

LICENSING SUB-COMMITTEE A

A meeting of the Licensing Sub-Committee A was held on 10 May 2017.

PRESENT: Councillors J A Walker (Chair), R Brady and D J Branson

PRESENT AS OBSERVERS: R Littlewood - Middlesbrough Council Licensing Department.
L Wilson - Solicitor, Cleveland Police.

ALSO IN ATTENDANCE: Sergeant P Higgins; PC A Thorpe - Cleveland Police.
J Langley - Cleveland Police Legal Representative.
R Ahmed - DPS, Club Bongo.
A Gloag - Legal Representative (Counsel) on behalf of the Premises Licence Holder.

OFFICERS: C Cunningham, J Dixon and T Hodgkinson.

DECLARATIONS OF INTERESTS

There were no Declarations of Interest made by Members at this point in the meeting.

16/2 EXCLUSION OF PRESS AND PUBLIC.

Prior to the commencement of the meeting, discussion took place as to whether the Hearing should be held in public.

The Police legal representative stated that the Police considered that the Hearing should be held in private as the information that would be provided was sub-judice due to the live investigation into the matter by Cleveland Police. All parties subsequently agreed that the Hearing should proceed in private.

ORDERED that the press and public be excluded from the meeting for the following item on the grounds that, if present, there would be disclosure to them of confidential information and the public interest in hearing the confidential information outweighed the public interest in disclosing the information in the hearing being held in public under Paragraph 14 (2), of the Licensing Act 2003 (Hearings) Regulations 2005.

16/3 LICENSING ACT 2003 - APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE - CLUB BONGO, 11-12 BRIDGE STREET WEST, MIDDLESBROUGH

A report of the Director of Culture and Communities had been circulated outlining an application, received from Cleveland Police, for a Summary Review of the Premises Licence in relation to Club Bongo International, 11-12 Bridge Street West, Middlesbrough, TS2 1AW, Ref No. OL/17/01.

Summary of Current Licensable Activities and Hours

Live music, recorded music, performances of dance and activities like music/dance – 11.00am to 3.30am Monday to Sunday.

Late night refreshment – 11.00pm to 3.00am Monday to Sunday.

Sale of alcohol (on and off sales) – 11.00am to 3.00am Monday to Sunday.

A copy of the application made by Cleveland Police for a summary review was attached at Appendix 1 and a copy of the existing Premises Licence was attached at Appendix 2.

The Chair introduced those present and outlined the procedure to be followed at the meeting.

The Designated Premises Supervisor (DPS) of the premises, accompanied by his legal representative, was in attendance at the meeting and confirmed that the Premises Licence

Holder had received notification of the application made by the Police.

Details of the Application

The Licensing Manager presented the report outlining the application for a Summary Review in respect of Club Bongo International, 11-12 Bridge Street West, Middlesbrough, Ref OL/17/01, made by Cleveland Police under Section 53A of the Licensing Act 2003.

It was highlighted that the Licensing Act 2003 provided a procedure for a summary review of a premises licence by the Police for an expedited ('fast track') review of a premises licence which authorised the sale of alcohol in cases where a Senior Police Officer (rank of Superintendent or above) to provide a certificate indicating that, in his/her opinion, the premises were associated with serious crime or disorder, or both. The procedure allowed the Licensing Authority to respond by taking interim steps quickly, where appropriate, pending a full review.

The Licensing Manager outlined the interim steps that must be considered by the Sub Committee. Any interim steps decided by Members would take immediate effect pending the full review hearing. It was noted that the Premises Licence Holder was able to make further representations against any interim steps imposed at any time prior to the full review hearing. If any such representations were received, a further hearing would be arranged within 48 hours for the representations to be heard.

The report provided background information in relation to the premises which had operated as a nightclub since the introduction of the Licensing Act 2003.

On 31 October 2013 Cleveland Police made an application for a summary review of the premises licence following concerns regarding serious crime and/or disorder following a serious assault at the premises. A Sub Committee hearing was held on 4 November 2013 and members decided to suspend the licence as an interim step until the full review hearing.

On 12 November 2013 the Premises Licence Holder made representations against the interim step and a Sub Committee hearing was held on 14 November 2013 where Members determined that the interim step remained appropriate until the full review.

The Licensing Sub Committee considered the full review application on 26 November 2013 and decided to lift the suspension imposed on the premises and attached additional conditions to the premises licence. A copy of the minutes from the meeting were attached at Appendix 3.

Applicant in Attendance - Cleveland Police

The Police legal representative presented the case in support of the application for a summary review of the premises licence.

The application was made, under Section 53A of the Licensing Act 2003, on 9 May 2017 following a serious incident that occurred at the premises during the early hours of 8 May 2017.

The Police legal representative provided details of the incident and advised that the Police had serious concerns regarding serious crime and disorder at the premises and considered immediate action to be necessary.

Members were asked to consider imposing the most appropriate interim step, in the view of Cleveland Police, to suspend the licence.

All parties were afforded the opportunity to ask questions of the applicant. Subsequently, the Police legal representative and Sergeant Higgins responded to questions from Members and the Premises Licence Holder's legal representative.

Premises Licence Holder

The legal representative on behalf of the Premises Licence Holder was afforded the opportunity to respond to the case presented by Cleveland Police and responded to questions from Cleveland Police and from Members of the Committee.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal Services and Democratic Services, withdrew whilst the Committee determined the application.

Subsequently all the parties returned and the Chair announced the Committee's decision.

DECISION

ORDERED that the Premises Licence in respect of Club Bongo International, 11-12 Bridge Street West, Middlesbrough, be suspended until the full review hearing of the Premises Licence, for the following reasons:-

1. The Committee considered the application for Summary Review and the Certificate supplied by the Police.
2. The Committee considered Government Guidance and the representations by the DPS and his legal representative.
3. The Committee considered that the interim step to suspend the licence, with immediate effect, until the Full Review Hearing, was required to prevent serious crime or disorder.
4. The Committee was satisfied that there was serious crime and disorder at the premises.
5. A very serious incident occurred at the premises, where door-staff engaged by the Premises Licence Holder or the Designated Premises Supervisor, ejected a customer through the side door, beat the customer, moved the customer in the street whilst unconscious, left him there and failed to call for medical assistance.
6. The person ejected suffered very serious head injuries.
7. The Committee considered there was a complete failure by the Premises Licence Holder and the DPS to ensure such incidents did not take place or to prevent such incidents occurring or to take responsibility for their duty to prevent crime and disorder.
8. This was despite a previous suspension of the licence for an incident where a person was attacked and received a serious injury and was ejected through the side door of the premises, and staff failed to call the emergency services.

The matter would be fully reviewed within 28 days from the date of the application made by the Police. In the meantime, the Premises Licence Holder could submit representations against the Interim Steps prior to the full review, whereupon the Committee would reconvene within 48 hours.