/ Date of visit	2045 Thursday 31 st August 2023
Name of consultant conducting visit	Darrell Butterworth

Time	Comment
1730	Arrived Newcastle City Centre. NX had not yet opened and a queue of 29 people had formed along Westgate Road. These customers were kept orderly by a line of queueing barriers along the frontage of the building. Also open at this time were Bodega, Tilly's, Geordie Star, Mile Castle, Hudson, County Hotel, Victorias Comet, Forth, Beaver Town, Town Hall, Prohibition, Rafferty's, and Madhouse. I then looked around for signs of residential accommodation likely to be impacted on by activities at NX. No private residents were located but guests of the County Hotel and Indigo hotel in Fenkle Street were nearest. I then looked around the area for signs of local authority controlled CCTV cameras which are often located in areas of high rates of crime and disorder. One such camera was located in Westgate Road but due to the angle did not appear to have a line of sight to NX.
1900	The doors opened and customers were allowed entry. By this time the queue had grown to approximately 400 people who remained good natured and orderly. The queue now stretched along Fenkle Street and Clayton Street. A VIP guest and accessibility queue had also formed to the opposite side of the entrance from the main queue. Approximately 80 people were waiting in this queue.
1915	The guest list had all gone inside.
1945	The main queue had all gone inside and new customers approaching the front of the venue could walk straight in. An external smoking area had been arranged to the left of the front entrance where the VIP
2020	12 customers are in the smoking area being supervised by two members of the security team.
2045	Entered NX to conduct internal observations and licensed premises compliance check.
2224	Completed the internal inspection and exited the venue to continue my external observations and monitor dispersal.
2305	People had been leaving the venue in small numbers prior to the main exodus of customers at this time. Security staff can be seen and heard encouraging

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	customers to take care crossing the road.
2323	The final customers leave the venue, the barriers are taken away and the front doors are closed. None of the departing customers appear heavily intoxicated, nor seen vomiting or urinating nearby.
2330	All customers had left the immediate area. Still open nearby are Mile Castle, Geordie Star, For Your Eyes Only and County Hotel.
2355	Nothing further of note occurred. I ceased my observations and left the area.

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Observations Log PRO FORMA Exh ref letter DJB 03

Premises

Name of premises	SWX
Address of premises	15 Nelson Street Bristol BS1 2JY
Day/ Date of visit	Tuesday 22 nd August 2023
Name of consultant conducting visit	Darrell Butterworth

Time	Comment
1745	<p>I arrived in the Bristol City centre area and commenced observations. The weather was warm and dry. SWX was located on Nelson Street. Immediately opposite the front entrance is a taxi rank for 6 vehicles. The venue was not open but 9 people were already queuing to enter the event.</p> <p>I looked around the area for signs of local authority-controlled CCTV cameras which are often located in areas of high crime and disorder. Two cameras were located on Nelson Street. Both cameras appeared to give a line of sight to the entrance to SWX.</p> <p>I then looked around the area for signs of residential accommodation that may be impacted on by the activities at SWX. No residential accommodation was identified in the immediate vicinity.</p> <p>Other licensed venues open at the time are Bay Horse, Clock Factory, Rough Trade, Roxy, Lanes, and Mana House.</p>
1810	Security staff are seen to be putting queuing barriers out along Nelson Street. 25 now queuing.
1836	Five male and female street drinkers are at the rear of the buildings on Silver Street, directly under a public spaces protection sign.
1900	The queue to enter the venue had grown to approximately 250 when the doors are opened for customers to enter. An ID scanner had been positioned at the front of the queue and all customers appeared to have ID checked and given a pat down search before entering. 7 security staff in high visibility clothing and displaying their SIA licences were present around the front entrance. Bags were examined and a metal detection wand could be seen being passed across people's bodies. Plastic bottles were disposed of, and reusable bottles were emptied and returned to the customers.
1930	The queue had gone, and new arrivals were able to walk straight into the search area. I noted that the ID scanner was not being used and customers did not get asked to remove their caps during the search.
2030	I approached the entrance to SWX and identified myself to Agron Nikaj the current DPS. I ascertained that the current occupancy was 899. I then entered SWX to complete a licensed premises compliance check (exhibit reference letter

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	DJB 4 refers)
2200	At 2200 I completed my internal inspections and returned outside to continue my external observations and monitor the dispersal from the venue.
2230	Customers are leaving SWX in greater numbers and 5 security staff are on Nelson Street encouraging exiting customers and passing members of the public to keep out of the road and cycle lanes.
2253	All customers had exited SWX, the barriers are taken back inside, and the main doors are closed.
2300	Still open in the area are Roxy, Lanes, Rough Trade and Bay Horse.
2315	Nothing further of note occurred and at 2315 I ceased my observations and left the area.

SWX is not only a nationally significant touring venue; it is a key part of Bristol's night time economy and a key part of the cultural life of the city. The venue itself has played a huge role in Bristol's nightlife since the 1960's and the SWX team have been exceptional guardians of this cultural space since taking over the venue. It's a vital part of the music eco-system, playing host to over 200,000 gig goers a year as part of their hugely respected and diverse curated music program. Prior to the devastating fire which sadly has recently caused SWX to close (and is now being reinstated), the venue also is famous for its weekly club nights club and a diverse electronic policy, including significantly supporting events for the LGBTQ+ community. I look forward to working with SWX in shaping their exciting plans to reopen the venue and ensure it has a key role in the future of Bristol's Night Time Economy.

I would also like to shine a light on Dominic as an operator. Always open and consistent with communication, he's a delight to work with. Throughout the pandemic Dominic continued to look after his workforce and keep the team together, where many operators let their staff go, the working culture of his team is really important and he fosters great relationships within a local workforce. Dominic and his team have a long track record of delivering success and I would thoroughly recommending them not only as professional but an industry leading team spearheading the independent music sector in the UK. They truly are an asset to the city centre and a flourishing night time economy.

Carly Heath
Night Time Economy Advisor
Bristol City Council

WITNESS STATEMENT

(CJ Act 1967. s. 9, MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r70)

St Statement of: Darrell John Butterworth

Ag Age if under 18: Over 18 Occupation: Licensing and
if (over 18 insert "over 18") Security Compliance
Consultant

This statement (consisting of 10 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 4th September 2023

Signature: D J Butterworth

This report has been produced in relation to an investigation pertaining to a premises licence application at The Leadmill 6 Leadmill Road Sheffield S1 4SE.

Qualifications and Experience

1. I am an independent licensing consultant and a former Police Inspector, having completed 30 years' service with the Greater Manchester Police in a variety of uniform and non-uniformed roles.
2. The longest period of attachment to a department was between 1998 and 2006 when I performed the role of Force Licensing Inspector. This role involved the supervision of 12 divisional licensing officers, tasking and management of a covert licensing unit comprising a sergeant and six constables, developing force policy and enforcement in relation to all licensed units and employment and briefing of a licensing solicitor to act on behalf of the force in more complex licensing hearings.
3. During the period as the Force Licensing Inspector, I was responsible for the good conduct of outlets involved in selling alcohol but also those that provided gambling, betting and bingo facilities. I have represented Greater Manchester Police at Magistrates' Court hearings, Crown Court Appeals, The High Court and Council Licensing Committee hearings to oppose unsuitable applications and to take enforcement action against those premises whose standards had fallen below an acceptable level. I was responsible for the Force's response to support the Government led Alcohol Misuse Enforcement Campaigns (AMEC) which was highly acclaimed for reducing alcohol related crime and disorder.

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4. Throughout my period in the central licensing role Assistant Chief Constable Robert Taylor, also from the Greater Manchester Police, was the Association of Chief Police Officers (ACPO) lead spokesman on Alcohol and Licensing matters. As a result of this connection, I became secretariat to the ACPO National Licensing officers' group and National Licensing Forum (NLF). The latter group was comprised of trade organisations including the British Beer and Pub Association, Retail Trade Consortium, Business in Sport and Leisure, Magistrates Association, Justices Clerks Society, Local Government Association, Home Office, and Department for Culture, Media and Sport. During the period above, these groups scrutinised and made recommendations for amendments to the proposed Green and White papers, which were subsequently presented to the House of Commons as the Licensing Act 2003.
5. In 2006 on leaving the Central Licensing Unit I received a Chief Officer's Commendation, recognising the contribution I had made to licensing enforcement across Greater Manchester, particularly in relation to my leadership and commitment shown in developing force policy and training in response to the Licensing Act 2003.
6. Between 2006 and my retirement from the Greater Manchester Police in December 2010 I took up the role of Neighbourhood Inspector for the town of Heywood on the Rochdale division. I continued to work with the licensed trade in that area to improve safety in and around licensed premises and reduce crime and disorder. I was chairperson of the Heywood Pub Watch and closed several premises in the town that failed in their licensing objectives using my powers under the Licensing Act 2003 and subsequent amendments.
7. In recent years I have continued my professional development regarding licensing knowledge by taking and passing the National Licensees Certificate and National Door Supervisors courses. This enabled me both to successfully apply for a Personal Licence and to become approved by the Security Industry Authority (SIA) as a front line operative. In September 2011 I successfully applied to become a nominated tutor with the British Institute of Inn keeping enabling me to carry out training in the award for responsible alcohol retailing and the award for personal licence holders which are National Vocational Qualifications. Annually and lately in February 2023 I attended a Licensing Seminar to update solicitors, council officers and practitioners on licensing changes.
8. Since January 2011 I have worked in a consultancy role with licensed premises in Basingstoke, Bedford, Birmingham, Blackpool, Brighton, Bromsgrove, Canterbury, Cardiff, Chester, Derby, Guildford, Harrogate, Huddersfield, Lancaster, Leeds, Lincoln, London, Manchester, Mildenhall, Newcastle, Nottingham, Ormskirk, Preston, Sheffield, Skipton, St. Helens, Stratford, Trafford, Watford, Worcester and York, producing strategies aimed at reducing crime and disorder in and around venues. In addition to conducting investigations on behalf of operators I have also been engaged by Camden LBC and residents in Cardiff, Chester, Newcastle and York to conduct observations and reports on licensed venues. I would estimate that since January 2011 I have conducted more than 2,000 investigations at premises licensed under the Licensing Act 2003. In all these cases I believe that I have been able to make a positive impact on the licensing objectives. Only one venue has subsequently suffered a second review application following my guidance. This venue continues to operate following further interventions being made.

Signature *D J Butterworth*

9. I am experienced in the production of independent written reports and giving evidence before Licensing Sub-Committees and Magistrates' Courts. It is important to stress that in carrying out this work, I act independently, record what I see and express my own opinions. I am aware that my primary role and duty is to assist the Licensing sub-committee in reaching its decision.

Scope of investigation

10. I have been requested by Paddy Whur of Woods Whur solicitors to conduct an investigation into the application for a Premises Licence by the owners of 6 Leadmill Road. I am aware that there is already a licence in force at the location and a number of representations have been made to the new application. The following terms of reference for the investigation have been agreed with those instructing me.
- (a) Audit the representations and assess the veracity of the evidence.
 - (b) Attend the three venues (Brixton, Bristol and Newcastle) currently operated by the applicant and conduct observations and a licensed premises compliance check.
 - (c) Consider both the representations and the result of my compliance check to determine whether the current premises promote the licensing objectives and what steps can be taken to reduce the likelihood of the application breaching any of the licensing objectives, should the new licence be approved.
 - (d) Compile a report of my findings.
 - (e) Attend any future licensing hearings to assist the subcommittee in any aspects of my report.
11. In preparation for my visit, and to address my investigation to the matters of concern, I have seen and read the representations. To risk assess my visit I have also conducted enquiries on the police.uk website.

Police.UK website

12. Electric Brixton is located on the boundary of the Brixton Windrush and Brixton Acre Lane policing areas. Both areas record rates of crime above the national average. The main crime category is for offences of violence. The majority of crime in the area occurs around Brixton underground and over ground stations and north of the A2217 junction with Brixton Hill.
13. SWX Bristol is located in The Old City Dock policing area. This area records a higher-than-average rate of crime in comparison with the national average. The main crime category in the area is Violence. The majority of this crime occurs South of Nelson Street in the old waterside dock areas where the night time economy is concentrated.
14. NX Newcastle is located in the Newcastle central policing area. The area records a higher than the national average of crime. Violence is the main contributor to this crime level. The majority of crime in the area occurs East of NX, around The Bigg Market area, where the majority of licensed premises are located.
15. It is clear from the crime data available that all three venues operate in challenging City centre locations and London boroughs.

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Electric, SWX and NX websites

16. As part of my investigation I have also examined the website of the three venues referred to in the representations. The websites clearly advertise events, live acts and club nights as opposed to promoting alcohol and cheap drinks promotions. I could find very little difference between these websites and acts and those that appear on the current Leadmill venues website.

