

LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 5 May 2009.

PRESENT: Councillor Taylor (Chair); Councillors Carter and G Rogers.

OFFICIALS: C Cunningham, J Dixon and T Hodgkinson.

ALSO IN ATTENDANCE: Chief Inspector Smith, Cleveland Police
Sergeant Higgins, PC Malcolm – Cleveland Police Licensing Unit
J Smith – Police legal representative.
M Nevison – Police solicitor.
S Foster – Licence holder's legal representative (Regent Inns)
N McCann – Licence holder's solicitor (Regent Inns)
T Carey – Area Manager, Regent Inns
J Fox – Audit Manager, Regent Inns
B Hanson – Manager, Walkabout

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

LICENSING ACT 2003: REVIEW OF PREMISES LICENCE – WALKABOUT, 28-32 CORPORATION ROAD, MIDDLESBROUGH - REF. NO. MBRO/PR103

A report of the Head of Community Protection had been circulated outlining an application for Review of a Premises Licence in relation to Walkabout, 28-32 Corporation Road, Middlesbrough, Ref No. MBRO/PR103, as follows:-

Summary of Current Licensable Activities

Sale of alcohol, live music, recorded music, dancing, films, late night refreshment, performance of dance, activities like music/dancing, facilities for making music, facilities for dancing.

Summary of Current Hours of Licensable Activities

All licensable activities	Monday to Saturday	11.00am – 2.00am
	Sunday	12.00 noon – 2.00am

Also an additional hour on selected days annually.

A copy of the current Premises Licence was attached at Appendix 1 to the submitted report and full details of the application for review, submitted by Cleveland Police, was attached at Appendix 2.

At the commencement time of the hearing, 10.00am, the Police legal representative and the Licence Holder's legal representative requested an extension of time in which to discuss a possible compromise in relation to the review. Permission was granted by the Committee and an update was requested at 10.15am.

At 10.15am, the Police legal representative advised the Committee that discussions were proving to be constructive and requested that permission be granted to continue and to put into writing potential conditions to be attached to the current Premises Licence which would be presented before the Committee for consideration. The Chair subsequently granted permission to continue and asked that the Committee be updated again at 11.00am.

At 11.00am, the Police legal representative returned and advised that a consent agreement was being drawn up and that they anticipated presenting the agreement to the Committee at 11.20am.

At 11.20am, the Committee was presented with a consent agreement drawn up between the Police and Walkabout (Regent Inns). At this point the Committee retired in order to consider the consent agreement and would advise all parties when the hearing would commence.

At 11.45am all parties were requested to join the meeting and the Chair introduced those present and outlined the procedure to be followed at the meeting.

The Council's legal representative highlighted that the reports and evidence of both parties had been served on all interested parties prior to the Hearing and that the Committee Members had studied all the documentation. The Committee had also had time to consider the proposed consent agreement drawn up between the Police and Walkabout and requested that, if all parties were agreeable, discussion/questions be focussed on the consent agreement. All parties confirmed that they were agreeable to this.

Cleveland Police

The Police legal representative summarised that Cleveland Police had brought the application to review the premises licence of Walkabout for the reasons highlighted at page 3 of the application for review. Including:-

- Concerns regarding the significant amount of incidents which had resulted in undermining the licensing objectives.
- Incidents included people being injured whilst inside the premises, some requiring hospital treatment and a number of glass-related injuries.
- Number of reports regarding door supervisors assaulting members of the public and disturbing photographs in the public domain of door staff with an array of weapons.
- Three sales of alcohol to underage persons in less than one year.

It was highlighted that levels of violence had started to decrease at the premises since the door staff had been replaced with a completely new Security firm. In light of the positive discussions which had taken place between the Police and Walkabout prior to the meeting, the Police now proposed 12 conditions to be attached to the Premises Licence and also a temporary reduction in hours which would allow the Police to continue to closely monitor the premises.

Walkabout (Regent Inns)

The Walkabout legal representative summed up that Members had now read Regent Inns evidence. Following a meeting with Police to address concerns in November 2008, a new digital CCTV system had been installed and, following concerns raised in relation to door staff during a meeting in January 2009, the door team was dismissed and a new security team employed. The premises had also installed a Vista ID scanner at a cost of approximately £6,000.

It was highlighted that only one incident had occurred at the premises throughout March and April and it was believed the vast reduction was due to the new measures introduced at the premises. The legal representative added that Walkabout wished to work with the Police and would be happy to comply with a temporary reduction in hours to ensure that the new measures were working.

Questions from Members

Members of the Committee were afforded the opportunity to ask questions and the following issues were raised:-

- Reference was made to page 5, paragraph c), of Regent Inns evidence which stated that Walkabout was willing to make "a voluntary reduction in capacity to 340 for each floor." However, the consent agreement referred to a reduction in capacity to 730 which was 60 more than that referred to in the evidence. Regent Inns legal representative advised that following the concerns raised by the Police during their meeting with the premises management in January 2009, Walkabout proposed a number of interim measures including a reduction in capacity to 680 which was a massive reduction from the 900 capacity. What

was now being proposed, as a condition of the licence, was to reduce the overall capacity to 730. This would be a permanent reduction.

- In response to a query, the Internal Audit Manager for Regent Inns confirmed that the security staff at Walkabout did not wear 'headcams' at the door, however, there was a facility to put that in place should it be required.
- In response to a query from a Member in relation to whether a light patrol would be made by staff around the premises, particularly the toilets to check for incidents, the legal representative for Regent Inns stated that since the introduction of the new CCTV system, id scanner and security staff, the number of incidents had dramatically reduced and it was not felt necessary to carry out patrols at the present moment. It was highlighted that there was a difference between placing conditions on the licence and conditions on the door staff. Incidents would be monitored by Phoenix Security and any additional security measures, such as regular patrols in toilets, or wearing of headcams, would be agreed in conjunction with the security team and Designated Premises Supervisor.
- A Member of the Committee highlighted that particular problems had occurred on the first floor of the premises and it was queried whether there would be any further reduction in capacity to the first floor. It was confirmed that the proposed reduction in capacity to 730 would be an equal split across ground floor and first floor levels.
- Reference was made to the paragraph 5)e) of Regent Inns evidence which stated that new a CCTV system had been installed which had been inspected by the Police who provided positive feedback. PC Malcolm confirmed that he had spoken with the DPS at the premises and had inspected the new CCTV system and was more than happy with it.
- In response to a query as to how often maintenance checks were carried out on the CCTV system, the Internal Audit Manager responded that it was checked approximately every six months or when requested. It was highlighted that the new 'state of the art' system which had been installed highlighted when an error occurred in order for an engineer to be called. The Internal Audit Manager also highlighted that she was able to access the system via a dialling facility at Head Office.
- The Committee expressed concern at the number and severity of the incidents which had taken place on the premises and considered that poor management had allowed such incidents to occur. The legal representative for Regent Inns responded that the Company was keen to ensure the DPS and Area Manager met regularly with the Police to discuss any incidents.
- The Internal Audit Manager was asked whether a designated person would be nominated to liaise with Sergeant Higgins and to report specific incidents and also to pass this information to her in order for her to monitor the premises. The Internal Audit Manager responded that this practice was already in place at Sergeant Higgins' request.
- Sergeant Higgins highlighted that the door staff at the premises kept an incident book and copies were passed to the Police and confirmed that monthly liaison meetings would take place.
- Reference was made to the Phoenix Security manual which had been circulated to Members and it was queried whether the premise's previous door staff had such a manual. It was confirmed that they did not. It was added that Phoenix Security was a professional security firm with appropriate procedures and risk assessments in place which were having a very beneficial impact on the premises.

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 Committee agree to the consent agreement submitted by both parties, namely the police and the Premises Licence Holder on the following terms:-

That the conditions of the licence be modified to include the following:-

- a) Door supervisors to be trained in respect of the policies of Regent Inns Plc.
 - b) Door supervisors to be employed on Friday and Saturday after 21.00 hours (and after 21.00 hours on Sunday to Thursday when the venue is open later than 22.00 hours) at a ratio of two door supervisors for the first 100 customers and one per 100 customer thereafter.
 - c) Training of staff by an external or internal training company shall be conducted on a six-monthly basis, covering all four licensing objectives and, in particular, the avoidance of underage sales.
 - d) A Personal Licence Holder to be on the premises at all times after 18.00 hours when licensable activities are taking place.
 - e) At all times when Middlesbrough Football Club play home matches, polycarbonate or other appropriate non-glass vessels will be used. Any drinks which would normally be served in glass bottles will be decanted at point of sale into polycarbonate or other appropriate non-glass vessels. On these match-days, no glass will cross into the customer areas at any time.
 - f) In Surfers bar (first floor bar) only polycarbonate or other appropriate non-glass vessels will be used. Any drinks which would normally be served in glass bottles will be decanted at point of sale.
 - g) In Walkabout bar (ground floor bar) from 19.00 hours daily, only polycarbonate or other appropriate non-glass vessels will be used. Any drinks which would normally be served in glass bottles will be decanted at point of sale. Management in all instances will supervise the removal of glass vessels at above stipulated time (19.00 hours).
 - h) The premises will use an approved ID system, to prevent underage persons being allowed access into the premises.
 - i) The capacity of the premises will be limited to 730.
 - j) Toilet attendants and glass collectors will carry radios at all times and report any disturbance or disorder within the premises to the manager or door supervisors immediately.
 - k) Challenge 25 policy is in use within the premises including appropriate signage around the venue.
 - l) The Premise Licence Holder shall not run any externally promoted student events from the Premises without prior approval from the Police.
2. That the Premises Licence hours be amended for a period of 3 months from the 5 May 2009 until Midnight on the 4 August 2009 as follows:-
 - a) The sale of alcohol on and off the Premises will be 11.00am to 1.00am Monday to Saturday, 12 noon to 12.30am on Sundays and 11.00am to 1.00am on non standard times.

- b) The premises opening hours will be 11.00am to 1.30am Monday to Saturday, 12 noon to 1.00am on Sundays and 11.00am to 1.00am on non standard times.
- 3. The Committee gave the Premises Licence Holder a strong warning regarding future conduct within Walkabout and advised that both parties must liaise in order to protect and look after patrons visiting the premises for an enjoyable night out without threat of violence and disorder which had occurred at the Premises.