

LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 18 April 2011.

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

OFFICERS: J Dixon, A Gray and T Hodgkinson.

ALSO IN ATTENDANCE: Inspector Vickers; Sergeant Higgins – Cleveland Police.
G Hodgson – Legal Representative on behalf of Punch Taverns (Licence Holder)
N Dickens – Designated Premises Supervisor (DPS);
P Farley – DPS's partner
P Hutchinson – Business Relationship Manager, Punch Taverns

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

LICENSING ACT 2003: APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE – THE GRENADIER PUBLIC HOUSE, TRIMDON AVENUE, ACKLAM, MIDDLESBROUGH - REF. NO. MBRO/PRO102/18486

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 Grenadier, Trimdon Avenue, Acklam, Middlesbrough, Ref No. MBRO/PR0102/018486, 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 Grenadier, received on 14 April 2011, 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 licence holder.

Applicant in Attendance – Cleveland Police

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

Sergeant Higgins outlined that the application for the Summary Review was made following the death of a male who had been drinking at the premises on Saturday/Sunday 9/10 April 2011. A second male who had also been drinking at the premises had subsequently been charged with manslaughter following the death resulting from an altercation after the males had left the premises. The incident was subject of an ongoing Police investigation.

Cleveland Police was predominantly concerned with the death of the male customer at the premises and during the investigation it had become apparent that, on the day of the incident, the premises had been very full and that the majority of patrons had been extremely intoxicated. When Police had interviewed customers in relation to the incident, some had described themselves as 10 out of 10 drunk on a scale of one to 10, one male had stated he had consumed 28 – 30 pints of lager/beer. There were also unconfirmed reported that the premises had been open and serving alcohol prior to its 10.00am opening time.

The Police also highlighted serious concerns in relation to CCTV at the premises and stated that when the hard drive was ceased in relation to the incident the CCTV footage, there was no CCTV footage from outside the premises. A condition of the Premises Licence was to have external CCTV at the premises.

Premises Licence Holder

N Dickens, Designated Premises Supervisor (DPS), was in attendance at the meeting accompanied by her partner, P Farley, P Hutchinson, Business Relationship Manager, Punch Taverns and legal representative on behalf of Punch Taverns.

The legal representative confirmed that they had a copy of the Police Certificate in relation to the application, which mentioned concerns regarding drugs and anti-social behaviour, however, these issues had not been raised at today's Hearing.

In relation to the concerns raised by the Police in relation to external CCTV, the legal representative advised that CCTV camera focussed on the front door of the premises and that he understood the unfortunate incident resulting in the death of a male customer to have occurred at the adjacent shopping parade. He confirmed that a replacement hard drive for the premises was being sought following the seizure of the hard drive from the premises in order for the CCTV operation to be maintained.

The legal representative highlighted that the premises had not been brought to the attention of the Committee prior to the incident involving a one on one confrontation off the premises, and it was up to Members to decide whether action was necessary.

The legal representative acknowledged the tragic incident that had taken place but highlighted that he was in possession of a petition from local residents in support of the premises and added that the deceased and members of his family attended the premises on a regular basis and that the deceased was a personal friend of the DPS and her family. The legal representative questioned, however, why the application for the summary review had not been made sooner following the incident.

Questions from Members

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

- In response to a query regarding a qualified first-aider being employed at the premises, the legal representative confirmed that one of the employees at the premises was a qualified first-aider.
- It was queried who had been in charge of the premises at the time the incident occurred as the Certificate stated that Ms Dickens (the DPS) was in bed above the premises, where she lived. The DPS responded that her partner, sister and Mum (who was a Personal Licence holder) were all on duty at the premises but the premises had closed and the doors were locked at the time of the incident.

- Reference was made to the Certificate which mentioned the premises being associated with anti-social behaviour and drug misuse. Sergeant Higgins responded that the Police had conducted a routine drugs operation on 4 March 2011. Four licensed premises had been visited, one being the Grenadier, and evidence of cocaine was found on the premises. In addition, Middlesbrough Council's Enforcement Team had received numerous complaints from local residents in relation to noise. The Police had contacted the licensee in relation to the issues and were in the process of arranging a meeting to discuss when the recent serious incident had occurred.
- A Member queried whether noise disturbance at night outside the premises was a regular occurrence. The legal representative stated that there was a particular problem with young people congregating at the adjacent shopping parade and youth club. On the night of the incident, the licensee had gone to bed at 11.50pm and the incident had occurred at 12.10am when the pub had been closed and locked up for the night. The licensee had heard nothing of the altercations but had been alerted by the sound of an ambulance.
- Sergeant Higgins highlighted that local residents on Trimdon Avenue had indicated that they had been awoken by the incident, however, they had described it as usual noise at closing time. There was evidence that several confrontations had taken place inside the premises and more than one confrontation had occurred outside. However, it was difficult to ascertain given the intoxicated state of the premises' customers.

Summing Up

Licensee's Legal Representative

The licensee's legal representative summed up by stating that one very unfortunate incident had occurred, however, a catalogue of incidents had not been presented to the Committee. He also questioned why the summary review application had not been made sooner.

The legal representative submitted that it was not necessary to take any immediate action at this stage and that closing the premises would have financial consequences for the licensee. In addition there was support for the premises from local residents/customers.

Cleveland Police

Sergeant Higgins summed up by stating that the Police had considered it necessary to bring the matter to Committee urgently, given the level of intoxication identified by customers at the premises on the day of the incident.

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 Grenadier Public House, Trimdon Avenue, Acklam, Middlesbrough, Ref No. MBRO/PR0102/018486 be suspended, with immediate effect, for the following reason:-

1. The Committee was satisfied that the premises was associated with serious crime and serious disorder, as concluded in the Certificate submitted by the Superintendent with Cleveland Police.