

LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 28 April 2011.

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

OFFICERS: B Carr, M Caveney and T Hodgkinson.

ALSO IN ATTENDANCE: Sgt P Higgins – Cleveland Police
Inspector Vickers – Cleveland Police
John Coen – Applicant's Legal Representative
Mandy Southall – Operations Manager
Nicola Dickens – Designated Premises Licence Holder

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

LICENSING ACT 2003: SUMMARY REVIEW OF PREMISES LICENCE - REPRESENTATION AGAINST INTERIM STEPS IMPOSED - GRENADIER – TRIMDON AVENUE, MIDDLESBROUGH - REF. NO. MBRO/PR0102

A report of the Head of Community Protection had been circulated outlining representations against interim steps imposed in relation to an application to Review the Premises Licence in relation to The Grenadier Public House, Trimdon Avenue, Middlesbrough, Ref No. MBRO/PR0102, as follows:-

Summary of Current Hours of Licensable Activities

10.00am – 12 midnight Monday to Sunday.

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

Details of the Application

The Principal Licensing Officer reminded Members that an application had been received from Cleveland Police, on 14 April 2011, to Review the Premises Licence in relation to The Grenadier, Trimdon Avenue. The application was subsequently considered by the Licensing Sub Committee on 18 April 2011 and Members decided to suspend the Premises Licence with immediate effect, pending a full review hearing.

On 26 April 2011, a representation was received from the Premises Licence Holder against the interim measures imposed by the Licensing Sub Committee on 18 April 2011 to suspend the Premises Licence. A copy of the representation was attached at Appendix 2 to the report.

The Premises Licence Holder and the Designated Premises Supervisor had produced numerous letters of support from customers and local residents and copies of the letters were circulated at the meeting.

Relevant RepresentationsThe Premises Licence Holder

The Legal Representative for the Premises Licence Holder advised that since the previous Review three things had changed:

1. A period of 10 days had passed since the incident:
2. The Premises Licence Holder had received 34 positive representations in support of the premises, including one from the deceased's father and a number from residents who lived

very close to the Premises. The Legal Representative outlined a number of the representations received and stated that he hoped it demonstrated the depth of support for the Premises and noted that of those representations outlined, none of the people perceived a problem with anti social behaviour at the Premises;

3. The Premises Licence Holder had held discussions with the Police regarding the concerns they had raised as part of the Review and had discussed what conditions could be imposed on the licence to alleviate the problems.

The Legal Representative for the Premises Licence Holder advised that they had decided not to make representations until after the Easter period as a mark of respect for the deceased. He advised that the Premises Licence Holder fully accepted the imposition of the conditions suggested by the Police without modification.

The Chair of the Committee inquired if the Premises currently had CCTV operating at the Premises. The Legal Representative advised that the Police had taken the hard drive, however, if the Premises were allowed to re-open the company would purchase a new hard drive.

Cleveland Police

Sergeant Higgins referred to the conditions suggested by the Police and advised that the view of the Police was that as long as the conditions were in place, the Premises would have the opportunity to re-open and trade without the risk of such a serious offence from reoccurring. He advised that there had been a period of ten days since the incident had occurred and tensions had subsided and as a consequence the Police would not oppose the re-opening of the Premises.

The Premises Licence Holder – Summing Up

The Premises Licence Holder's Legal Representative thanked the Police for their co-operation and stated that he hoped it would assist the Committee in making their decision. He advised that the company's sympathies were with the deceased's family and friends and that he hoped the Premises could re-open and trade in a responsible manner.

The Council's Principal Legal Officer queried how the letter from the deceased's father had been received. The Committee was advised that the letter had been delivered by hand. A query was also raised in relation to whether any negative comments had been requested regarding the closure of the Premises. The Premises Licence Holder's Legal Representative advised that they had not actively sought any negative comments in relation to the closure. The Principal Licensing Officer advised that the closing date for representations was 3 May 2011, and all representations would be submitted to the Review hearing scheduled to be held in May.

It was confirmed that there were no further questions and the Members of the Committee, Officers of Legal Services and the Members Office, withdrew from the meeting to determine the application.

Subsequently all the parties returned and the Chair of the Committee announced the Committee's decision.

The Committee had considered the application and the representations from both parties and had reached a decision without prejudice to any decision reached at the full Review hearing scheduled to be held in May.

The Chair advised that the Committee considered that the hard drive for the CCTV should be replaced with immediate effect. He advised the DPS that she had a duty of care to the company and the patrons of the Premises and should ensure that she and her staff refused to serve patrons alcohol when they appeared to have consumed alcohol to excess.

The Chair also recommended that the Police pay particular attention to the Premises over the next few weeks.

DECISION

ORDERED that as long as the following conditions were met until the full Review hearing scheduled for May, that The Grenadier (Premises Licence Ref No: MBRO/PRO102), be allowed to re-open with immediate effect:-

1. That the hours of Licensing activities be 10.00am - 11.00pm - Monday – Sunday and the opening hours be 10.00am – 11.30pm - Monday – Sunday.
2. That a minimum of 2 SIA Door Supervisors be employed from 8.00pm – closing time on a Friday, Saturday and Sunday every week pending the Review hearing.
3. That the Door Supervisors undertake regular and random checks for drugs and drugs paraphernalia in respect of patrons and the Premises and keep a written record of all such checks.
4. That the Area Operations Manager visit the Premises on a weekly basis, sign any search records and record such visits in the incident book.