

LICENSING SUB-COMMITTEE C

A meeting of the Licensing Sub Committee C was held on 19 June 2006.

PRESENT: Councillor Taylor (Chair), Councillors Lancaster and Mawston.

OFFICIALS: M Cooper, A Gray, T Hodgkinson and S Dorchell.

ALSO IN ATTENDANCE:

Agenda Item 3 and 4:

S Jones, Cobbetts LLP, Legal Representative for Admiral Taverns (Pyramid) Ltd
Ms D Higgins - Area Manager – Admiral Taverns (Pyramid) Ltd

L Gallagher - Cleveland Fire Brigade representative

Sergeant P Higgins – Cleveland Police - Licensing
PC F Helyer – Cleveland Police – Licensing
PC P Addison – Cleveland Police –Community Policing Unit
Ms J Smith – Legal Representative – Cleveland Police

Mr M H Harvey – Neighbourhood Manager

DECLARATIONS OF INTEREST

No Declarations of interest were made at this point of the meeting.

However, the Chair referred to the fact that Mr M Harvey, the Neighbourhood Manager, had been a work colleague several years ago and was therefore known to him.

All parties present confirmed that this did not cause any issues and the meeting commenced.

LICENSING ACT 2003: APPLICATION FOR REVIEW OF PREMISES LICENCE – APPLICATION TO TRANSFER PREMISES LICENCE – THE GROVE INN, 95 BROADWELL ROAD, EASTERSIDE, MIDDLESBROUGH – REF: MBRO/PRO/182

The Committee was advised that Agenda item 3 related to a Review of the Licence and Agenda item 4 related to an application to Transfer of the Premises Licence for the same premises, the Grove Public House, Easterside, Middlesbrough, Ref: MBRO/PRO/182.

Because a considerable amount of the evidence to be submitted for each case was identical and detailed, the Principal Licensing Officer proposed that both items 3 and 4 should be dealt with together in order to avoid duplication and repetition. This was agreed by all parties to be a sensible approach.

Two reports of the Head of Community Protection were submitted which outlined the application for a Review of the Premises Licence requested by Cleveland Police and also a request for the Transfer of the Premises Licence for the Grove Public House, Easterside, requested by Admiral Taverns (Pyramid) Limited.

The report dealing with the Review set out a summary of current Licensable Activities and operating hours. Full details of the application were attached at Appendix 1 together with additional evidence from the Police in support of their application which had been sent to the Premises Licence Holder and to the Licensing Office. The reason for the review was based on crime and anti social behaviour and concerns from local residents. Representations had been received from two named local residents on the grounds of public nuisance, two anonymous written representations on the grounds of crime and disorder and public nuisance and Cleveland Fire Brigade based on grounds of public safety. It would be necessary for the Committee to determine how much weight to attach to the two anonymous representations.

The second report dealing with the application to transfer the premises licence contained details of the application which had been made by Admiral Taverns (Pyramid) Limited and set out information on the representation which had been made by Cleveland Police objecting to the transfer on the grounds that the exceptional circumstances of the case were such that the granting of the application would undermine the crime prevention objective

Police Representation

The Legal Representative for the Police presented the case for the Review including oral evidence and written statements from the following:

Police Sergeant 944 Paul Higgins

Sergeant Higgins confirmed his written statement which identified evidence of the following three key issues:

- a) Crime and disorder occurring on the premises in the last three years including four incidents resulting in serious injuries.
- b) Customers taking ownership of the premises including underage drinking, openly taking drugs, anti social behaviour and having no respect for the authority of the staff.
- c) Drugs mis-use and underage drinking.

Sergeant Higgins also referred to Police incident logs for the premises which had been circulated prior to the meeting, the number of visits made by the police to the premises and the huge impact attending to these incidents made on officers' time.

Members heard details of incident logs and how the number of visits by the police to the premises had had a huge impact on police resources. It was also reported that over the last five years the police had attempted to work with the managers of the premises in an attempt to resolve problems such as underage drinking, after hours drinking and fighting on the premises. However, it was confirmed that the situation had become irretrievable.

In response to a query Sergeant Higgins replied that in his opinion nothing could be done to rescue the Grove Public House, no one would be able to make it a safe environment. When asked by the legal representative whether the transfer of the licence would improve the situation, Sergeant Higgins replied that the situation was so bad that whoever held the licence would not make a difference.

Sergeant Higgins asked Members to note that a public house in close vicinity of the premises had not suffered similar problems.

Police Constable 1788 Peter Addison

PC Addison confirmed his written statement.

Evidence was also presented to the Committee by PC Addison, the local beat officer for the Easterside Estate. This included details of residents on the estate fearing for their own personal safety when walking nearby the premises in the dark, youths congregating outside the premises. PC Addison also provided details of how the quality of life of the residents had improved since the premises had closed. It was also noted that incidents of anti social behaviour had ceased.

Martin Harvey – Neighbourhood Manager - Easterside area

Martin Harvey, the Neighbourhood Manager was present and confirmed his statement which had been submitted.

Mr Harvey advised that the premises had suffered a quick turnover of managers. He had requested that the Pyramid Pub Company meet with residents and discuss their concerns, whereupon residents were offered reassurances that the premises would improve. It was acknowledged that circumstances did improve slightly in 2005 however in the last 6-8 months

problems on the premises had occurred. Mr Harvey confirmed that he had personally witnessed drugs use at the rear of the premises and the premises were a haven for every illegal activity, under age drinking, sale of counterfeit goods, drug use and trafficking. It was out of control. When asked by the Police legal representative what he considered should happen to the premises he replied that it should be closed down as it hugely affected local residents' lives.

Cleveland Fire Brigade

Members heard representations from Cleveland Fire Brigade and how they required a number of fire related issues to be carried out to the premises to comply with the Fire Precautions (Workplace) Regulations 1997 as amended.

Ms Janice James – Former Designated Premises Supervisor

The Committee had also heard details of the statements of Ms James, former Designated Premises Supervisor. Particular reference was made to an incident on 4 March 2006 when she had attempted to prevent a customer drinking his own beer on the premises, resulting in criminal damage being caused to the premises by the customer. Also despite Ms James' attempts to prevent drugs use on the premises she had continued to find white packets of powder

Mrs James had provided a written statement which indicated that she had not been able to effect change in the premises and at times had felt vulnerable and intimidated by the clientele. She had had no help or support from Pyramid and was expected to pay for such things as door supervisors etc herself.

The premises had been burgled four times and the CCTV stolen. A number of customers were causing trouble. Mrs James had initially taken a six month's lease but due to the circumstances she had closed the premises early. Nothing had been resolved through her efforts. Mrs James had commented in her statement to the Police that "the problems at the premises were so deeply seated that the best thing that could happen would be for it to close forever as a pub".

The legal representative for the Police confirmed that there was nothing further to add to the information already provided.

Admiral Taverns (Pyramid) Limited

Mr S Jones, the Solicitor representing Admiral Taverns (Pyramid) Limited, the owners of the premises was invited to present his case.

He explained to the Committee the difference between a managed house and a tenanted house and explained that the upkeep of the building was J James' responsibility and not the Company's as she was the tenant.

He advised the Committee that no evidence had been produced to the detriment of the Company itself. He agreed that Admiral Taverns were not disputing that the Police had justified concerns, but that there were other options available to improve the operation of the premises rather than revocation of the licence.

The legal representative advised the Committee that there was also an application from Admiral Taverns (Pyramid) Limited for a transfer of the premises licence. He added that he believed that the Police had misunderstood the application to be for a change of Designated Premises Supervisor and he had clarified the situation with the Police prior to the meeting.

The Committee was advised that instead of revoking the licence, they were being invited to remove the Designated Premises Supervisor, modify the conditions and suspend the premises licence subject to certain conditions which the legal representative confirmed would be funded by Admiral Taverns.

It was also confirmed that Admiral Taverns would undertake to fence off the area at the rear of the premises to prevent public access.

There would be no off sales in the premises and patrons would be not be allowed to drink outside.

It was also proposed to erect a partition to close off the back room of the premises from public use.

The legal representative suggested that if the Grove Public House was operated by the right person it would be possible to trade in a manner which showed improvement.

In response to a query by the Council's legal representative, it was confirmed that all the improvements at the premises would be funded by Admiral Taverns (Pyramid) Limited.

Both parties were invited to summarise their cases.

The Chair confirmed that there were no further questions and those present, other than representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee determined the application.

At this point the Chair proposed that the decision of the Committee should be made and then put in writing to both parties. This was confirmed by both the Police and Admiral Taverns to be acceptable and in accordance with the Regulations of the Licensing Act 2003.

DECISION

ORDERED as follows:

1. That the Premises Licence for the Grove Public House, 95 Broadwell Road, Easterside, Middlesbrough be revoked.
2. That as the premises licence had been revoked, Members determined that there was no longer a licence to transfer and therefore the application to transfer the Premises Licence was refused.

In reaching the above decision Members had considered the following:

- a) The written representations from local residents on the grounds of crime and disorder and public nuisance.
- b) The four licensing objectives and the Guidance to the Licensing Act, in particular paragraphs 5.99 to 5.111 inclusive.
- c) The information presented by the Police and Admiral Taverns (Pyramid) Limited.

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

- that there was a clear history of Crime and Disorder linked to the premises and it was not disputed by Admiral Taverns (Pyramid) Limited that the Police had justified concerns;
- that, despite efforts by the Police to work with previous managers at the premises, Crime and Disorder continued to occur both at and immediately outside of the premises;
- Members had noted details of incidents over the last three years which included the following:-
 - on 26 December 2005 major scenes of disorder occurred on the premises and a male was left with a serious head wound;
 - on 4 October 2005 a female was assaulted at the premises and taken to hospital with a head injury;
 - on 16 October 2005 a partner of a member of staff was stabbed five times by a customer whilst ejecting him, the knife puncturing his lung and left kidney;

- on 30 October 2005 a fight broke out at the premises and a male was arrested, damaging a police vehicle whilst Police attended the premises
- that there had been a quick turnover of managers at the premises in the last five years (one of the managers actually closing down the premises himself due to crime and disorder occurring) and members took the view that installing a new Designated Premises Supervisor would not resolve the problems;
- that a public house in close vicinity of the premises had not had similar problems, therefore there were clear managerial issues at the premises;
- that, following a disturbance at New Year 2006, resulting in the designated premises supervisor no longer working at the premises and the premises remaining closed for a short period, the premises re-opened without there being in place a current designated premises supervisor;

That in connection with the application by Admiral Taverns (Pyramid) Limited for a transfer of the premises licence, having regard to paragraph 5.80 of the Guidance to the Licensing Act 2003, Members considered that there were no exceptional circumstances in which a transfer would undermine the crime prevention objective as there was no evidence of any criminal activity linked to Admiral Taverns (Pyramid) Limited. However, as the premises licence had now been revoked, Members determined that there was no longer a licence to transfer, therefore the application was refused.

**LICENSING ACT 2003: APPLICATION TO VARY PREMISES LICENCE
CORNERHOUSE, 8 EXCHANGE PLACE, MIDDLESBROUGH, REF NO MBRO/PRO216**

The Committee was advised that this application had been withdrawn prior to the hearing.