Electric Brixton

17. My visit to Electric Brixton took place on Saturday 19th August 2023. This evening was chosen as the website for the venue advertised an all-night club event called Reggaeton. My observations in the Brixton area commenced at 2000 hours and concluded at 0615 the following morning. My observations were recorded into a notes document which I later transferred into a record of observations log for the purpose of this report (exhibit reference letter DJB 1 refers). The representations to the Sheffield Licence raised crime and disorder, public safety, public nuisance and protection of children from harm issues in relation to the Brixton venue and licensing objectives. I therefore paid special attention to these concerns during the visit.
18. I arrived in the Brixton area where on leaving the overground station I saw a street disturbance taking place involving a large number of people and several police officers who appeared to have arrived in vehicles. I then made my way along Brixton Hill to Electric which was approximately 1/3 of a mile from the station. The weather was warm and dry. Electric was located on Buxton Hill between Lambeth Town Hall and the Civic centre where the licensing authority and environmental health authority for the area are both located. The venue was not open.
19. I then looked around the area for signs of residential accommodation which may likely be affected by activities at Electric. The nearest residents located where to the South in Porden Road and to the rear of the venue in Buckner Road. Directly opposite the entrance to Electric was St Matthew's Church and large Church gardens. These gardens were frequented throughout my visit by street drinkers.
20. I then looked around the area for signs of local authority-controlled CCTV cameras that are often located in areas of high crime and disorder. Two such cameras were located on Brixton Hill. One directly opposite the venue and one at the junction of the A2217. Both cameras appeared to have a line of sight to the entrance to Electric.
21. Also open in the area at this time are El Rancho De Lalo, Mama Pollo, Quick Stop Food and Wine, McDonalds, KFC, Satay, Prince of Wales, Pow, Meza Me, Market House, Prince Albert, Brixton Hill Express, Chicken and Pizza, Refill, Subway, Barrio, Blues Kitchen, and Gremio De Brixton.

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22. Prior to the venue opening to the public at 2305 numerous occasions of street drinking and public urination was observed in the Brixton Hill area. Three scan net machines are at the front positioned at the entrance. As customers are entering Electric security staff can be seen conducting pat down searches and checking ID's. 12 members of security and four event staff can be seen carrying out these functions. All are wearing high visibility clothing and the security staff are displaying their SIA licences.
23. At 2330 I noticed a strong smell of cannabis around the entrance to Brixton underground station and at 0100 a group of males are inhaling laughing gas from balloons outside McDonalds. At 0130 I approached the front entrance to Electric and identified myself to Michael Yardy the current DPS. I then entered Electric to conduct a licensed premises compliance check (exhibit reference letter DJB 2 refers). During this compliance check I visited the toilet areas and conducted a drugs wipe, which was negative.
24. At 0335 I completed my internal inspections and returned outside to continue my external observations and to monitor the dispersal of customers from Electric. I noted a male had set up a Jerk Chicken BBQ outside Lambeth town Hall and was selling food to passers-by. The seller also had a large portable music system to attract customers. Street drinking and public urination continued to be observed by non-customers around Brixton Hill and the church gardens. Numerous police vehicles and ambulances with their emergency equipment operating passed but none were attending incidents at Electric.
25. Still open in the area are Chicken and Pizza, Brixton Hill Food and Wine, McDonalds, KFC, Refill, and the underground station. Two rough sleepers are now outside the Nat West bank. Staff at Electric can be seen removing plastic drinking cups from departing customers. Customers continued to exit the premises and at 0400 the number inside was 378. By 0500 the number had gradually reduced to 106. McDonalds, Refill and the underground remained the only other premises open in the area. Non customers of Electric continued to be observed urinating in the church gardens.
26. Between 0540 and 0547 the final 52 customers exit Electric, the external barriers are taken inside, and the front entrance doors are closed. All these departing customers exited towards Brixton underground station. By 0550 all Electric customers have left the area leaving the jerk chicken seller, Refill, McDonalds and Brixton underground station remaining open. Nothing further of note occurred and at 0615 I ceased my observations and left the area.

SWX Bristol

27. My visit to SWX Bristol took place on Tuesday 22nd August 2023. This evening was chosen as the venue website had advertised a live act to be appearing which was likely to attract a large audience. I arrived in the Bristol area at 1745 and my observations concluded at

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2330 the same day. I again recorded what I saw and heard into a notes document which I later transferred into a record of observations log for the purpose of this report (exhibit reference letter DJB 03 refers). The weather on this evening was warm and dry.

28. I located SWX on Nelson Street in Bristol City Centre. The premises was not open, and a queue of 9 people waited outside for the opening. I then looked around the area for signs of local authority-controlled CCTV cameras which are often located in areas of high levels of crime and disorder. Two cameras were located along Nelson Street, both of which appeared to give as line of sight to the entrance of SWX.
29. I then looked around the area for signs of residents who may have been impacted on by the operation of SWX. No residential accommodation was identified in the area. I noted that a taxi rank for 6 vehicles was available immediately opposite the front entrance to SWX. Other licensed premises open in the area at this time were: Bay Horse, Clock Factory, Rough Trade, Roxy, Lanes, and Mana House.
30. At 1810 queuing barriers are positioned along Nelson Street and 25 people are waiting to enter. At 1836, five male and female street drinkers are drinking cans on Silver Street opposite a no street drinking sign. The doors opened at 1900 hours by which time the queue to enter had grown to approximately 250. An ID scanner machine was positioned at the start of the queue, but this was not seen to be used during this visit. Customers entering were subjected to a pat down search and metal detection wand being passed around their person. Bags were inspected by the seven front of house security staff, who wore high visibility clothing and had their SIA licences displayed.
31. The queue moved efficiently and by 1930 no queue existed, and new arrivals were able to walk straight to the entrance and search area. I then approached the venue and identified myself to Agron Nikaj the designated premises supervisor. I then entered the venue to conduct a licensed premises compliance visit (exhibit reference letter DJB 04 refers). I ascertained that the occupancy on my entering was 899. During this internal inspection I visited the toilet areas and conducted a drugs wipe which was negative.
32. At 2200 I completed my internal inspections and returned outside to continue my external observations and monitor the dispersal from the venue. After 2230 customers begin to leave SWX in larger numbers. They disperse equally in both directions along Nelson Street. Five members of the security team are spread along Nelson Street encouraging customers and passing members of the public to keep off the road and out of the cycle lanes. By 2353 all customers had exited the venue, the barriers were taken back inside, and the doors were closed.
33. Still open at 2300 are Rough Trade, Roxy, Lanes and Bay Horse. Nothing further of note occurred and at 2315 I ceased my observations and left the area.

Signature *D J Butterworth*

NX Newcastle

34. My visit to Newcastle took place on Thursday 31st August 2023. I have previously visited Newcastle City Centre in respect of Alcohol and Gambling applications and I am very familiar with the City Centre Licensing Policy. I am aware that the location of the NX site is within the City's designated stress area, meaning premises within it are subject to increased monitoring by the statutory authorities, and that applications to extend licences in this area are only granted for operators that can demonstrate that they are "exceptional".
35. This evening was chosen as a live group (Trivium) was performing and a larger than normal capacity was anticipated. I arrived in Newcastle City Centre at 1730 and my observations concluded at 2355 that evening. I recorded my observations into a notes document which I later transferred to a record of observations log for the purpose of this report (exhibit reference letter DJB 05 refers).
36. On arrival NX had not opened and a queue of 29 people had already formed on the Westgate Road side of the venue. This queue was kept orderly by queueing barriers. I then looked around the area for residential accommodation that may have been impacted on by the activities at NX. The nearest residents appeared to be at the County Hotel Apartments on Westgate Road and the Indigo Hotel on Fenkle Street and Clayton Street. I then looked around the area for signs of Local Authority controlled CCTV cameras which are often located in areas of high levels of Crime and Disorder. The only camera located was on Westgate Road but did not appear to have a line of sight to the front of the venue. Other licensed premises open in the area at this time were: Bodega, Tilly's, Geordie Star, Mile Castle, Hudson, County Hotel, Victoria Comet, Forth, Beaver Town, Town Hall, Prohibition, Rafferty's, and Mad House.
37. The doors opened at 1900 hours, by which time the queue had grown to around 400 people and extended along Fenkle Street. The queueing customers were well behaved and complied with the requests of the door supervisors. A separate queue for guest list attendees and accessibility customers also grew to around 20 prior to opening.
38. By 1945 the queue had gone without incident and people walking up could enter immediately. An external smoking area had been created in place of the VIP/ accessibility area and at 2020 hours 12 people were outside smoking. This area was monitored by two door supervisors.
39. At 2045 I approached the venue to conduct a licensed premises compliance check and I introduced myself to Luke Rushfirth, the assistant general manager. I then entered the premises to conduct an internal inspection and my licensed premises compliance check list (exhibit reference letter DJB 6 refers). During this visit I conducted a drugs wipe in the male toilet areas which gave a positive indicator of cocaine use in cubicle 2 and 4. This was highlighted to Luke Rushfirth and the toilet attendant for them to be aware and vigilant. At 2115 a young female who was feeling unwell was being examined by a paramedic and given water to rehydrate.

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40. At 2224 hours I concluded my internal checks and returned outside to continue my observation and monitor dispersal. People left the venue in small numbers up to 2305 hours when the venue started to empty and the acts had finished. Due to the volume of customers leaving, the area was very busy for a short period and door staff were seen and heard to be reminding customers to beware of the traffic and to keep out of the road. By 2323 all customers had exited the venue, the doors were closed and the barriers removed. People remained in the area, waiting for transport but by 2330 all had left the immediate vicinity. None of the people leaving were seen to be excessively intoxicated. No one was seen to vomit or urinate nearby, conduct I have witnessed in other locations.
41. Still open in the area at 2330 was Mile Castle, Geordie Star, For Your Eyes only and the County Hotel bar. Nothing further of note occurred and at 2355 I completed my observations and left the area.

Summary

42. During my visits to the three venues mentioned in the representations to the application I did not observe the type of conduct that has been raised by those seeking to oppose the new licence. The owners of these venues appear to be operating in a manner that supports the four licensing objectives.
43. All three venues operate in challenging areas in which occasional incidents will occur although none were witnessed during these extensive observations. Many of the problems raised within the representations, such as street drinking and public urination was observed in these areas regardless of whether a premises was open or not and I could find no connection between those instances that I did see and the venues I visited.
44. I would like to highlight in particular the location of Electric Brixton to the committee. This venue operates in between the Lambeth Town Hall building and Civic Centre where the environmental health department and Lambeth licensing authority are based. I find it difficult to accept that a venue would be allowed to operate as described within the representations within such close proximity to such a high profile and easily verifiable location. Consequently, I have difficulty accepting this as a viable reason for refusal of this application.
45. My licensed premises compliance checks showed that all three venues were broadly compliant with the legislation, premises licence conditions and industry best practices. Only minor recommendations have been needed to ensure that the venues are fully compliant.
46. Whilst observing the customer arrival event period and dispersal at all three venues I did not observe customers acting in a manner that would breach any of the four licensing objectives. The compliance visits show that all three venues are managed in a manner that supports the four licensing objectives.

Signature *D J Butterworth*

47. None of the customers I observed departing acted drunk, or in a disorderly manner. No one was seen vomiting or urinating after leaving the venues. Conduct which I have observed in other locations and venues that I have visited.

Recommendations

48. Electric Brixton
- a) No search notice was evident. Industry best practice advises that such a notice can reduce conflict between customers and security staff and should be visible.
 - b) The signage warning that CCTV is operating had been removed and not replaced. Data protection requires such a notice to be visible.
 - c) The DPS was unable to produce a list authorising non-licensed staff to sell alcohol. The licensing act requires such a list to be available.
 - d) One of the toilet cubicles had a wet floor and in a poor state. Regular toilet checks should have picked up on this and resolved it.

SWX Bristol

No recommendations were necessary following this inspection.

NX Newcastle

- a) Pre-opening checks are not recorded. Best practice is that a record is maintained of preopening checks in order to mitigate civil litigation.
- b) During the visit one of the door supervisors had already shown their finishing time in the log book. Although this was for a member of staff responsible for the back of house area, finish times should accurately reflect the hours worked.
- c) A positive indication for drugs was found in the male toilets. Toilet attendants should be trained and be aware of drug trends in order to minimise its use.

Conclusion

49. Any licensed premises in the country may at one time or another have a customer who occasionally misbehaves or lets out a stray shout. What is important is what is reasonably expected in an area and what a venue does to ensure such occasions are kept to a minimum. From what I observed during my visits to these three venues is an operator that will take steps to reduce such occurrences to a minimum, and a customer base that is responsive to reasonable request from their staff.
50. Having conducted over 2,000 investigations at licensed premises across the country I have been impressed by the standard of management, security personnel and policies that are employed at these three locations. If I were to arrange the venues of all these investigations into good, average or poor, I would have no hesitation in placing these three venues, on what I observed during these visits, as good.
51. These conclusions are based on my previous experiences as a police licensing Inspector, and my observations in many areas where crime and disorder has historically been an issue.

