

Middlesbrough Council

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Wayne Flowers

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Zetland Hotel, Zetland Road	
Post town Middlesbrough	Post code (if known) TS1 1EH

Name of premises licence holder or club holding club premises certificate (if known) Edmund Smyth Maureen Smyth
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Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Wayne Flowers Principal Environmental Health Officer Public Protection Service Middlesbrough Council Vancouver House Gurney Street Middlesbrough TS1 1JL
Telephone number (if any) 01642 728294
E-mail address (optional) Wayne_flowers@middlesbrough.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

Middlesbrough Council charged Edmund Smyth (Premises Licence Holder), Maureen Smyth (Premises Licence Holder and DPS on 28th January 2014) and Dawn Chapman (Manager) each with two counts of selling food which was not of the substance demanded by the purchaser, in breach of Section 14(1) of the Food Safety Act 1990, and two counts of offering or exposing for sale, or having in their possession for the purpose of sale, food, the presentation of which was likely to mislead as to the true substance of the food, thereby in breach of Section 15(3) of the Food Safety Act 1990. The full detail of the offences are detailed below. However, in summary, they relate to the adulteration of Chekov vodka and the substitution of a Jagermeister Herb liquor with a cheaper product Messer Schmitt Herbal Liqueur, the two products were offered for sale at the Zetland Hotel.

On 17th February 2015 Edmund Smyth pleaded guilty and was convicted on all counts at Teesside Magistrates Court and fined £2,000.

On 17th February , 2015 Dawn Chapman pleaded guilty and was convicted on all counts and fined £400. Her personal licence was revoked by the Court.

On 7th April 2015, Maureen Smyth pleaded guilty and was convicted on all counts and fined £800.

This application for a review of the premises licence for the Zetland Hotel is made on the basis that the premises licence holders, Edmund Smyth and Maureen Smyth and Dawn Chapman, manager of the premises, have been convicted of offences, which

are relevant offences under the Licensing Act 2003. This questions their fitness to operate the Zetland Pub within the remit of the prevention of crime and disorder and public safety licensing objectives. In the investigation of the above offences it is clear that the Zetland Pub was not being operated in such a manner to uphold these objectives. The Licensing Act 2003 provides the legal framework for the operation of licensed premises and premises licence holders are expected to operate their premises within this framework. If they have been convicted of offences in relation to other matters, it is clear that this casts doubt on their ability to operate within the legal constraints of the Licensing Act such as operating within the conditions on their premises licence.

Edmund Smyth and Dawn Chapman claimed throughout the investigation that the adulterated Chekov Vodka had been purchased from another licensee whose premises had recently closed. They both refused, when interviewed, to disclose the name of this person to the Council, although they both admitted to knowing their name. Neither defendants could produce any documentation to evidence the purchase of the Chekov Vodka from this "unknown" person.

Officers gathered evidence at the Zetland Hotel which clearly indicated that the Chekov Vodka was being adulterated with water on the premises, resulting in a product which had an alcohol content which was less than half of what it should be. All three defendants claimed their innocence until the court hearing when they all pleaded guilty to all four offences.

In deciding to revoke Dawn Chapman's personal licence the court has demonstrated that she is unsuitable to hold a position of responsibility within a licensed premises.

Edmund Smyth has held a personal licence, issued by Hambleton Council, since July 2005. He is the joint premises licence holder for the Zetland Pub, with his wife Maureen Smyth. Mrs Smyth is also a personal licence holder and she was also the Designated Premises Supervisor, responsible for the day to day control of the premises, at the time the offences were committed. It was ascertained during interview with the defendants that whilst Mrs Smyth held this important position of responsibility, she was rarely present at the premises.

In July 2014 Mr Smyth became the DPS at the Zetland Hotel, replacing Mrs Smyth from this position. He still remains the DPS.

Both Mr and Mrs Smyth will have their personal licences endorsed with the offences which are considered relevant under the Licensing Act 2003.

It is our view that Mr Smyth and Mrs Smyth's conduct in relation to committing these offences demonstrates that they cannot be responsible for the management and operation of a licensed premises within the context of upholding the prevention of crime and disorder and public safety licensing objectives. A premises licence holder has overall responsibility for the licensed premises and ensuring that it operates legally without putting public safety at risk. Adulteration of a food product, as alcohol is classed, is illegal and can put the public at risk. In addition, Mr Smyth is now also the DPS which has the additional responsibility of the day to day running of the premises.

It is requested that Licensing Committee consider that the premises licence for the Zetland Hotel should be revoked on the basis that the premises licence holders have been convicted of criminal offences in relation to the alcohol sold on the premises.

DETAILS OF THE CASE:

On 28th January 2014, Middlesbrough Council Environmental Health Officers visited The Zetland Hotel, Zetland Road, Middlesbrough following receipt of an anonymous complaint regarding branded alcoholic spirits being substituted for cheaper brands.

The business was owned and operated by Mr Edmund Robert David Smyth and Mrs Maureen Smyth and managed by Miss Dawn Louise Chapman. Mr & Mrs Smyth and Miss Chapman all held personal licences granting them the authority to authorise sales of alcohol in the premises.

During the visit, the Officers carried out tests on the alcoholic strength of Chekov Triple Distilled Vodka taken from bottles which were mounted on optics in two of the bars and found in the cellar of the Zetland Hotel. Two open boxes, each containing six bottles of Chekov Vodka were found in the cellar. All 12 of these bottles had broken security seals and three different types of lids had been used. It was also noted that there were different levels of liquid in the bottles.

Testing of the alcoholic strength of the Chekov Vodka was carried out at the premises and they showed that it was less than the declared 37.5% on the bottle. Formal samples were taken of four bottles of vodka mounted on optics in the bars and from four of the bottles from the cellar. These were later submitted to the Public Analyst and further tests showed that all eight samples of the Chekov Vodka had an alcoholic strength ranging between 15.6% and 20.2% alcohol and all contained extra water.

Two 700ml bottles of Jagermeister Herb Liqueur were on the bar in the premises. The labels on these bottles were in such a poor condition that it raised the suspicions of the Officers. On inspection of the locked spirit cabinet in the cellar, no bottles of Jagermeister were found, although the officers did find several bottles of Messer Schmitt Herbal Schnapps. The Jagermeister was formally sampled and later submitted to the Public Analyst for testing which showed that the product was not Jagermeister but was actually Messer Schmitt Herbal Liqueur, which is considerably cheaper product with a lower alcohol content of 22%

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

M. Flower

Date 15th April 2015

Capacity **Principal Environmental Health Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Middlesbrough
Council



PREMISES LICENCE

Part A

Premises licence number

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Zetland Hotel Zetland Road	
Post town	Post code
Middlesbrough, Cleveland	TS1 1EH
Telephone number	
242155	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Live Music
Recorded Music
Performances of Dance
Activity like music/dance
Facility for making music
Facilities for dancing
Facility like music/dance
Sale of Alcohol

The times the licence authorises the carrying out of licensable activities

LIVE MUSIC

Monday to Sunday: 10am to 3am

RECORDED MUSIC

Monday to Sunday: 10am to 3am

PERFORMANCES OF DANCE

Monday to Sunday: 10am to 3am

ACTIVITIES LIKE MUSIC/DANCE

Monday to Sunday: 10am to 3am

FACILITIES FOR MAKING MUSIC

Monday to Sunday: 10am to 3am

FACILITIES FOR DANCING

Monday to Sunday: 10am to 3am

FACILITIES LIKE MUSIC/DANCING

Monday to Sunday: 10am to 3am

SUPPLY OF ALCOHOL ON AND OFF THE PREMISES

Monday to Sunday: 10am to 2.30am

The opening hours of the premises

Monday to Sunday: 10am to 3am

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol sales permitted ON and OFF the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Edmond and Mrs Maureen Smyth
3 The Wynd
Hutton Rudby
Yarm TS15 0ES

01642 700071

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Edmond Smyth
3 The Wynd
Hutton Rudby
Yarm TS15 0ES

01642 700071

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

HDC153 Hambleton District Council

Granted on 29 July 2014

Authorised Officer

Annex 1 - Mandatory conditions

Mandatory conditions in accordance with Section 19 of the Licensing Act 2003:

Where a premises licence authorises the supply of alcohol:

- (i) No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Effective from 28 May 2014:

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where:

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.—(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 1 October 2010

4. (1) The premise licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: 1/2 pint;
 - (ii) gin, rum, vodka or whiskey: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml; and
- (b) customers are made aware of the availability of these measures.

Mandatory conditions in accordance with Section 21 of the Licensing Act 2003:

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed -

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to -

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

For the purposes of this section -

(a) 'security activity' means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating Schedule

Embedded Restrictions and Benefits

ON LICENCES

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
Monday to Sunday - 10am to 2.30am

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December).

The above restrictions do not prohibit:

- a) During the first 20 minutes after the above hours the consumption of the alcohol on the premises;
- b) During the first 20 minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) During the first 30 minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) The taking of alcohol from the premises by a person residing there; or
- i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises

PUBLIC ENTERTAINMENT

1. The number of persons allowed on the premises during the performance of public entertainment shall not exceed:
Lounge 80 (Eighty)
Bar 80 (Eighty)

PUBLIC ENTERTAINMENT LICENCE CONDITIONS MADE BY THE MIDDLESBROUGH BOROUGH COUNCIL ("THE COUNCIL") BY RESOLUTION ON 18 NOVEMBER 1998 UNDER THE POWERS CONFERRED BY THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982.

Standard Conditions

The following standard conditions pertain to all premises licensed for Public Entertainment except those for Music and Singing (Automatic Gramophones).

1. The Licensee shall affix and display in some conspicuous place on the door or entrance to the said premises an inscription in large capital letters "Licensed in Pursuance of Act of Parliament for Public Entertainment". A copy of both the entertainment licence and these conditions must be displayed in a prominent position at or near the entrance to the building where the entertainment is to take place.
2. The Licensee shall to the best of his/her ability maintain and keep good order and decent behaviour on the licensed premises at all times when public entertainment is taking place.
3. The Licensee shall provide to the Council, Chief of Police and Fire a system to control entry thus identifying the number of persons present on the premises at any given point during which public entertainment is taking place.
4. The Licensee shall produce on demand to any authorised officer of either the Council, the Police or the Fire Brigade evidence of the number of persons present on the premises at any given moment in time.
5. The premises shall be provided with an adequate number of exits clearly indicated by signs displaying a pictogram symbol or alternatively a combination of text and pictogram illuminated by both mains and secondary lighting and conform with the relevant code of practice. All doors required as means of escape in case of fire shall open in the line of egress or where this is not possible be securely fastened in the open position at all times that the public are present on the premises.
6. The means of ingress and egress and the passages and gangways shall, during the whole time that the licensed premises are used for the purposes of this licence, be kept free, unobstructed and adequately lighted.
7. Any door required for means of escape in case of fire if fastened during the time the public are in the building, shall be secured during such times by automatic bolts only. Doors fitted with automatic bolts shall be indicated "PUSH BAR TO OPEN" in conspicuous and distinctive block lettering.
8. An emergency lighting system which complies with the relevant British Standard specification shall be provided and maintained in the premises and associated escape routes and should fulfil the following functions: a) to indicate clearly the escape routes to provide illumination along escape routes to allow safe movement towards and through the exits provided; b) to ensure that the fire alarm call points and fire fighting equipment provided along escape routes can be easily located; c) to provide illumination to external means of escape arrangements.
9. The emergency lighting system shall be tested weekly and in addition the system shall be examined by a qualified electrician at periods not exceeding 12 months. All periodic tests and examinations shall be recorded in a log book kept on the premises.

10. The arrangements for a closed seated audience (multiple seating) shall accord with the following: the seating must at all times be so disposed as to provide free and unobstructed access to all exit doors. width of gangways to be 1060mm (3ft 6in) minimum width of setways to be 305mm (1ft) minimum
11. Where the permitted numbers are between 250 and 400 persons, all seats shall be either securely fixed to the floor or battened together in lengths not less than 4 not more than 12.
12. Where the permitted numbers exceed 400 persons, condition iv shall apply and additionally all the rows of seats shall be firmly secured together.
13. Any attachment used for securing a seat on rows of seats shall be so arranged as to not trail on the floor or cause any obstruction.
14. Notices giving instruction on how to call the Fire Brigade must be permanently displayed adjacent to any telephones in the premises and any outbreaks of fire, however slight, must be reported immediately to the Fire Brigade.
15. A means of giving warning in case of a fire shall be provided an approved by the Council. The fire warning system should be tested weekly and in addition shall be examined by a qualified person at least once every year. All tests and examinations shall be recorded in a log book which is to be kept on the premises.
16. Fire fighting equipment shall be provided and sited as required by the council. The equipment shall be tested and examined by a competent person at periods not exceeding 12 months and the results are to be recorded in a log book which is to be kept on the premises.
17. A relay system must be fitted to the fire alarm circuit which in the event of the alarm being activated will interrupt the power supply to all electrical sockets/equipment used for the amplification of sound. (This is to avoid the possibility of the alarm not being heard above recorded/live music etc;).
18. All members of staff employed at the premises shall be given instruction and training as their duties in the event of fire or other emergencies and records as to such training shall be kept in a log book kept on the premises.
19. In all premises where it is deemed necessary by the Council, a diagrammatic plan showing clearly the escape routes and the seating pattern shall be publicly displayed.
20. All stoves, open fires and other heating appliances shall form an integral part of the structure and shall be efficiently and effectively fixed and guarded. Portable heating in public areas of the premises shall only be used as a temporary measure, where as a last resort becomes necessary and shall be used in accordance with the guidance issued by the Council. If the period of use is to exceed 24 hours the prior approval of the Council must be obtained.
21. No drapery or scenery other than permanent curtains and drapery of heavy and not readily inflammable materials shall be permitted except curtain or drapery materials which are rendered fire resistant.
22. The hanging of curtains over doors shall be permitted provided that such curtains are: made to part at the centre and be secured at

their sides hang clear off the door by a least 50mm (2inches) and be easily moveable on their fittings be of material which is not readily combustible be so hung as not to conceal any notices indicating the purpose of the door.

23. The electrical installations must comply with I.E.E. or any other regulations in force in connection with the use of electricity. All electrical installations shall be inspected annually by a Chartered Electrical Engineer, or a member of the Electrical Contact's Association or a Certificate holder of the National Inspection Council for Electrical Installation Contracting or the local Electricity Board. The results and details on inspection must be recorded in a log book kept on the premises.

24. All mats or door coverings shall be secured so as not to be a source of danger to persons using the premises and any drapes used in the auditorium shall be so hung as to prevent trailing on the floor. On all steps and staircases the edges of the treads must be clearly defined so as to be conspicuous.

25. Where practicable, continuous and uninterrupted handrails to all staircases must be fixed at a height above the nosing of the steps of 840mm (2ft 9in) and these handrails must not project more than 75mm (3in) over the width of the stairway. The open side of any staircase must be projected with a securely fixed balustrade, railing or wall extending to a minimum height of 110mm (3ft 4in) above the nosing of the steps in addition to the provision of handrails at the required height of 840mm (2ft 9in). Any spaces contained between members forming the balustrade or railing, shall not exceed 125mm (5in). Any staircase more than 1800mm (5ft 11in) wide shall be provided with a secure and substantial handrail down the middle.

26. All parts of the premises and all fittings and apparatus therein including seating, door fastenings and notices, and the lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, must be maintained at all times in good order and condition to the satisfaction of the Council.

27. a) At no time shall any member of the public be exposed to a weighted equivalent continuous noise sound level (LAeq) exceeding 100dB measured over a 1 hour period. At no time shall the 5 minute LAeq exceed 102dB at the nearest point in the premises to a fully operational loudspeaker that the attending public are allowed to approach. b) The premises shall be arranged to provide "noise rest areas" equivalent to at least 25% of the total public area of the premises. In "noise rest areas" the LAeq shall not exceed 85dB(LAeq) measured for 5 minutes over the average floor area. Where it is not possible to provide "noise rest areas" then at no time shall any member of the public be exposed to a level of noise exceeding 95dB (LAeq) measured over a 1 hour period. c) No person employed on the premises shall be exposed to an LAeq in excess of 90dB in accordance with the provisions in the Noise at Work Regulations 1989. Noise exposure of employed persons shall be reduced to the lowest level reasonably practicable. d) All necessary precautions shall be taken to prevent persons in the neighbourhood of the premises being disturbed by noise. e) Premises which operate licensed entertainment events using amplified music on more than one occasion each week shall display a notice in the entrance foyer of the premises in a prominent position with the wording "PATRONS ARE REMINDED THAT HIGH SOUND LEVELS CAN DAMAGE HEARING" , or alternative wording which has been approved in writing by the Licensing Authority.

28. Alterations or additions either permanent or temporary, to the structure, lighting, heating or other installations or to the approved seating, gangways or any other arrangements in the premises must not be made except with the prior written approval of the Council and 28 days notice must be given of proposed alterations together with 3 plans and a specification of all work.

29. Storage of necessary combustible materials shall be in a fire resistant enclosure in such a position as may be approved by the Council.

30. If it appears that the use of a product, fabric or finish might assist in the spread of a fire in the premises then the Council may require such product, material, fabric or finish to be replaced or to be treated in such a manner as to reduce this risk.

31. The use of special effects involving the use of lasers, naked flame, smoke production or any other process creating a risk of fire shall not be allowed without the written consent of the Council.

32. No exhibition, demonstration or performance of hypnotism shall be given on any person at the premises except with the written consent of the Council and notice must be given 28 days prior to the proposed exhibition.

33. Adequate access shall be provided for emergency vehicles.

34. The maximum number of persons allowed to be present in the premises or specified part of the premises at any one time shall not exceed that stated on the licence.

35. The licensee shall ensure that at the place of entertainment, electrical socket outlets for use with permanent, temporary or portable electrical equipment intended to be used in the course of the entertainment shall be the type protected by a Residual Current Device (RCD) having a 30mA tripping circuit.

36. Any persons employed or engaged on the premises in the vetting of customers and/or the maintenance of public order at either any entrance to the premises or any part within shall be approved or provisionally approved by the Security Industry Authority (SIA).

37. That premises licensed for public entertainment up to 2am in the morning shall be permitted to extend that time by one hour on the day that British Summertime commences.

38. That the Licensee will implement a drugs policy to the satisfaction of the Council and Cleveland Police in respect of the premises to be licensed.

39. The Licensee must ensure that there will be a secure drugs deposit box approved by Cleveland Police, on all liquor licensed premises which are also licensed for Public Entertainment beyond 11.00pm which will be used along with a hard bound Drugs Register, in accordance with the guidelines laid down by Cleveland Police.

40. There will be provided in all premises licensed for Public Entertainment beyond 11.00pm, in an area separate from the dance area, which has seating, cool air (either by air conditioning or ventilation to the external air), and a reduced noise level in accordance with 27(b) of these standard conditions.

41. The Licensee shall ensure that free potable drinking water is to be made available other than in sanitary facilities and such availability is prominently advertised to patrons.

42. The Licensee shall ensure that a minimum of one qualified first aider is present at all premises licensed for Public Entertainment beyond 11.00pm.

