

**LICENSING SUB COMMITTEE B**

**A meeting of Licensing Sub Committee B was held on 4 December 2006.**

**PRESENT:** Councillor Biswas (Chair); Councillors J A Jones and A E Ward.

**OFFICIALS:** J Dixon, A Gray, T Hodgkinson and S Morris.

**ALSO IN ATTENDANCE:** WPC F Helyer (Cleveland Police)  
V Lansall – Legal Representative for the Police.

**\*\* DECLARATIONS OF MEMBERS' INTERESTS**

No Declarations of Interest were made by Members at this point of the meeting.

**LICENSING ACT 2003: APPLICATION FOR VARIATION OF PREMISES LICENCE - THE SHIP INN, 23 STOCKTON STREET, MIDDLESBROUGH - REF. NO. MBRO/PR0241.**

A report of the Head of Community Protection had been circulated outlining an application for a Variation of the Premises Licence for The Ship Inn, 23 Stockton Street, Middlesbrough, Ref No. MBRO/PR0241, as follows:-

Summary of Current Licensable Activities

Sale by retail of alcohol for consumption on and off the premises.

Summary of Current Hours of Licensable Activities

11.00am to 11.00pm Monday to Saturday.

12.00 noon to 10.30pm Sundays and Good Friday.

12.00 noon to 3.00pm and 7.00pm to 10.30pm Christmas Day.

Summary of Proposed Variation of Licensable Activities

To extend the hours for the sale of alcohol and to remove the restriction in relation to children under the age of 14 years from accessing the premises.

Summary of Proposed Variation to Hours for Licensable Activities

11.00am to 4.00am daily.

Full details of the application and accompanying Operating Schedule were attached at Appendix 1 to the submitted report.

At the appointed time, neither the applicant nor his representatives appeared. Telephone enquiries were made by the Principal Licensing Officer and it was confirmed that the applicant was out of the country. The Designated Premises Supervisor confirmed that she was in possession of a letter from the applicant to the Committee in respect of the application and permission was granted by the Chair for the letter to be collected and returned to the Committee in order to proceed with the Hearing in the applicant's absence.

At 10.30am, the Committee was provided with a copy of the applicant's letter and under Regulation 20(2)(b) of the Licensing Act (Hearings Regulations) 2005, the Committee decided to proceed with the hearing in the applicant's absence.

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

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### **Details of the Application**

The Licensing Officer presented the report which outlined that, on 13 October 2006, the applicant had made an application to vary the licence, as stated above, and had advertised the application, as required by the Licensing Act 2003, in the Evening Gazette on 18 October 2006.

A representation was received from Cleveland Police on 2 November 2006 which objected to the application on the grounds of the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm and was attached at Appendix 2 to the report.

The Principal Licensing Officer advised that the letter from the applicant, circulated at the meeting, confirmed that he was willing to agree to all but one of the 12 conditions proposed by the Police. The applicant was not in agreement with condition number 7 which related to four registered door staff being on duty until closing time on any occasion when the premises was open after 11.00pm. The applicant had indicated that, as a small public house which predominantly catered for a small, local clientele, his funds would not stretch to employing four door supervisors and that he would struggle to employ even one.

### **Relevant Representations – Cleveland Police**

WPC Helyer, Cleveland Police, and Ms Lansall, Police Legal Representative, were in attendance at the meeting and were invited to present the representations against the application.

The Committee was informed that the Police had originally proposed a number of conditions to be attached to the licence and stated they would be willing to withdraw their representation if the applicant was willing to amend his application to close at 2.30am rather than 4.00am.

The Police Legal Representative confirmed that the Police were willing to remove condition number 7 regarding door supervisors if the premises were to close at 12.30am with the sale of alcohol to cease at 12.00 midnight.

It was clarified that the applicant was aware of all the conditions proposed by the Police but was not aware of the Police's request to amend the proposed terminal hour to 12.30am in order to allow condition number 7 to be removed.

### **Questions**

Members of the Committee were afforded the opportunity of asking questions of the Police and the following issues were raised:-

- The Police confirmed that they had, again, visited the premises and surrounding streets following submission of their objection in respect of the application and had noted that there was a greater number of occupied premises in the vicinity than originally thought.
- In response to a query regarding the capacity of the premises, Members were advised that there was no set capacity as the premises had not previously held a Public Entertainment Licence as entertainment was not offered at the premises.
- A Member queried whether closing the premises at 12.30am would encourage patrons to go into the town centre and the Police responded that their resources were centred in the town centre where the majority of alcohol-related disorder occurred.

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

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

**DECISION****ORDERED AS FOLLOWS:-**

1. That the application to Vary the Premises Licence be granted as follows:-  
Sale of alcohol - 11.00am to 12.00 midnight daily.  
All other Licensable Activities – 11.00am to 12.30am daily.  
and subject to the following conditions:-
  - i) The premises must be fitted with internal and external digital, colour CCTV. All footage must be kept for a minimum of 31 days and kept in a locked secure cabinet.
  - ii) Notices to be displayed throughout the premises notifying patrons that CCTV operational 24 hours a day.
  - iii) All glasses shall be made from toughened glass.
  - iv) No time led or all inclusive drinks promotions at any time or any other promotion which encourages irresponsible or immoderate drinking.
  - v) An incident book to be kept to record all incidents of crime and disorder.
  - vi) The premises shall have a written drugs policy and an approved drugs box and drugs register which will be used to dispose of and record all illegal substances found.
  - vii) No glasses/open bottles or other open containers to be allowed to leave the premises at any time.
  - viii) Any person(s) appearing to be intoxicated or acting in a disorderly manner will be refused entry to the premises. A refusals book to be kept fully updated showing persons refused.
  - ix) The Challenge 21 scheme to be adopted at the venue and only photographic identification (driving licence/passport/PASS card) as proof of age will be accepted.
  - x) The Designated Premises Supervisor or a representative will actively take part in the local Pubwatch scheme.
  - xi) No person(s) under the age of 18 years to be allowed on the premises after 9.00pm.

In reaching the above decision Members had considered the following:-

1. The written and verbal representations submitted by Cleveland Police.
2. The Witness Statement submitted by WPC Helyer.
3. The letter submitted by the applicant.
4. Relevant Government Guidance, particularly in relation to:-
  - Prevention of Crime and Disorder, starting at paragraph 7.20, Annex D.
  - Prevention of Public Nuisance, starting at paragraph 7.38, Annex G.
  - Protection of Children from Harm, starting at paragraph 7.47, Annex H.

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5. Middlesbrough Council's Licensing Policy particularly in relation to:-

- Prevention of Public Nuisance, pages 10 to 15.
- Prevention of Crime and Disorder pages 17 and 18.
- Protection of Children from Harm pages 19 to 22.

Members had made their decision based on the following reasons:-

1. That the applicant had agreed to all but one of the conditions proposed by the Police and, in this respect, the Police had compromised by agreeing to remove the condition regarding the requirement for four door supervisors providing the premises closed at 12.30am.