Darrell Butterworth

Licensing and Security Consultant

Signature *D J Butterworth*

Appendix

Exhibit reference letter DJB 01 Record of observation log Electric 19th August 2023

Exhibit reference letter DJB 02 Licensed premises compliance check Electric 20th August 2023

Exhibit reference letter DJB 03 Record of observation log SWX 22nd August 2023

Exhibit reference letter DJB 04 Licensed premises compliance check SWX 22nd August 2023

Exhibit reference letter DJB 05 Record of observation log NX 31st August 2023

Exhibit reference letter DJB 06 Licensed premises compliance visit NX 31st August 2023

Signature *D J Butterworth*

Dominic Madden

I have been working in management in the theatre and music industry for 25 years.

I started my career in the theatre, in the not-for-profit arts sector and then produced West End theatre productions in the West End.

In 1997, at the age of 22, I became the General Manager of the Latchmere Pub Theatre, in Battersea, London, which was a 63 seat pub/theatre arts space which had a focus on new writing and plays. In December 1999 I was recruited by John Reid, who at that time, was the long time manager of Sir Elton John and I worked for their theatre production company focusing on new projects and we produced the Graduate in the West End, and on Broadway. This production starred Kathleen Turner and was a huge international success. Shortly after, in Autumn 2001, I set up my own theatre production company, rented some office space at the Old Vic in London, and produced several theatre productions including Michael Frayn's Benefactors at the Albery Theatre. I was asked by the Old Vic to co-produce (with Harvey Goldsmith CBE); a Benefit event at the Old Vic for the British Victims of 9/11. This event was hosted by Judi Dench and Kevin Spacey.

In 2002, I was offered the opportunity to take over a lease of the derelict Coronet Cinema in Elephant and Castle and secured investment of £2million to create an arts/music club space. This venue had a unique 7am licence and a licenced capacity of 2600 people. The Coronet was launched as a live music venue In December 2003, with Blur, Primal Scream and Justin Timberlake.

Throughout this time I learned about my trade as a venue operator and evolved my passion for the arts, and live production. I also became increasingly interested in the handwriting of these unique, important historic performance spaces.

In 2006, Charlie Parsons, the television executive from Planet 24 who was responsible for the Big Breakfast, Survivor etc offered me a creative job at his new venture CPC and in 2007/8 I was heavily involved in the Take That musical, Never Forget which was hugely successful. I continue to work with Charlie to this day, and I represent him on various boards including Gaydar, an LGBT business.

In 2009 I heard that the Fridge in Brixton was about to close down due to licence review and I bought the lease for £30,000 in March 2010. This was a significant personal investment on my behalf, but it was fabulous value. The building was badly dilapidated. In September 2010 I was introduced to Bernard Lewis and his son, Jake Lewis of River Island. They invested in 2011 and we have been partners ever since. We started a significant refurbishment which meant we were able to re-open the premises as Electric Brixton, a concert and club venue, in August 2011. Electric has been phenomenally successful, and we are significantly supported by the Local Authority as a culturally important venue.

The success of Electric Brixton has allowed me to organically grow and invest in a touring circuit of music venues across the UK.

In relation to Newcastle, I bought the freehold of the former O2 Academy for £900,000 at auction in June 2015. Live Nation had been operating the premises, but their lease expired in 2021 and I gave them an extension of a year and they exited in March 2022 and we remain good friends and we host a large number of Live Nation gigs across our venues. I have had a very close working relationship with the local authority in particular the Environmental Health Officer to bring about a new dispersal policy for the premises. I have a strong working relationship with the Police and we made an

application to vary the premises licence to include a roof terrace and a huge refurbishment of £3.5million.

We were also successful in extending the weekend opening hours even though the premises sits within the stress area/cumulative impact area. We have had meetings with the Licensing Officer, Environmental Health and Police and we are supported locally in what we are continuing to do in relation to investment at the premises. We would not be supported by any of these parties if we were not a quality operator.

In relation to Bristol SWX, I spoke to the existing operator in about 2016. He had a good long lease, and my vision was to take what was a large city centre nightclub and create a touring standard live music venue. I bought the business as a going concern and on 1 October 2017 this completed.

It is a similar story as Newcastle in that we have worked very closely with all of the authorities and have recently spent £3.6million on a refurbishment following a terrible fire (in July 21 due to an arson attack). I'm very proud of SWX and what we have been able to achieve as a team and the refurbishment has enabled a significantly improved offer than was there previously (including agreement from Bristol Council to create a 500 capacity roof terrace). We enjoy a very strong working relationship with all of the authorities in Bristol and we host over 150 gigs a year; of a similar capacity to the Leadmill.

In relation the Leadmill, in 2015, I received a phone call from an agent acting on behalf of a Manchester based property developer who were possibly looking to sell although they were preparing a planning application to develop the building for flats. I was horrified about the prospect of redevelopment and rang my friends, Simon Fanshawe, the comedian and Robert Noble, the theatre producer; both of whom had started their careers at the Leadmill. We discussed how the venue should be protected.

I started to seriously consider purchasing the Freehold, and as there was 7 years left on the lease with the tenant, I felt there was time to put together a sensible plan to invest in the building which was in tired condition. Curiously, it became apparent that the Freeholder had put the Building up for auction with Lambert Smith Hampton on 2 occasions; but had not sold. The Freeholder had also offered the building to the tenant privately but Phil Mills had made a low offer of £150k and this was turned down out of hand.

We concluded a deal in 2017 following various inspections and due diligence with my surveyors etc. I wrote to Phil Mills a personal letter introducing myself and asking to meet up but there wasn't a substantive reply.

In October 2021 I wrote to Phil Mills raising the question of lease renewal and asking for a meeting to discuss the important issues that needed resolving. Due to the success of SWX, it was clear to me that we could bring our live acts from Bristol to Sheffield. I had no reply.

We went up and surveyed the building to see what the building condition was and the atmosphere was very frosty. Following, that visit, I wrote to them again in December 2021 but again, this was not answered. In March 2022, following legal advice I was given no option but to serve notice to terminate the existing lease. The only response I received to the various approaches, was being personally attacked by the slick, effective 'Save the Leadmill social media campaign.' Its clear that Phil Mills doesn't like having a Landlord!

Given that the lease is protected under the Landlord and Tenant act, they are currently rolling over and there is going to be a hearing in the Court in Leeds in relation to this. When we can occupy (back

end of 2024) the premises will have a similar level of investment to Newcastle and Bristol and the offer will be very similar to Newcastle, Bristol and Brixton in that we will create a touring circuit of fabulous live acts. I also want to ensure that the programming remains seamless to the existing with a focus on live acts, club events, comedy and community initiatives. I have engaged with political leadership, local community groups and key members of the music industry and I am confident that we can make a great success of the Leadmill and retain its unique handwriting.