43. The Licensee shall ensure that all safety equipment installed on the premises is validated as "YEAR 2000 COMPLIANT".

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the Borough of Middlesbrough, private entertainment for gain may be provided throughout the premises by virtue of the previous Justices' Licence/Public Entertainment Licence.

Public Entertainment by way of music and singing only, which is provided solely by the reproduction of recorded sound, may be provided throughout the premises by virtue of the previous Justices' Licence.

The sale of hot food and drink may be provided for up to 30 minutes after the end of permitted hours by virtue of the previous Justices' Licence.

LICENSING OBJECTIVES

GENERAL - ALL FOUR LICENSING OBJECTIVES

None

THE PREVENTION OF CRIME AND DISORDER

The premises are fitted with 12 digital CCTV cameras in operation 24 hours a day and employ registered door staff.

All CCTV footage will be kept for a minimum period of 31 days and all CD Roms or tapes used will be kept in a locked or secure cabinet.

The number of SIA registered door supervisors on duty will be as follows:

Thursday - 3

Friday - 3

Saturday - 4

Sunday - 3

Bank Holiday Monday - 3

The premises have a Drugs Policy/Drugs Box.

The licensee is a member of the Middlesbrough Pub Watch.

PUBLIC SAFETY

The premises are subject to regular Health and Safety checks, fire risk assessments and weekly fire point/emergency lighting and smoke detection checks.

The premises are fitted with a music relay-cut off system and are subject to annual electrical circuit and fire extinguisher tests.

THE PREVENTION OF PUBLIC NUISANCE

No customers are allowed to leave the premises with bottles/glasses of drink.

Customers are advised to leave, after dark, in a quiet and orderly manner.

Any person appearing to be drunk will be refused admission/entrance to the premises.

Staff will order taxis for customers, if requested.

THE PROTECTION OF CHILDREN FROM HARM

Proof of age policy includes checks by door staff and bar staff re underage drinkers and requests for identification are driving licences, passports and ID Cards recognised by the Industry.

No children are permitted entry after 9pm.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not Applicable

Annex 4 - Plans

Attached

Middlesbrough Council

www.middlesbrough.gov.uk

COMMUNITY PROTECTION SERVICES

Licensing

PO Box 65, Vancouver House, Gurney Street,
Middlesbrough TS1 1QP
Tel: (01642) 245432



Representations On A Current Application For A Grant/Variation of a Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

Before Completing This Form Please Read The Guidance Notes At The End Of The Form

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I (Insert name)

PC 1841 Emma Price

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description

The Zetland Hotel,
Zetland Road,

Post Town
Middlesbrough

Post Code
TS1 1EH

Name of premises licence holder or club holding club premises certificate (if known)

Edmund Smyth and Maureen Smyth

Number of premises licence or club premise certificate (if known)
MBRO/PR0125/018760

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

- | | Please
Tick ✓ |
|--|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3) a member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

Current Address			
Post Town		Post Code	

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)

Name and Address

Telephone Number (If any)	
E-Mail address (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address CHIEF CONSTABLE OF CLEVELAND POLICE C/O POLICE SERGEANT 944 HIGGINS MIDDLESBROUGH DISTRICT H/Q BRIDGE STREET WEST MIDDLESBROUGH TS2 1AB
--

Telephone Number (If any)	01642 303176
E-Mail address (optional)	

This representation relates to the following licensing objective(s)

	Please Tick ✓
1. The prevention of crime and disorder	X
2. Public safety	X
3. The prevention of public nuisance	<input type="checkbox"/>
4. The protection of children from harm	<input type="checkbox"/>

Please state the ground(s) for representation. (please read guidance note 1)

There has been an application made by Middlesbrough Environmental Health to review the premises licence to The Zetland Hotel, Zetland Road, Middlesbrough. The review has been made following the premises being found responsible for breaches of Section 15(3) of the Food Safety Act 1990.

