

LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 1 December 2010.

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

OFFICERS: B Carr, C Cunningham and T Hodgkinson.

**** 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 on the grounds that, the public interest in doing so outweighed the public interest in the meeting, or that part of the meeting, taking place in public, as defined in Paragraph 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

LICENSING ACT 2003: DETERMINATION OF REVIEW OF PREMISES LICENCE - SPENSLEYS EMPORIUM/SECRETS – 1 ALBERT ROAD, MIDDLESBROUGH - REF. NO. MBRO/PR0234/19532

The Council's Principal Legal Officer referred Members of the Committee to the notice received from Cleveland Police, the Premises Licence Holder and Middlehaven Community Council advising Members that they wished to dispense with the hearing in respect of the above premises, under Regulation 9 of the Licensing Act 2003 (Hearing) Regulations 2005.

The notice requested that the local authority dispense with the hearing, as it would no longer be necessary, provided that the Premises Licence was modified to include the following condition:

"There shall be no regulated entertainment at the premises, at any time, which involves lap dancing, striptease or any other display of nudity by any persons".

The notice advised that a Mediated Agreement had been reached and agreed between the Premises Licence Holder, the Police and the Community Council, on the basis that it resolved the concerns that had been raised in their request for a Review dated 14 September 2010. The Review focused predominantly upon the provision of adult entertainment (lap dancing) in the first floor premises, which operated under the name of 'Secrets'. The condition, which had been agreed, removed the facility for lap dancing entertainment to take place from the whole of the premises. As a consequence, the hearing scheduled for 1 and 2 December 2010 was dispensed with.

The Principal Legal Officer advised Members that they should consider whether the application of the new condition on the Premises Licence would alleviate any concerns they had regarding the operation of the premises. Members were advised to consider the evidence they had before them and the notice to dispense with the hearing.

Members examined the application, written representations and the Notice received from the parties. Members identified the following areas of concern in addition to the problems on the first floor, with regards to the operation and management of the premises, which they considered would not be resolved solely by the prohibition of lap dancing, strip tease and nudity:-

- Continued poor management of the premises over a long period of time;
- Violence on the ground floor of the premises, three incidents of which had occurred as recently as October, which appeared to be independent of the problems on the first floor of the premises;
- The proposed use and management of the 1st floor of the premises, once the lap dancing had been prohibited;

- The attitude and capability of the Designated Premises Supervisor evidenced by the problems associated with the first floor of the premises, incidents which, occurred on match days and the previous repeated failures to operate and maintain the CCTV system effectively.

The Committee had also expressed concern that the current Premises Licence did not contain any conditions that specifically addressed the prevention of crime and disorder, public nuisance and protection of children from harm, in view of the recent problems at the premises.

Members referred to the Cleveland Police Documented Agreed Action Plan, drawn up by Cleveland Police in consultation with the Premises Licence Holder. It was highlighted that since the Action Plan had been operational, there had been a further three serious incidents of violence inside the premises. Reference was also made to the frequent breaches of the premises own "House Rules" and the repeated failure to comply with the requirements associated with the operation of the premises CCTV system.

The Committee suggested that in addition to the inclusion of the condition on the licence prohibiting lap dancing, strip tease and displays of nudity, further measures were necessary in order to promote the four licensing objectives. These measures could include the removal of the current Designated Premises Supervisor and the appointment of a suitable person to ensure that the premises were operated and managed in a responsible manner. The Committee also considered that additional conditions could be imposed in relation to the following:-

- 1) A requirement to employ door supervisors;
- 2) The use of text, pagers or radio connecting the Premises Licence Holder and the Designated Premises Supervisor to the Pubwatch CCTV system to alert the Police;
- 3) The banning of glass bottles and the introduction of plastic containers/toughened glass;
- 4) That no bottles/drinks to be taken outside the premises;
- 5) That an incident book be maintained at the premises and any incidents be reported to the Police;
- 6) That notices be erected to advise patrons that they should contact the Premises Licence Holder/Designated Premises Supervisor regarding any concerns they may have;
- 7) That a Personal Licence Holder be present at all times/weekends or busy periods;
- 8) That all staff receive appropriate training in respect of the conditions on the licence;
- 9) That the premises operate a proof of age policy;
- 10) That the conditions in relation to CCTV be improved and updated.

DECISION

The Committee decision was as follows:-

1. That the application of a condition to prohibit lap dancing, strip tease and nudity would not fully resolve the concerns that Members had identified regarding the operation and management of the above premises.
2. That a hearing be held to discuss and address the issues and concerns raised by Members, and in the interests of the public and other interested parties, that the hearing be scheduled at the earliest convenience.
3. That the Community Council could attend the hearing if they wished, however as their representation related only to the lap dancing element of the licence, it was not a requirement for them to attend.

4. That the Committee was satisfied that the parties would not be prejudiced by any irregularity (if any), in respect of the Hearing Regulations, as the decision to hold a hearing ensured that all parties were afforded the opportunity to respond and address the issues and concerns which had been raised.

5. That it be noted that a hearing has been scheduled for Thursday, 16 December 2010 at 10.00am in the Stainsby Room, Town Hall, Middlesbrough.