

LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 25 July 2006.

PRESENT: Councillor Mawston (In the Chair); Councillors Lancaster and Heath.

OFFICIALS: M Caveney, J Dixon and T Hodgkinson.

ALSO IN ATTENDANCE: R Arnot, Mincoffs Solicitors – Legal Representative for the Licence Holder, Barry's Pub Co Ltd;
W Gray – Legal Representative for the Police;
PC Graham and WPC Helyer, Police Licensing Section.

****An APOLOGY FOR ABSENCE** was submitted on behalf of Councillor B Taylor.

APPOINTMENT OF CHAIR: Councillor Mawston was appointed Chair for the duration of the meeting.

(Councillor Mawston in the Chair).

APPOINTMENT OF SUBSTITUTE: Councillor Heath was in attendance to act as a substitute in place of Councillor B Taylor.

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

LICENSING ACT 2003: APPLICATION FOR REVIEW OF PREMISES LICENCE - THE BLUE LOUNGE, 208 LINTHORPE ROAD, MIDDLESBROUGH - REF. NO. MBRO/PR0385.

A report of the Head of Community Protection had been circulated outlining an application for a review of the Premises Licence for The Blue Lounge, 208 Linthorpe Road, Middlesbrough, Ref No. MBRO/PR0385.

Summary of Current Licensable Activities

Sale by retail of alcohol for consumption on and off the premises.
Regulated entertainment including live and recorded music, dancing and films.
The provision of late night refreshment.

Summary of Current Hours of Licensable Activities

Sale by retail of alcohol – 11.00am to 2.00am Monday to Saturday;
12.00 noon to 1.00am Sunday;
12.00 noon to 2.00am on Sundays preceding a Bank Holiday.

Regulated Entertainment and Late Night Refreshment – 11.00am to 2.30am Monday to Saturday;
12.00 noon to 1.30am Sunday;
12.00 noon to 2.30am on Sundays preceding a Bank Holiday.

The Principal Licensing Officer advised that, prior to the meeting, the Licence Holder (Barry's Pub Company Ltd.) had reached agreement with the Police to attach four additional conditions to the existing Premises Licence for the Blue Lounge which would satisfy the Police that its concerns regarding the premises were being addressed.

Details of the Application

An application from Cleveland Police was received on 8 June 2006 for a review of the premises licence for the Blue Lounge. The Police stated that test purchase operations were carried out at the premises on 10 November 2005 and 18 May 2006 and alcohol had been served to underage persons on both occasions. There had also been a number of incidents of crime and disorder at

the premises that had caused concern. Full details of the application were attached at Appendix 1 to the submitted report.

The Police had confirmed that copies of the application were served on all responsible authorities and Barry's Pub Company Ltd on 8 June 2006. In addition, Licensing Officers posted a notice on the premises and in the Council's offices on 8 June advertising the review application, in order to fulfil the requirements of the Licensing Act 2003. No further representations were received following the 28 day consultation period.

Members had been issued with a copy of the following documents which formed the basis of the application for review from the Police:-

- Witness Statement of PC 78.
- Premises Licence Enquiry.
- Police representations dated 5 July 2005.
- Operating Schedule – Blue Lounge.
- Agreed conditions dated 2 November 2005.
- Letter from the Licence Holder's solicitor dated 2 November 2005.
- Letter to Premises Supervisor dated 12 December 2005.
- Adult Caution Form – Premises Supervisor – dated 1 December 2005.
- Event Chronologies.

Applicant in Attendance

The legal representative for Cleveland Police presented the case for a review of the Premises Licence for the Blue Lounge.

The application for review was predominantly based on Police concerns regarding the sale of alcohol to underage persons on the premises, in addition to a number of incidents of crime and disorder. Following the application, it was advised that the Licence Holder had fully co-operated with the Police to make improvements in dealing with the issues of concern and had agreed to attach four proposed conditions to its existing Premises Licence.

PC Graham addressed the Committee providing further details in relation to the two instances of test purchases that had led to alcohol being served to two underage persons on both occasions. The incidents had occurred on 10 November 2005 and 18 May 2006 respectively. The Designated Premises Supervisor at that time, had been cautioned following the first offence and following the second offence he had stated during interview that he was also Designated Premises Supervisor of the Redcar branch and only spent a minimal amount of time at the Middlesbrough Premises. A number of incidents of crime and disorder on the premises had also led to Police concerns.

Since the application for review was made, PC Graham reported positive discussions had taken place with the licence holder and agreement had been reached in respect of four conditions being added to the existing Premises Licence.

PC Graham added that the Police were more than happy with the relationship it had with Barry's Pub Company and felt that the additional conditions on the licence and improvements made by the Company would ensure that underage sales on the premises would not occur again.

Relevant Representations

The Legal Representative for Barry's Pub Company was invited to present the case for the Licence Holder.

The Committee was advised that the employee who had made the sale of alcohol to the underage persons had previously received the appropriate training but had let the Company down. It was confirmed that the Company had now employed a trainer to ensure all new and existing members of staff were fully aware of their responsibilities. The Legal Representative stated that the Licence Holder was happy to agree to the additional conditions proposed by the Police.

A Member of the Committee referred to the letter of 2 November 2005, contained within the papers previously circulated, from the Licence Holder's solicitor to the Police, setting out the employment levels of door supervision. It was noted that the test purchase operations had been carried out on Thursday evenings when no door supervisors were employed and it was queried whether the test purchasers would have gained access to the premises if a door supervisor had been employed on those evenings. The Legal Representative advised that the member of staff who had made the underage sale had been interviewed and subsequently disciplined and that it was the bar staff's responsibility not to serve alcohol to persons who were underage. Door Supervisors were not employed on Thursday evenings as the premises were generally quiet.

In response to a query it was confirmed that Mr Vincent was no longer the Designated Premises Supervisor and that this had transferred to Ms King.

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 Premises Licence for the Blue Lounge be retained but modified to include the following conditions:-
 - i) A Personal Licence Holder to be present at all times that the premises is open for licensable activity.
 - ii) Full induction training to be provided to and completed by every new member of staff and refresher training given to existing staff every six months to ensure an up to date knowledge of the licensing laws and training records to be kept fully updated.
 - iii) Each till to have a till prompt reminding the staff member using the till that each customer must be over 18 years of age.
 - iv) A refusals book to be kept and to be made available to Police and Council Licensing Officers.
2. That a warning be given to the Licence Holder in relation to the future operation of the Blue Lounge and that should any similar incidents of underage sales be brought to the attention of the Licensing Committee, strong action would be taken.

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

1. Information provided by the Police Legal Representative and PC Graham, both written and verbal.
2. Information provided by the Licence Holder's Legal Representative, both written and verbal.
3. The following licensing objectives:-
 - Prevention of Crime and Disorder.
 - Public Safety.
 - Protection of Children from Harm.

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

1. That there had been a change in the Designated Premises Supervisor from Mr Vincent to Ms King.
2. That the incidents of underage alcohol sales and crime and disorder had occurred due to poor supervision of the premises.