Cleveland Police wish to join this review as the venue has been a problem premises which have been subject to meetings and action plans, following concerns surrounding incidents of crime and disorder at the venue. Meetings have been held with the premises on a number of occasions to which they have regularly been subject to an action plan to attempt to rectify issues surrounding violence.

In the previous six months the premises have had a number of concerning incidents of violence associated with the venue, for example:

On 26th April 2015 between 03:20-03:50 hours a female was assaulted inside the premises by unknown persons, whereby she was dragged by her hair from her seat and she was repeatedly kicked about the head and back. The female received a number of bumps and soreness to her head and arm. This investigation is on going, however at this time a suspect has not been located.

On 15th March 2015 between 02:-00-02:30 hours a male was assaulted inside the venue whilst walking to the toilet area. He was punched until he fell unconscious and suffered a fractured eye socket, broken nose and broken ribs. This investigation is ongoing, however to date a suspect has not been located.

On 17th January 2015 between 03:45-04:00 hours a male was assaulted inside the premises following a dispute; the male suffered chipped front teeth and bruising and swelling to his right eye. A suspect was not located for this offence.

On 13th December 2014 between 00:00-04:30 hours a male was assaulted outside of the premises; however this male admits being heavily intoxicated and could not recall the incident. From enquiries via cctv the male was sighted being assaulted near to the venue and the

perpetrators seen walking then back towards the venue a short time later. During this assault the male received a broken jaw however no person was arrested for this offence.

In addition to the above there are also a number of incidents of violence and disorder at the venue, for example:

On 4th April 2015 at 02:33 hours two males were seen fighting outside of the premises; one male upon sighting Police approaching ran back inside the venue to evade arrest. The male was located and arrested for assault for which he was cautioned for the offence.

On 9th March 2015 between 03:15-04:00 hours a female was attacked whilst she was in the premises. The female was dragged to the floor by her hair and assaulted. The victim refused to pursue this complaint and no person has been arrested for the offence.

On 30th January 2015 between 03:15-03:45 hours a female was assaulted by a group of females in the smoking area of the premises; during such time some of her belongings were also stolen. A female was arrested for the offence however was released with no further police action.

On 15th November 2015 between 03:30-04:00 hours a disturbance was seen by officers outside of the premises this had been following a male being assaulted inside the premises. The victim received no notable injuries however two males were arrested following the incident; one male was charged with obstruct Police and another was released no further Police action for the assault.

On 3rd November 2014 between 03:10-03:20 hours a male and female were assaulted whilst stood outside the venue, both received cuts and swellings to their eyes. A male was interviewed for the offence; however no further Police action was taken.

The application to review the premises licence brought about by Environmental Health and also the incidents outlined above all indicate that there are many issues ongoing at the premises and concerns are raised that the Licensing Objectives are being undermined at the venue.

Please provide as much information as possible to support the representation. (Please read guidance note 2)

Please

Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to these premises please state what they were and when you made them.

How We Collect And Use Information

By completing this document you give Middlesbrough Council the authority to collect and retain information about you for the purpose of the application. In order to process the application we may need to check this information with other enforcement agencies, local authorities or government departments.

We must protect the public funds we handle and so we may use the information you have provided on this form to prevent and detect fraud. We may also share this information with other enforcement agencies including those organisations which handle public funds. Middlesbrough Council will not disclose information about you unless the law permits.

Middlesbrough Council is the Data Controller for the purposes of the Data Protection Act. If you want to know more about the information the Authority holds about you or the way the Authority uses that information please contact the Information Security Officer, PO Box 17, Melrose House, 1 Melrose Street, Middlesbrough, TS1 2YW.

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representative's solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature	P. Higgins	Date	12/5/15
Capacity	Licensing Sergeant		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)

Post Town	Post Code
-----------	-----------

Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.
6. Information on the Licensing Act 2003 is available at www.middlesbrough.gov.uk and you are advised to read any relevant guidance leaflets before completing this form.