We have and will continue to work closely with all of the statutory authorities.

I can confirm that we have had no negative interaction with any of the authorities where we trade. I have never had a Licence Review.

Dominic Madden

<https://electric-group.co.uk>

EDMUND LOCARD
Licensing and Security Solutions

VISIT TO LICENSED PREMISES PRO FORMA Exh Ref DJB 06

Premises

1. Name of premises	NX
2. Address of premises	Westgate Road NE1 1SW
3. Day/ Time/ Date of visit	2045 Thursday 31 st August 2023
4. Name of consultant conducting visit	Darrell Butterworth

Licences, Signage and Notices

5. Summary of premises licence displayed	Yes
6. Is there authority from premises licence holder giving custody of the licence	Yes
7. Is the premises licence on the premises and available for inspection	Yes
8. Is there a notice outlining a search policy	Yes
9. Sign warning CCTV in operation	Yes
10. Is there anti-drug signage displayed	Yes
11. Is there responsible alcohol signage	Yes
12. Are there customs and excise measures displayed	Yes
13. Had pre-opening checks been carried out	Yes
14. Is there a written record of these checks	No. See recommendation
15. What is the capacity of the venue	2000
16. Is the capacity split in to individual areas	1550 main room. 250 2 nd room, 200 roof terrace.
17. How is the capacity managed	Clickers and ticket sale
18. What is the current occupancy	1500
19. What is the occupancy at other times	N/A
20. Is No smoking signage displayed	Yes
21. Is signage displayed asking customers to leave quietly	Yes
22. Other crime prevention/ public safety signage	Yes

Mandatory Conditions

23. Door Supervisors SIA licensed	Yes
24. Valid PLH for supply of Alcohol	Yes
25. Sales of alcohol authorised	Yes
26. Age verification policy	Challenge 21
27. If yes is this in writing	Yes
28. Irresponsible drinks promotions	No
29. Free drinking water were available	Yes
30. Beer, spirits & wine sold in small measures	Yes

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Licensing and Security Solutions

(1/2 pint, 25/35ml, 125ml)	
31. If yes is this in writing	Yes
32. Alcohol sold above the minimum price	Yes

Outside area

33. Is there a queue	Yes
34. Is the queue being managed	Yes
35. Are queuing customers being vetted	Yes
36. Is there an external smoking area	Yes
37. Are smoking customers being monitored	Yes
38. Is there any nuisance created from the queue or smoking area	No
39. Is there evidence of litter/ Bottles/ glass	Occasional plastic vessels on floor.

Entrance

40. Is there an ID scanner in operation	No
41. How many door supervisors are there	20
42. What are their locations	1 dressing room door, 2 stage, 7 pit team, 1 accessibility area, 3 balcony, 2 toilet, 2 front door.
43. Are they clearly identifiable	Yes
44. Are they displaying their badges correctly	Yes
45. What is their appearance	Satisfactory
46. Is there a door supervisor log	Yes.
47. Is it up to date and correct	No. See recommendation. 1 signed off at 0100.
48. Are managers present and proactive	Yes
49. Is there a staff register	Yes
50. Is it complete and up to date	Yes
51. Is there an incident book for the venue	Yes
52. Is it up to date	Yes
53. Is there a refusal log at the venue	Yes
54. Is it up to date	Yes
55. Is there a manager at the door	On occasion
56. Is there a charge for entry	£35.00
57. Are there staff at the desk/ cash till	No
58. Is there a cloak room	Yes. £2.00
59. Is it staffed	Yes
60. Is it available for use	Yes
61. Is there unattended property around the venue	No
62. Are customers being searched	Yes
63. Are wands/ security arches in use	No
64. Is there a search policy	Yes
65. Is there a female door supervisor	Yes x 4
66. Night time economy radio	Yes

EDMUND LOCARD

Licensing and Security Solutions

67. Do door staff wear body cameras	Yes. 4 cameras
68. Are door staff connected by radios	Yes

Premises Interior

69. What Licensable Activities are permitted	Alcohol, entertainment, late night refreshment
70. What are the terminal hours for activities	0200
71. What are the opening hours	1100-0230
72. Who is the Designated Premises Supervisor	Michael Yardy
73. Are they present	Yes
74. Is there a Personal Licence Holder present	Luke Ruffhirth, Marc Graham,
75. Do the non PLH's have written authority to sell alcohol	No
76. Are all fire doors closed and working	Yes
77. Are all storage rooms locked and secure	Yes
78. Type of entertainment provided	Live bands
79. What is the quality of lighting	Satisfactory
80. Is empty glassware collected effectively	No glass
81. Is the floor dry and free from bottles/glass	Satisfactory
82. Did any customers appear to be inebriated	1 female BBI 3
83. Did any customers appear to be u/18	No
84. Any evidence of drug misuse in venue	Yes. See recommendation
85. Food available	No
86. How many staff on duty	59 (2 manager, 1 dep, 1 production, 3 bar s/v, 18 bar staff, 3 bar backs, 4 tech, 2 crew, 1 cloak, 3 scanning staff, 1 toilet attendant 20 door staff).
87. Is the premises layout as per the licensing plans	Yes

Escape Routes

88. Are escape routes clearly signed	Yes
89. Are they illuminated	Yes
90. Are all fire exits free and unobstructed	Yes
91. Are all escape routes well lit	Yes
92. Are fire extinguishers properly positioned and in valid date	Sept 2022
93. Is there a fire risk assessment and when was it last updated	14/09/2022
94. General comment on Fire procedure	Satisfactory

Toilets

95. Is a toilet attendant present	Yes in male toilets
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EDMUND LOCARD
Licensing and Security Solutions

96. Are the toilets clean	Satisfactory
97. Evidence of drug use in toilets	Yes. See recommendation
98. General comment on toilet area	Satisfactory

CCTV

99. Is CCTV installed	Yes. 55
100. Is the system working correctly	Yes
101. Is the system secure	Yes
102. Are records kept	Yes
103. Are they up to date	Yes
104. General comments on CCTV	Good

Conditions consistent with the operating schedule

Conditions 1-12 compliant

Annex 3 conditions

None

General Observations

The venue was broadly compliant with the legislation, premises licence and industry best practice. By implementing the above recommendations the venue will be fully compliant.

Recommendations

1. Pre-opening checks are not recorded. Best practice is that a record is maintained of preopening checks in order to mitigate civil litigation.
2. During the visit one of the door supervisors had already shown their finishing time in the log book. Although this was for a member of staff responsible for the back of house area, finish times should accurately reflect the hours worked.
3. A positive indication for drugs was found in the male toilets. Toilet attendants should be trained and be aware of drug trends in order to minimise its use.

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VISIT TO LICENSED PREMISES PRO FORMA Exh Ref DJB 02

Premises

1. Name of premises	Electric Brixton
2. Address of premises	Town Hall Parade London SW2 1RJ
3. Day/ Time/ Date of visit	0130 Sunday 20 th August 2023
4. Name of consultant conducting visit	Darrell Butterworth

Licences, Signage and Notices

5. Summary of premises licence displayed	Yes
6. Is there authority from premises licence holder giving custody of the licence	Yes
7. Is the premises licence on the premises and available for inspection	Yes
8. Is there a notice outlining a search policy	No. See recommendation
9. Sign warning CCTV in operation	No. See recommendation
10. Is there anti-drug signage displayed	Yes
11. Is there responsible alcohol signage	Yes
12. Are there customs and excise measures displayed	Yes
13. Had pre-opening checks been carried out	Yes
14. Is there a written record of these checks	Yes
15. What is the capacity of the venue	1700
16. Is the capacity split in to individual areas	No
17. How is the capacity managed	Clickers, scanners, ticket sales
18. What is the current occupancy	663 @ 0130
19. What is the occupancy at other times	616 @ 0245
20. Is No smoking signage displayed	Yes
21. Is signage displayed asking customers to leave quietly	Yes
22. Other crime prevention/ public safety signage	Yes

Mandatory Conditions

23. Door Supervisors SIA licensed	Yes
24. Valid PLH for supply of Alcohol	Yes
25. Sales of alcohol authorised	No. See recommendation
26. Age verification policy	Yes. Challenge 25
27. If yes is this in writing	Yes
28. Irresponsible drinks promotions	No
29. Free drinking water were available	Yes
30. Beer, spirits & wine sold in small measures	All pre-packaged

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Licensing and Security Solutions

(1/2 pint, 25/35ml, 125ml)	
31. If yes is this in writing	Yes
32. Alcohol sold above the minimum price	Yes

Outside area

33. Is there a queue	Yes
34. Is the queue being managed	Yes
35. Are queuing customers being vetted	Yes
36. Is there an external smoking area	Yes
37. Are smoking customers being monitored	Yes
38. Is there any nuisance created from the queue or smoking area	No
39. Is there evidence of litter/ Bottles/ glass	No

Entrance

40. Is there an ID scanner in operation	Yes x 3
41. How many door supervisors are there	15, 4 stewards, 1 first aider
42. What are their locations	6 searches, 3 front door, 2 ID, 1 street walker, 1 cloakroom, 1 box office, 1 VIP.
43. Are they clearly identifiable	Yes. High Visibility
44. Are they displaying their badges correctly	Yes
45. What is their appearance	Satisfactory
46. Is there a door supervisor log	Yes
47. Is it up to date and correct	Yes
48. Are managers present and proactive	Yes
49. Is there a staff register	Yes
50. Is it complete and up to date	Yes
51. Is there an incident book for the venue	Yes
52. Is it up to date	Yes
53. Is there a refusal log at the venue	Yes
54. Is it up to date	Yes
55. Is there a manager at the door	On occasion
56. Is there a charge for entry	Yes. £8 in advance/online, £25 on door
57. Are there staff at the desk/ cash till	Yes
58. Is there a cloak room	Yes. £3
59. Is it staffed	Yes
60. Is it available for use	Yes
61. Is there unattended property around the venue	No
62. Are customers being searched	Yes.
63. Are wands/ security arches in use	Available, Risk assessed
64. Is there a search policy	Yes
65. Is there a female door supervisor	Yes three
66. Night time economy radio	No

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Licensing and Security Solutions

67. Do door staff wear body cameras	Yes. 8 cameras
68. Are door staff connected by radios	Yes

Premises Interior

69. What Licensable Activities are permitted	Alcohol, entertainment, late night refreshment
70. What are the terminal hours for activities	0900
71. What are the opening hours	24 hours at weekend
72. Who is the Designated Premises Supervisor	Michael Yardy
73. Are they present	Yes
74. Is there a Personal Licence Holder present	Irene Valderrama
75. Do the non PLH's have written authority to sell alcohol	No. See recommendation
76. Are all fire doors closed and working	Yes
77. Are all storage rooms locked and secure	Yes
78. Type of entertainment provided	DJ x 3
79. What is the quality of lighting	Satisfactory
80. Is empty glassware collected effectively	Plastic only
81. Is the floor dry and free from bottles/glass	Yes
82. Did any customers appear to be inebriated	Some BII 3 (unsteady on feet)
83. Did any customers appear to be u/18	No
84. Any evidence of drug misuse in venue	No. Drugs wipe negative
85. Food available	No
86. How many staff on duty	56 (20 bar/cloak room and floor staff, 15 door staff, 1 first aider, 4 stewards, 3 managers, 3 tech staff, 3 DJs, 5 box office, 2 dancers).
87. Is the premises layout as per the licensing plans	Yes

Escape Routes

88. Are escape routes clearly signed	Yes
89. Are they illuminated	Yes
90. Are all fire exits free and unobstructed	Yes
91. Are all escape routes well lit	Yes
92. Are fire extinguishers properly positioned and in valid date	Yes. September 2023
93. Is there a fire risk assessment and when was it last updated	Yes. 01/07/2022
94. General comment on Fire procedure	Satisfactory

Toilets

95. Is a toilet attendant present	No
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EDMUND LOCARD

Licensing and Security Solutions

96. Are the toilets clean	No. See comment
97. Evidence of drug use in toilets	No. Drugs wipe negative
98. General comment on toilet area	Poor

CCTV

99. Is CCTV installed	Yes. 50 cameras.
100. Is the system working correctly	Yes
101. Is the system secure	Yes
102. Are records kept	Yes
103. Are they up to date	Yes
104. General comments on CCTV	Good

Conditions consistent with the operating schedule

1-14 compliant

Annex 3 conditions

1-31 compliant

Condition 32 requires the venue to hold personal detail of door staff. As this information is kept by the security company it would be a breach of data protection for the venue to retain this information.

33-57 compliant

General Observations

The venue was broadly compliant with its premises licence, legal responsibilities and industry best practice. By implementing the below recommendations, the venue will be fully compliant.

Recommendations

1. No search notice was evident. Industry best practice advises that such a notice can reduce conflict between customers and security staff and should be visible.
2. The signage warning that CCTV is operating had been removed and not replaced. Data protection requires such a notice to be visible.
3. The DPS was unable to produce a list authorising non-licensed staff to sell alcohol. The licensing act requires such a list to be available.
4. One of the toilet cubicles had a wet floor and in a poor state. Regular toilet checks should have picked up on this and resolved it.

EDMUND LOCARD
Licensing and Security Solutions

VISIT TO LICENSED PREMISES PRO FORMA Exh Ref DJB 04

Premises

1. Name of premises	SWX
2. Address of premises	15 Nelson Street Bristol BS1 2JY
3. Day/ Time/ Date of visit	2030
4. Name of consultant conducting visit	Darrell Butterworth

Licences, Signage and Notices

5. Summary of premises licence displayed	Yes
6. Is there authority from premises licence holder giving custody of the licence	Yes
7. Is the premises licence on the premises and available for inspection	Yes
8. Is there a notice outlining a search policy	Yes
9. Sign warning CCTV in operation	Yes
10. Is there anti-drug signage displayed	Yes
11. Is there responsible alcohol signage	Yes
12. Are there customs and excise measures displayed	Yes
13. Had pre-opening checks been carried out	Yes
14. Is there a written record of these checks	Yes
15. What is the capacity of the venue	1950
16. Is the capacity split in to individual areas	Stage 2 area limited to 450
17. How is the capacity managed	Clickers
18. What is the current occupancy	899
19. What is the occupancy at other times	N/A
20. Is No smoking signage displayed	Yes
21. Is signage displayed asking customers to leave quietly	Yes
22. Other crime prevention/ public safety signage	Yes

Mandatory Conditions

23. Door Supervisors SIA licensed	Yes
24. Valid PLH for supply of Alcohol	Yes
25. Sales of alcohol authorised	Yes
26. Age verification policy	Yes
27. If yes is this in writing	Yes. Challenge 25
28. Irresponsible drinks promotions	No
29. Free drinking water were available	Yes
30. Beer, spirits & wine sold in small measures	Yes

EDMUND LOCARD

Licensing and Security Solutions

(1/2 pint, 25/35ml, 125ml)	
31. If yes is this in writing	Yes
32. Alcohol sold above the minimum price	Yes

Outside area

33. Is there a queue	Yes
34. Is the queue being managed	Yes
35. Are queuing customers being vetted	Yes
36. Is there an external smoking area	Yes
37. Are smoking customers being monitored	Yes
38. Is there any nuisance created from the queue or smoking area	No
39. Is there evidence of litter/ Bottles/ glass	No

Entrance

40. Is there an ID scanner in operation	Yes
41. How many door supervisors are there	11
42. What are their locations	2 smoking area, 1 stairs, 1 accessible area, 1 Pitt, 4 front door, 1 queue, 1 exit.
43. Are they clearly identifiable	Yes
44. Are they displaying their badges correctly	Yes
45. What is their appearance	Satisfactory
46. Is there a door supervisor log	Yes
47. Is it up to date and correct	Yes
48. Are managers present and proactive	Yes
49. Is there a staff register	Yes
50. Is it complete and up to date	Yes
51. Is there an incident book for the venue	Yes
52. Is it up to date	Yes. Last incident 19th August 2023
53. Is there a refusal log at the venue	Yes
54. Is it up to date	Yes. Last refusal 22/08/2023
55. Is there a manager at the door	On occasion
56. Is there a charge for entry	£26
57. Are there staff at the desk/ cash till	Yes
58. Is there a cloak room	Yes. £2.50
59. Is it staffed	Yes
60. Is it available for use	Yes
61. Is there unattended property around the venue	No
62. Are customers being searched	Yes
63. Are wands/ security arches in use	Yes
64. Is there a search policy	Yes
65. Is there a female door supervisor	Yes. 3 on duty
66. Night time economy radio	No

EDMUND LOCARD

Licensing and Security Solutions

67. Do door staff wear body cameras	6 Body cameras
68. Are door staff connected by radios	Yes

Premises Interior

69. What Licensable Activities are permitted	Alcohol, Entertainment and Late-night refreshment
70. What are the terminal hours for activities	0400
71. What are the opening hours	1100-0400
72. Who is the Designated Premises Supervisor	Agron Nikaj
73. Are they present	Yes
74. Is there a Personal Licence Holder present	Yes
75. Do the non PLH's have written authority to sell alcohol	Yes
76. Are all fire doors closed and working	Yes
77. Are all storage rooms locked and secure	Yes
78. Type of entertainment provided	Live Act
79. What is the quality of lighting	Satisfactory
80. Is empty glassware collected effectively	Plastic only
81. Is the floor dry and free from bottles/glass	Yes
82. Did any customers appear to be inebriated	No
83. Did any customers appear to be u/18	No
84. Any evidence of drug misuse in venue	No. Drug wipe negative
85. Food available	No
86. How many staff on duty	4 managers, 14 bar staff, 2 floor staff, 1 cloakroom, 2 front of house, 11 door staff, 1 tech, 15 tour crew (50 in total)
87. Is the premises layout as per the licensing plans	Yes

Escape Routes

88. Are escape routes clearly signed	Yes
89. Are they illuminated	Yes
90. Are all fire exits free and unobstructed	Yes
91. Are all escape routes well lit	Yes
92. Are fire extinguishers properly positioned and in valid date	Yes 09/09/2022
93. Is there a fire risk assessment and when was it last updated	Yes, 06/09/2022
94. General comment on Fire procedure	Satisfactory

EDMUND LOCARD

Licensing and Security Solutions

Toilets

95. Is a toilet attendant present	No
96. Are the toilets clean	Yes
97. Evidence of drug use in toilets	No. Drug wipe negative
98. General comment on toilet area	Good

CCTV

99. Is CCTV installed	Yes. 66 cameras.
100. Is the system working correctly	Yes
101. Is the system secure	Yes
102. Are records kept	Yes
103. Are they up to date	Yes
104. General comments on CCTV	Good

Conditions consistent with the operating schedule

None on licence.

Annex 3 conditions

Conditions 1-158 Compliant

General Observations

The premises was fully compliant with its licence, legal responsibilities and industry best practice. My only concerns raised was why the ID scanner was not used and why customers entering were not asked to remove their caps during searching. I was notified that this was risk assessed as a low-risk event and was deemed not to be necessary.

Recommendations

No recommendations were necessary following this inspection.

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