

## LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 14 April 2008.

**PRESENT:** Councillor Taylor (Chair); Councillors Jones and Morby.

**OFFICIALS:** J Dixon, T Hodgkinson and Steve Vickers.

**ALSO IN ATTENDANCE:** Mr A Ghafoor – Licence Holder; Mrs Ghafoor.  
 N Aftab – Licence Holder's legal representative.  
 C Goodwin – Barrister representing Licence Holder.  
 D Lester – Licensing Consultant acting on behalf of Licence Holder.  
 Sergeant P Higgins, PC Walker – Police Licensing Unit.  
 PC Malcolm – Thorntree Community Police Officer.  
 J Smith – Barrister representing Cleveland Police.  
 S Upton – Middlesbrough Trading Standards.  
 W Greer – Barrister representing Middlesbrough Council.  
 R Crawford – Erimus Housing Officer: Thorntree.  
 S Crick – Neighbourhood Safety Officer (MBC).  
 R Carter-Bonsteel, V Carter-Bonsteel – Thorntree Residents' Association.  
 I Green – Witness (Thorntree resident).

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

There were no Declarations of Interests made at this point in the meeting.

### **LICENSING ACT 2003: REVIEW OF PREMISES LICENCE – ROBINS GENERAL DEALERS AND OFF-LICENCE, CINDERWOOD, CARGO FLEET LANE, MIDDLESBROUGH - REF. NO. MBRO/PRO276**

A report of the Head of Community Protection had been circulated outlining an application for Review of a Premises Licence in relation to Robins General Dealers and Off-licence, Cinderwood, Cargo Fleet Lane, Middlesbrough, Ref No. MBRO/PR0276, as follows:-

#### Summary of Current Licensable Activities

Sale by retail of alcohol for consumption off the premises.

#### Summary of Current Hours of Licensable Activities

Sale of alcohol:	8.00am – 11.00pm	Monday to Saturday.
	10.00am – 10.30pm	Sunday.

Full details of the application for review were attached at Appendix 1 to the submitted report.

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

The current licence holder, Mr Ghafoor, accompanied by his wife, legal representative, independent licensing consultant and barrister, was present at the meeting and confirmed that copies of the report and Regulation 6 Notice had been received.

#### **Details of the Application**

The Principal Licensing Officer confirmed that there were no absent parties and, with the consent of the Chair, the barrister representing the licence holder addressed the Committee.

The barrister representing the licence holder stated that the lengthy statement submitted by Trading Standards had included minutes of the meetings of the Cs Residents' Group, however, some of those minutes appended referred to minutes from other meetings of the Group which

had not been appended. The barrister considered the omitted minutes to be potentially relevant to the Hearing and requested that the minutes from the following meetings be provided:-

- 6 March 2006
- 4 July 2006
- 3 October 2006
- December 2006
- January 2007
- February 2007
- March 2007
- July 2007

The barrister also requested that the following information be provided as she considered it to be relevant to the Hearing:-

- Details of test purchase operations previously carried out at the premise, including how many test purchase exercises, when carried out and over what period of time, how many refusals were noted and the ages of the individuals sent into the shop.
- The mobile telephone footage referred to by Mr Crick within the Statement submitted from Trading Standards and whether that footage was reported to the Police (and if not why not).
- Details in relation to Street Wardens, as referred to in the Statement submitted by Trading Standards, namely: the number of Street Wardens operating in the immediate vicinity of the premise, when the use of Street Wardens in the area first commenced, their job description and remit, the area they operated in generally and how often they attended Cinderwood.
- Details of the Community Impact Statement meeting dated 20 March 2008, referred to in the Police Statement.
- Arising from the above Community Impact Statement meeting, a breakdown of the schedule in relation to location of incidents in Thorntree ward.

The barrister representing the Council responded that due to practicalities it would obviously take some time to obtain and reproduce the information requested.

The Council's legal representative advised that, as the minutes of the Residents' Group meetings had already been disclosed, they were relevant to the Hearing. The barrister representing the licence holder expanded on the reasons for requesting the other items of information and their relevance to the Hearing. The Council's legal representative agreed that attempts to obtain the information should be made as it could be referred to during cross examination.

Subsequently, the Committee proposed that the Hearing be adjourned for a period of two and a half hours in order for the relevant parties to attempt to obtain the information requested.

All parties were agreeable to the proposal and, at 10.50am the Hearing was adjourned and all parties were requested to return at 12.30pm to update the Committee and assess the situation.

At 12.30pm, all parties returned and the Hearing reconvened. It was confirmed that the following information had been obtained:-

- Street Warden job description.
- Details of incidents that had occurred in Cinderwood between January 2007 and March 2008.
- Details of previous test purchasing exercises carried out at the premise, including dates, times and ages of test purchase volunteers.
- The mobile telephone footage referred to in a statement made by Mr Hilton, Street Warden. (Mr Hilton was now in attendance at the meeting).
- The majority of the requested minutes of the local residents' group meetings.

- A breakdown of incidents between 4 February and 16 March 2008. It was noted that the document required editing (to maintain anonymity) and it was highlighted that it would be useful if the document could be cross-referenced with the Street Warden reports.

Concerns were expressed regarding the time constraints in relation to examining the additional information and the commencement of the Hearing. The Committee subsequently agreed that the Hearing again be adjourned to allow time for editing and cross-referencing.

All parties were agreeable to the proposal and, at 12.45pm the Hearing was adjourned until 2.00pm.

At 2.00pm, all parties returned and the Hearing reconvened. It was summed up that the current position was that the documents requested had just been handed over and time should be allowed to consider the information.

It was subsequently agreed, by all parties, that the Hearing should be adjourned in order to avoid a 'part heard' situation and to afford the opportunity to consider the additional information and obtain any further relevant information.

At 2.10pm the Hearing was adjourned to a date to be determined by the Committee.

**ORDERED** that the Review of Premises Licence in relation to Robins General Dealers and Off Licence, Cinderwood, Thorntree, Middlesbrough, Ref No. MBRO/PR0276 be adjourned until Tuesday, 29 April 2008 at 10.00am.