

**LICENSING SUB COMMITTEE C**

A meeting of Licensing Sub Committee C was held on 16 December 2010.

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

**OFFICERS:** B Carr, C Cunningham and T Hodgkinson.

**ALSO IN ATTENDANCE:** P.C. Fiona Hellier – Cleveland Police, Licensing Unit  
Sgt. Paul Higgins – Cleveland Police, Licensing Unit  
Mr M Foster – Mincoffs – Applicant's Legal Representative  
Mr S Spensley – Spensleys Emporium

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

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

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

The Council's Principal Licensing Officer referred Members of the Committee to the determination of the Review of Premises Licence, which was held on 1 December 2010.

At that meeting Members had considered the notice received from Cleveland Police, the Middlehaven Community Council and the Premises Licence Holder which 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".*

Members had examined the application, written representations and the Notice received from the parties. Members identified a number of 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.

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.

As a consequence, the Committee decided that a hearing should 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.

The Applicant's Legal Representative advised the Committee that since the previous hearing, the Police and the Premises Licence Holder had held numerous discussions with regard to the management of the premises. The Police and the Premises Licence Holder had proposed a number of conditions in addition to the condition in relation to the removal of lap dancing activities, to help prevent any future problems with the management of the premises. Staff had also received additional training and a copy of the upgraded training guide was circulated to Members of the Committee.

The representative from Cleveland Police advised that the aim of the Review was to remove the lap dancing activities and the associated crime and disorder from the premises. He advised that he was happy that the suggested conditions would alleviate any previous problems the police had experienced with the premises.

The Applicant's Legal Representative advised the Committee that the current Designated Premises Supervisor had worked for the business for a period of ten years. However because of the problems the Committee had identified, it was anticipated that Mr Lee Spensley would take over the role of Designated Premises Supervisor once he had recovered from his illness. In the

meantime, Mr Stephen Spensley had attended a Licensing course to assist with the running of the business.

### **Decision**

The Committee considered the application, documents supplied by both parties and the representations made by the Premises Licence holder and the police in respect of the issues and proposals set out in the letter to the parties dated the 2 December.

In view of the problems that had occurred at the premises relating to the lap dancing on the first floor, incidents of crime and disorder and management issues the committee considered it to be necessary and proportionate to take the following actions in order to promote the licensing objectives.

The Committee decided that the Premises Licence is to remain in force subject to the removal of the Designated Premises Supervisor and the addition of the following conditions on the licence.

1. There shall be no regulated entertainment at the premises at any time which involves lap dancing, strip tease or any other display of nudity by any persons
2. That a minimum of 2 Security Industry Authority registered door supervisors shall be employed at the premises on a Friday and Saturday from 10.00pm until the premises close, whenever the premises are open beyond midnight. This shall apply to the first 200 customers, with an additional 1 Door Supervisor for up to every additional 100 customers over the initial 200 customers.
3. That the Premises Licence holder will participate in the APEX radio scheme, or similar scheme ran in conjunction with Cleveland Police and Pubwatch, where the police or Pubwatch operate such a system.
4. Customers will not be permitted to take drinks outside of the premises, except in the designated smoking area.
5. An incident book shall be kept at the premises to be maintained at all times recording the time date and details of all incidents of crime and disorder at the premises. The incident book must be made available to the police, trading standards and licensing enforcement officers on request and / or during an inspection of the premises
6. Notices shall be displayed at the premises providing contact details for the management so that customers might have a point of reference to redress any concerns or provide feedback.
7. That a Personal Licence Holder be present at the premises on Friday Saturday and Sundays from 8.00pm until the premises close.
8. That all staff receive training at the commencement of their appointment and every six months thereafter in relation to the conditions on the licence, Challenge 21 underage sales and sales to persons who are drunk. Documented training records relating to every employee to be kept on the premises. The records to specify the date, time and content of the training to be signed by the Designated Premises Supervisor and the employee receiving the training. The record is to be maintained at the Premises and to be made available to the police, trading standards or licensing enforcement officers on request or during an inspection of the premises.
9. The the Premises Licence Holder will operate a "Challenge 21" policy at the premises. At least two notices to be placed in a prominent position, advising customers of the challenge 21 policy. All persons who appear to be under the age of 21 to be challenged for identification and to be requested for proof of age. Ten year passports, photo driving licences or PASS logo identify cards to be only accepted as proof of age.

10. That digital CCTV to be fitted to both floors of the premises. This should consist of colour cameras and black and white cameras where appropriate for low light conditions. Cameras must be sufficient in number to cover all internal areas with at least one dedicated to each entrance of the premises. There must be at least one camera to cover the external area outside the door on Albert Road and one camera to cover the external area outside the side door on Zetland Road. Footage must be recording at all times and be retained for a period of 31 days. The recording unit shall have a CD/DVD re writer for evidence recovery and be able to produce copied footage on a disc to be made available to the police and other responsible authority within 3 days of a request being made or such longer period as shall be agreed by the police or responsible authority. There shall be sufficient members of staff trained in the operation of the CCTV system on duty during the hours of operation to be able to download evidence at the request of the police or other responsible authority. All equipment shall have constant time / date generation. Bi monthly checks must be made of the system by staff to ensure footage is being retained for 31 days, the time and the date is correct and all cameras are functioning in working order. The checks must be recorded in the incident book.

**LICENSING ACT 2003 – REVIEW OF PREMISES LICENCE: SENORITA PIZZERIA, 17B VIEWLEY CENTRE, HEMLINGTON, MIDDLESBROUGH: REF NO: MBRO/PR0054/PIZZERIA 26, 26 NORFOLK PLACE, BERWICK HILLS, MIDDLESBROUGH**

Members were advised that on 27 October 2010, Cleveland Police had made an application for a Review of the above premises licence following concerns in relation to the prevention of crime and disorder and the protection of children from harm objectives.

The Committee was advised that the previous owner of the premises had been imprisoned for a period of four and a half years for sexual activity with a child, but he had failed to transfer the Premises Licence. However, new owners had taken over the premises and had in the meantime applied to transfer the Premises Licence. Members were advised that under the current legislation, there was no power for the Police to withdraw their application for the Review. The Police had been notified of the new owner and had carried out all the necessary checks and had no concerns regarding the new Premises Licence Holder.

**Decision**

The Committee considered the application, the information received in respect of the new Premises Licence holder and from the police and recommended that no action be taken in respect of the Review of Premises application.

The Committee was satisfied that no parties would be prejudiced and that the hearing should be dispensed of because the Premises Licence had been transferred to a fit and proper person as confirmed by the Police.