

AGENDA ITEM 3

FOR THE CHAIR AND MEMBERS OF THE LICENSING SUB-COMMITTEE FOR 6 JUNE 2017

APPLICATION FOR REVIEW OF PREMISES LICENCE

Applicant: Cleveland Police

Ref.No. OL/17/02

Premises: Club Bongo International, 11- 12 Bridge Street, Middlesbrough, TS2 1AW

Application received: 9 May 2017

Summary of Current Licensable Activities:

Live Music, recorded music, performances of dance and activities like music/dance – 11am to 3.30am Monday to Sunday

Late night refreshment – 11pm to 3am Monday to Sunday

Sale of Alcohol (on and off sales) – 11am to 3am Monday to Sunday

1. Summary of Application:

Members will recall that at its meeting held on 10 May 2017, the Licensing Sub-Committee considered an application for a summary review of the premises licence for Club Bongo International following a submission made by Cleveland Police.

A copy of the application made by Cleveland Police is attached at Appendix 1, and a copy of the existing premises licence is attached at Appendix 2.

Having considered the summary review application at the above meeting, the Licensing Sub-Committee decided as follows:-

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:-

a. The Committee considered the application for Summary Review and the Certificate supplied by the Police.

b. The Committee considered Government Guidance and the representations by the Designated Premises Supervisor and his legal representative.

c. 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 and disorder.

d. The Committee was satisfied that there was serious crime and disorder at the premises.

e. 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 a side door, beat the customer, moved the customer in the street whilst unconscious, left him there and failed to call for medical assistance.

f. The person ejected suffered very serious head injuries.

g. 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.

h. 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.

2. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

The Licensing Act provides that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. In this instance, the premises licence holder, Mr Yassin has not made any representations in respect of the interim steps taken to suspend the premises licence.

The Licensing Act also provides that the Licensing Authority must hold a full review of the premises licence and determine the review within 28 days after the day of the application made by the police.

3. Consultation on review application

The premises licence holder, any responsible authority or any other person are invited to make representations in respect of the review application following publication of a notice. In response to the consultation, the Director of Public Health has made a representation in support of the submission made by the police, a copy of which is attached at Appendix 3. The officer intends to submit further documentation for the Sub-Committee's consideration, and copies of which will be circulated to Members prior to the meeting.

Cleveland Police have stated that they intend to submit further documentation in support of the summary review application, and also intend to show at the meeting the CCTV recording of the incident raising cause for such application.

The premises licence holder's legal representative has stated that he wishes to present some material in support of his case for the Sub-committee's consideration, and details of which will be circulated to Members prior to the hearing.

4. Background

As reported to Members at the initial hearing held on 10 May 2017, these premises were the subject of a previous summary review application made by Cleveland Police in October 2013. Following a full review hearing held on 26 November 2013, the Licensing Sub-Committee resolved to lift a suspension imposed earlier at an interim steps hearing, and replaced this with the imposition of a number of additional conditions on the premises licence. A copy of the minutes of the meeting is attached at Appendix 4.

5. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Crime and Disorder Review	Pages 20 to 24 Pages 44 to 47
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And any other sections of the Policy which Members consider to be relevant.

6. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Prevention of Crime and Disorder Representations from Police Summary Reviews	Starting at paragraph 2.1 Paragraph 9.12 Starting at paragraph 12.3
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And any other sections of the Guidance which Members consider to be relevant.

7. Members' Options

Members may consider the following options:

- a. To modify the conditions of the licence.
- b. To exclude a licensable activity from the scope of the licence.
- c. To remove the Designated Premises Supervisor
- d. To suspend the licence for a period of not exceeding 3 months.
- e. To revoke the licence.
- f. Alternatively, Members may consider that it is not necessary to take any of the above steps and may issue an informal warning and/or or recommend improvement within a certain time period.

Any party to the hearing who may be aggrieved by the decision taken by the Licensing Sub-Committee would have a right of appeal to the Magistrates' Court.

Contact Officer: Steve Wearing
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Decision:

Reasons: