



**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR**

OBJECTION TO TEMPORARY EVENT NOTICES

Premises User: Andrew Blackburn

Ref.No.MBRO/PR0349

Premises: Chicago Rock Café, Wilson Street, Middlesbrough

Application received : 7 June 2007

Summary of the nature of the proposed events:

Extension of Alcohol Hours

Summary of proposed date and time of events:

23 June 2007 01.30 to 02.30 with close at 03.00

30 June 2007 01.30 to 02.30 with close at 03.00

Full details of the applications have been reproduced at Appendix 1.

1. Notification to Police:

A copy of the Temporary Event Notices was delivered to Cleveland Police on 6 June 2007

2. Legislation

Section 8.16 of the Government Guidance in relation to The Licensing Act 2003 makes it clear that when considering a Temporary Event Notice, the Licensing Authority is confined in the hearing, to consideration of the crime prevention objective and that it cannot uphold an objection notice on other grounds, such as public nuisance.

3. Background

The premises consists of a Public House in Middlesbrough town centre trading with the benefit of a Premises Licence. A copy of the current Premises Licence summary is reproduced at Appendix 2 of this report.

On 27 July 2005 an application was received to convert and vary an existing licence to a premises licence under the Licensing Act 2003. This licence was granted on 25 August 2005.

On 29 September 2006 an application was received from Cleveland Police for a review of the Premises Licence for Chicago Rock Café on the grounds of the prevention of crime and disorder and public safety. Following a hearing on 21,22 and 23 November 2006 members determined the following :

- 1) That the licensable activity of Boxing and Wrestling be removed from the Premises Licence.
- 2) The following conditions be added to the Premises Licence:
 - i) The dispersal policy annexed to the Premises Licence shall be observed at all times
 - ii) A headcam will be used by a dedicated member of staff with recordings being made available to the Police and local authority.
 - iii) A Door Supervisor Standards of Service Requirement and Incident management Protocol (including ejection policy) which are annexed to this Premises Licence will be observed at all times.
 - iv) All licensable activities shall cease at 01.30 hours with premises closing at 02.00 hours seven days a week.
 - v) The last admission time will be 00.45 hours.
 - vi) An approved bottle bank to be used during trading hours.
 - vii) On any occasion when the premises is open after 20.00 hours a minimum of three SIA registered door supervisors to be on duty until closing time and when there are more than two hundred persons within the premises there will be an additional SIA registered door supervisor to every 100 patrons.
 - viii) A light patrol system to be in full use and exercised every thirty minutes during trading hours.
 - ix) A male and female toilet attendant to be on duty in the male and female toilets from 21.30 hours until 01.45 hours every night.
 - x) Within three months of the review of the premises licence by Middlesbrough Council a meeting will be held between the appropriate area manager of Luminar Leisure Ltd and Cleveland Police to review the number of incidents occurring at the premises and if Cleveland Police feel it necessary, the Premises Licence will be referred back to the Licensing Sub Committee of Middlesbrough Council for it to consider whether it should exercise its powers under Section 52(4) of the Licensing Act 2003.

4. The Objection

On 18 January 2006 an objection notice and accompanying letter was received from Cleveland Police under Section 104 Licensing Act 2003 which objects to the Temporary Event Notice under the grounds of crime and disorder. (see Appendix 3).

5. The Licensing Policy

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

Crime and Disorder

Pages 17 and 18

And any other sections of the Policy which Members consider to be relevant.

7. Guidance to the Licensing Act 2003

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

Crime and Disorder	Starting at para 7.20 Annex D
Temporary Event Notices	Starting at Para 8.1, especially Para 8.13 and Para 8.16

And any other sections of the Guidance which Members consider to be relevant.

8. Members' Options

Members may consider the following options:

1. To allow the Temporary Event to take place consistent with the application.
2. Uphold the objection by the Police on the grounds of the prevention of crime and disorder and issue a counter notice to the premises user under Section 105(3) Licensing Act 2003.

Members are reminded that any aggrieved party (i.e. Premises User, Chief Officer of Police) may appeal any decision of the Licensing Committee to the Magistrates Courts.

Contact Officer: John Hodgson
Senior Licensing Officer
Tel. 728719

Ed Chicken
Head of Community Protection
Date 30 January 2006

For admin use only:

Decision:

Reasons: