

LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 3 November 2010.

PRESENT: Councillor Taylor (Chair); Councillors Lancaster and Williams.

OFFICERS: J Dixon, A Gray and T Hodgkinson.

ALSO IN ATTENDANCE: M Nevison, Cleveland Police Legal Representative.
PC Helyer, Cleveland Police.
J Hatton, Head of Legal Services, Cleveland Police.
H Broadfoot, Trust Inns Plc (Premises Licence Holder).
T Shield, Legal Representative for the Premises Licence Holder.

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

**** EXCLUSION – PRESS – PUBLIC**

ORDERED that the press and public be excluded from the meeting for the following items on the grounds that, if present, there would be disclosure to them of exempt information as defined in Paragraphs 1 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LICENSING ACT 2003: APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE – THE THORNTREE HOTEL, THE GREENWAY, THORNTREE, MIDDLESBROUGH - REF. NO. MBRO/PRO/347/019968

A report of the Head of Community Protection was circulated at the meeting outlining an application for a Summary Review of the Premises Licence for the Thorntree Hotel, The Greenway, Thorntree, Middlesbrough, Ref No. MBRO/PRO/347/019968, made by Cleveland Police under Section 53A of the Licensing Act 2003. A copy of the application for the Summary Review was attached at Appendix 1 and a copy of the existing Premises Licence was attached at Appendix 2 to the submitted report.

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

Details of the Application

The Principal Licensing Officer presented the report in relation to an application for a summary review of the Premises Licence in respect of the Thorntree Hotel, received on 2 November 2010, from Cleveland Police. At this stage Members were being asked to consider the request from Cleveland Police to take interim steps against the premises licence pending a full review of the licence which must be held within 28 days of receipt of the review application.

It was highlighted that the Licensing Act 2003 provided a procedure for a summary review of a Premises Licence by the Police which triggered a fast-track process to review premises where Police considered those premises to be associated with serious crime and/or disorder. The procedure allowed the licensing authority to respond by taking interim steps (which would take immediate effect), where appropriate, pending a full review.

It was acknowledged that the premises licence holder was entitled to make further representations in relation to any interim steps imposed at the summary review hearing at any time prior to the full review hearing taking place. A further hearing would need to be arranged within 48 hours for representations to be heard should an application be made by the premises license holder.

Clarification was provided in relation to the premises licence holder who was actually Trust Inns Plc and not the individual named within the application. The named individual was actually the Designated Premises Supervisor of the premises.

Applicant in Attendance – Cleveland Police

The Police legal representative advised that Superintendent Sellers had issued a Certificate under Section 53A (1)(b) of the Licensing Act 2003 stating that, in his opinion, the premises was associated with serious crime. Full details in relation to the reasons for this conclusion were outlined within the Police's application and the Certificate.

The Police legal representative requested that, for all the factors detailed within the report, the Premises Licence for the Thorntree Hotel be suspended.

Premises Licence Holder

The Business Development Manager from Trust Inns, (the Premises Licence Holder) and the Trust Inns legal representative were in attendance at the meeting.

The legal representative acknowledged that the Hearing was not the forum for making representations in relation to any interim steps that might be imposed, however, he explained that Trust Inns entirely reserved its position until the full review hearing as it had not had the opportunity to conduct a full investigation due to the short timescales involved. He added that Trust Inns had voluntarily closed the premises the previous day.

The legal representative indicated that the licence holder wished to co-operate with the Police and highlighted that Trust Inns owned more than 500 premises around the country and leased licensed premises to tenants and had no involvement with the day to day running of 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.

ORDERED that the Premises Licence in respect of the Thorntree Hotel, The Greenway, Thorntree, Middlesbrough, Ref No. MBRO/PRO/347/019968, be suspended, for the following reason:-

- i) The Committee was satisfied that the conclusion reached by the Police, that the premises was associated with serious crime.