

LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 25 October 2011.

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

OFFICERS: J Dixon, A Gray and T Hodgkinson.

ALSO IN ATTENDANCE: M Scott – Applicant.
D Scott – Proposed DPS, K Smith – Applicant’s partner.
C Harvard – Applicant’s legal representative.
Sergeant Higgins, PC Price – Cleveland Police.
W Byrne – Police legal representative.

**** DECLARATIONS OF MEMBERS’ INTERESTS**

There were no Declarations of Interest made by Members.

LICENSING ACT 2003: APPLICATION FOR PREMISES LICENCE: THE VENUE, 61 WILSON STREET, MIDDLESBROUGH - REF. NO. MBRO/PR0294

A report of the Assistant Director - Community Protection had been circulated outlining an application for a Premises Licence in relation to The Venue, 61 Wilson Street, Middlesbrough, Ref No. MBRO/PR0294, as follows:-

Summary of Proposed Licensable Activities and Hours for Proposed Licensable Activities

Sale of Alcohol (on sales) 11.00am to 3.00am daily.

Plays, films, indoor sporting events, boxing/wrestling, live music, recorded music, performance of dance, facilities for making music and dancing: 11.00am to 3.00am daily.

Late night refreshment: 11.00pm to 3.00am daily.

Full details of the application and accompanying Operating Schedule were attached at Appendix 1 to the submitted report.

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

The applicant, accompanied by his partner, nephew and legal representative, was present at the meeting and confirmed that copies of the report and Regulation 6 Notice had been received.

Details of the Application

The Senior Licensing Officer presented the report in relation to an application, received on 9 September 2011, for a Premises Licence in relation to The Venue, 61 Wilson Street, as outlined above. The applicant had advertised the application, as required by the Licensing Act 2003, in the Evening Gazette on 8 September 2011, which was confirmed as being an accurate reflection of the facts by the applicant.

It was highlighted that the premises consisted of a former pub/nightclub located in Middlesbrough town centre, in an area designated as a Cumulative Impact Zone. Previous licences had been issued in relation to both the ground floor and first floor of the premises – operating as two separate businesses. The Senior Licensing Officer clarified that this application was in respect of the entire premises and not just the ground floor, as indicated in the report.

A Premises Licence was initially granted on 25 August 2005 covering the ground floor of the premises, following an application to convert and vary the previous licences. On 29 September 2006, following a significant number of serious assaults and incidents of crime and disorder, inside the premises and within the immediate vicinity, Cleveland Police submitted an application to review the Premises Licence. A Review Hearing was held on 23 November 2006 and, on that

occasion, Members determined that the licence be retained. However, a significant number of additional conditions were placed upon the licence, a number of licensable activities were removed and the terminal hour for all licensable activities was reduced from 3.30am to 1.30am.

On 5 April 2007 a new application was made to increase the hours for licensable activities on Fridays and Saturdays to 2.30am. The application was granted as applied for on 8 June 2007 except for the increase in hours which remained at 1.30am.

On 18 September 2007, a further application was made which included a request to increase the terminal hour for licensable activities to 3.00am. This application was approved and a new licence in respect of the joint premises, ground and first floors, was issued. This licence lapsed on 7 May 2010 following administration of the licence holder and the premises had remained closed since that time.

A representation was received from Cleveland Police on 29 September 2011 objecting to the application on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm. A copy of the representation was attached at Appendix 2.

Applicant in Attendance

The applicant, Mr Michael Scott, accompanied by his nephew, Mr Daniel Scott, and his partner Ms K Smith, was in attendance at the meeting. The applicant's legal representative presented the case in support of the application.

The applicant's legal representative acknowledged that the premises was situated within a Cumulative Impact Zone and that more than six years ago the applicant was convicted of supplying drugs. Therefore, the onus was on the applicant to demonstrate that the application would promote the four licensing objectives and not impact on the Cumulative Impact Zone.

The applicant's legal representative referred to the four licensing objectives of the Licensing Act 2003 and advised that the applicant had provided full details of how he intended to address each objective within his Operating Schedule (included within the submitted documentation).

It was highlighted that several premises in the vicinity of the applicant's premises, also deemed to be within the Cumulative Impact Zone, had recently closed and it could be argued that there was currently less pressure within the Cumulative Impact Zone. Therefore, taking into account the current economic climate, it was possible that there were fewer people in town resulting in reduced pressure on licensed premises and the Police.

The applicant's legal representative explained that the applicant and his nephew, the proposed DPS of the premises, had ran the premises for a period of approximately two and a half months in 2009, thus giving him a head start in managing the premises. Should the licence be granted, the applicant intended to employ approximately five full-time and 25 part-time staff.

In relation to the Council's Licensing Policy (paragraph 9.20), cumulative impact and problems caused by the number of people visiting licensed premises and the movement between premises, reference was made to page two of the applicant's written statement, which stated he anticipated the largest number of patrons at the premises on Saturdays to be between 300 and 600.

In relation to 9.24 of the Council's Licensing Policy regarding minimum unit pricing, the applicant's legal representative stated that licence holders were encouraged to apply a minimum of 50p per unit and that this was an informal agreement made between operators and Police, however, the applicant had indicated he would be happy to co-operate with the Police on that issue.

The applicant's legal representative stated that during the time the applicant had been involved with other licensed premises (listed within the applicant's statement at page 3, numbered 1) to 9)), neither he, nor his staff had been involved in underage sales. It was acknowledged that Members may have concerns in relation to drug-dealing or taking and reference was made to page five of PC Price's statement in relation to the applicant's conviction for supplying drugs and

his subsequent 66 month custodial sentence. The applicant's legal representative stated that the applicant had been charged alongside four others and details of sentencing were provided. The applicant deeply regretted his actions and had not been in any further trouble since his release from prison.

The Committee was advised that the applicant had never been questioned by the Police in relation to his involvement with the nine licensed premises detailed within his statement and that his conviction had never been raised as an issue or held against him. Specific reference was made to the applicant's involvement with the Millennium Nightclub during 2008 and PC Price's statement referred to enquiries made with Stockton Police Licensing Unit that revealed problems of crime and disorder at the premises and breaches of licence conditions.

Reference was made to page four of the applicant's statement, in relation to a meeting between the applicant and Sergeant Higgins regarding the applicant's intention to re-open the premises. The applicant had stated that Sergeant Higgins had indicated that due to trouble at the premises in previous years he would prefer the applicant not to re-open. The applicant had mentioned The Cornerhouse premises and was advised that should he wish to apply for a transfer of the licence into his name, Sergeant Higgins would not object. The applicant had taken this advice as an indication that his previous conviction was not an issue and had subsequently opted to apply for a licence for The Venue.

The applicant's legal representative advised that the applicant also planned to promote 'Battle of the Bands' with local radio station, TFM, and to open the premises during the day time as a café/restaurant and to possibly provide Sunday lunches. A letter from TFM Radio confirming the working partnership with the applicant was attached to the applicant's written statement. The applicant hoped that such diversification would ensure that the premises did not suffer the difficulties that it had in the past. The applicant also planned to introduce a strict dress code and minimum drinks pricing to steer the premises away from the 'bottom end of the market'.

The applicant's legal representative proceeded to lead the applicant through his written statement and the following issues were raised:-

- The applicant confirmed the content of his statement as being correct.
- Reference was made to page five of PC Price's statement in relation to Stockton Police holding discussions with the applicant in relation to breach of licence conditions at the Millennium Nightclub in 2008. It was queried whether the Police had raised concerns directly with the applicant or with the applicant on behalf of the Company. The applicant responded that his business partner at that time, Mr Parker, discussed the issues with the Police as he was a Director of Tees Valley Holdings and the applicant had not been a Director.
- PC Price's statement referred to insufficient door staff numbers in breach of a licence condition. The legal representative asked the applicant to explain this. The applicant stated that the numbers of SIA door staff insisted upon was disproportionate to the number of occupants at the premises and that, on one occasion, the Police had insisted that four additional door staff, to the ten that were on duty, be deployed even though there had only been approximately 11 patrons inside the premises. The applicant stated that such requests financially crippled the Company and the applicant eventually left. Six months later the Company had to close down.
- In relation to the incidents that had occurred at the subject premises, when it was known as Chicago Rock, as listed in PC Price's statement, the applicant advised that he had taken over the running of the premises on 10 July 2009 – the day prior to the first incident listed. PC Price's statement indicated that during Police enquiries in relation to the incident that occurred on 11 July 2009, due to several delays by staff at the premises CCTV footage was lost. The applicant stated that the Police had not approached the premises for the CCTV footage until two weeks after the incident and that staff were unaware of the passcode for the CCTV system. As a result the CCTV company had been contacted in order to download the footage for the Police. The applicant stated that there was no delay of the part of the employees of the premises.

- Reference was made to the incident that took place at the premises on 26 July 2009. The applicant stated that he had not been aware of any injuries to either party involved and that they had been asked to leave the premises.
- An incident of theft on 30 August 2009 was referred to and the applicant stated that it had involved the theft of a coat and mobile phone from the premises, however, such an incident could happen anywhere.
- When asked what his personal involvement in running the premises had been, the applicant responded that he had been at the door in order to deny entry to patrons who were under the influence of alcohol or not dressed appropriately.
- In response to a query regarding the applicant's relationship with the Police whilst he was running the premises, he responded that Police officers visited the premises most evenings and were offered tea or coffee and there had been no problems.
- The applicant's legal representative queried whether, if the licence were granted, there may be concerns in relation to the applicant's involvement in running the premises and that as the sole Director of the Company, he would continue to have control over the Company even if he had no involvement in the day to day running of the premises. The applicant responded by stating that he had ran various companies for the past five years with no problems. He added that if it was a problem he was happy to stay away from the premises altogether and even to sign his Company shares over to his nephew. He stated that no issues had ever been raised with him in relation to his involvement in running various licensed premises since his release from prison and that if concerns had been raised he would not have gone back into the licensed trade.
- In response to queries relating to the applicant's convictions, he confirmed that he had pleaded guilty to the offence on the day of the trial. He had been driving a vehicle containing £10,000 worth of Class A drugs. The applicant stated that his involvement in the operation was that he had been paid £500 to drive the vehicle. He added that he had made a big mistake for which he was very sorry but had not been involved in the buying, selling or distribution of drugs. He confirmed that he had not been involved with drugs since that time and had no intention to be involved again and that none of the premises he had previously been involved with had problems with drugs.
- In response to a query, the applicant confirmed that none of the premises he had been previously involved with had problems with underage sales or violence.
- The applicant stated he had no intention of doing anything to jeopardise the success of the businesses.

Questions to the Applicant

At this point in the meeting, the Police legal representative requested whether it was possible for the Committee to source a copy of the Premises Licence relating to the Millennium Nightclub as he intended to question the applicant in relation to this. The Police legal representative was asked to proceed for the time being and the Committee would consider the need to source a copy of the licence if necessary.

Cleveland Police were afforded the opportunity to ask questions of the applicant and the following issues were raised:-

- In response to a query, the applicant confirmed that he was the sole Director of the Company and recognised that, particularly as the premises was situated within a Cumulative Impact Zone, he would be responsible for promoting the four licensing objectives at the premises and that the premises had previously caused problems for the Police.
- In response to a query as to who Gary Bewford was, the applicant replied that Mr Bewford had been the Licence Holder at the Millennium.

- The Police legal representative asked the applicant to confirm whether he intended to use door staff that had been employed at Millennium and whether he had been a Director of Tees Valley Holdings at that time. The applicant confirmed that he did intend to use the same door staff at his premises and that he had not been a Director and that Mr Parker had been the Director of the Company.
- The Police legal representative referred to an incident that had occurred at the Millennium Nightclub whereby door staff had been asked to remove a male from the premises by the name of Darren Scott. The applicant was asked to explain. The applicant stated that this had been a family member who had been at the premises and had too much to drink. He had been causing trouble and the applicant had asked the door staff to remove him from the premises. The incident had been reported to the Police who attended the premises.
- The Police legal representative stated that two days after the incident with the family member, the applicant was spoken to in relation to an incident that occurred at an under-18s night at the premises, involving two males. The applicant stated he was unable to recall this.
- The applicant was asked whether he could recall numerous meetings he had with the Police in relation to underage events. The applicant responded that he could recall this and that the events had been run in conjunction with TFM radio with no problems.
- In response to a question, the applicant stated that his business partner, Mr Parker had been involved with discussions with Police regarding drinks promotions and had been advised that he was not permitted to promote them. Mr Parker subsequently stopped all drinks promotions.
- The Police legal representative referred to a meeting held with the Police on 31 March 2008 when the applicant was informed of alleged breaches to the licensing conditions. The applicant was unable to recall the meeting.
- The Police legal representative highlighted that there were further drinks promotions offered at the premises in April 2008 whereby 15 drinks could be purchased for £15. Mr Parker was again warned and agreed to stop. In May he was cautioned for conducting licensable activity without an authorisation contrary to Section 136 of the Licensing Act 2003 and eventually the premises licence was surrendered. The applicant confirmed that this was correct.
- Reference was made to page four of the applicant's statement which alluded to the premises (Millennium) becoming difficult to operate as the Police had insisted on 15 door staff despite a lack of patrons. It was queried whether the applicant's legal representative had a copy of that licence with its conditions. The applicant's legal representative responded that he did not as he was not aware that the document was required.
- The Police legal representative suggested that it was a condition of that licence to have 15 SIA registered door staff at the premises. The applicant's legal representative advised that he had a copy of a letter from Middlesbrough Council to Cleveland Police, dated 21 August 2008, setting out the terms agreed for door staff (days and hours) per number of patrons at the premises.
- The Police legal representative questioned whether the applicant could recall an application to vary the premises licence on 8 July 2008, that sought to increase the operating hours at the premises and reduce the numbers of door staff and the subsequent Hearing, following an objection being made to the variation, on 28 August 2008. The applicant responded that he had already left the Company at that point and had not been involved.
- Reference was made to the Police caution issued to Mr Parker on 21 May 2008 in relation to a breach of the licence conditions, ie too few door staff at the premises for the time of evening. The applicant stated that he believed that there had been sufficient door staff at the premises and that the Police had issued the caution by mistake.
- Reference was made to the list of licensed premises detailed within the applicant's statement and it was queried whether the applicant's name had appeared on any of those licences. The

applicant confirmed that it had not. The Police legal representative suggested that the Police had not raised concerns in relation to the applicant's involvement with any of those premises as his name had not appeared on the licences.

- The Police legal representative stated that the Police had only become aware of the applicant's previous conviction when he had made the current application. The applicant stated that during his time at the Millennium nightclub, he had regular contact with the local Police visiting the premises and considered that they were aware of him.
- In response to a query, the applicant accepted that whilst he had been working at Chicago Rock, there had been two incidents of a minor nature and that he had worked on the main door at the premises. In response to a further query the applicant confirmed that he was not SIA registered and that he had stood in proximity to the door staff to oversee the patrons being admitted to the premises.
- The Police legal representative referred to the applicant's conviction. In response to a question, the applicant stated that he had pleaded guilty on the day of the trial and had previously replied 'no comment' when questioned regarding his involvement.
- In relation to running the premises, known as The Venue, the applicant was asked whether he intended to run the premises as a nightclub even if the under 18 nights promotions he intended to offer in partnership with TFM radio did not transpire. The applicant advised that it was his intention to run the premises as a nightclub.
- It was acknowledged that the applicant was familiar with the premises (The Venue) as he had previously run the premises for a two-and-a-half month period. The Police legal representative advised that the capacity for the premises was 1,500. Reference was made to page two of the applicant's that referred to the venue having a 2,000 capacity and mention of specific numbers of patrons anticipated at the premises on certain days of the week, including an approximate speculation of 2,000 people being in town overall on Saturdays. It was highlighted that the Police would expect up to 10,000 being present overall in town on Saturday nights.
- Reference was made to the drinks promotions, such as 15 drinks for £20, that had been offered whilst the applicant had been involved with the Millennium nightclub, and it was queried whether he intended to offer similar promotions if his application was granted. The applicant replied that if he was allowed to offer a similar promotion he would, however, accepted that if he was not permitted to do so then he would not offer such promotions. He added that if he was to offer a drinks promotion it would be in such a way that customers would not have to drink all of the drinks in one evening and could use the promotion to spread out the cost of their drinks over several evenings.
- In relation to the applicant not being SIA registered, it was queried why he had been on duty at the front door of the premises checking who was coming in and out. The applicant replied that he had observed patrons being admitted to the premises and had asked door staff to refuse entry if he considered that to be the appropriate course of action, for example in relation to dress code etc.

Questions from Members

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

- A Member referred to the current economic situation and that this had a knock-on effect with fewer people going out into town and queried why the applicant wished to open the premises from 11.00am to 3.00am daily. The applicant responded that the current rent for the premises was significantly lower than in previous years and that he felt he could make a living even with fewer patrons. He hoped by reopening the premises and offering something slightly different he could improve the town.

- The applicant was asked which premises he was involved in at the time of his conviction. The applicant confirmed that he had been unemployed at that time.
- The applicant's plans to provide restaurant facilities and Sunday lunches was mentioned and it was queried whether this had been offered when he was previously involved in running the premises and whether the premises was equipped to offer such facilities. The applicant replied that the premises had previously been a drinking venue but that there was an equipped kitchen. He intended to run the café/restaurant on the ground floor only.

At 11.40am, the meeting was adjourned in order to source a copy of the Premises Licence for the Millennium Nightclub and the terms of the caution issued to Mr Parker in relation to the running of those premises.

At 12.00 noon, all interested parties returned to the Hearing with the requested information having been obtained.

The Senior Licensing Officer outlined that the initial Premises Licence in respect of the Millennium Nightclub was granted on 28 January 2008. The conditions placed on the licence were that there should be a minimum of 15 SIA registered door staff at the premises on Thursdays, Fridays and Saturdays from 9.00pm till closing time. Eight SIA registered door staff at the premises on Sundays, Mondays, Tuesdays and Wednesdays from 9.00pm till closing time. No inclusive drinks promotions.

On 29 March 2008 the Police visited the premises where seven door staff were employed and a £15 inclusive drinks promotion was being offered. As a result, Mr Parker was cautioned on 21 May 2008 due to those breaches of conditions. Subsequently, an application to vary the condition relating to numbers of door staff was received. On 21 August 2008 the variation was granted and the numbers were reduced as follows: from 9.00pm till closing time, Thursdays, Fridays and Saturdays - up to 750 patrons = 8 door staff, 1,050 patrons = 10 door staff and up to capacity of premises = 12 door staff; 8 door staff on Sundays, Mondays, Tuesdays and Wednesdays.

In response to the questions and issues raised by Cleveland Police and Members, the applicant's legal representative sought clarification from the applicant in relation to various issues, as follows:-

- When asked what his role at the Millennium was, the applicant responded that he had been a Manager.
- The applicant clarified that Mr Parker and the DPS had been responsible for the door staff on duty at the premises.
- When asked whose responsibility it was to call for additional door staff, the applicant stated that this had been the responsibility of Mr Parker and the DPS. The applicant stated that he had been responsible for ordering drinks, etc, and the day to day running of the premises.
- Reference was made to the current application and the applicant provided clarification and further information in relation to TFM Radio and 'Floorfillers' promotion that he intended to run at the premises should his application be successful.
- In response to a query, the applicant confirmed that he had left the employment of the Millennium nightclub approximately one month after Mr Parker had been cautioned in May 2008 and that Mr Parker had left at the same time. The running of the premises was taken over by a local businessman who was the financial backing behind the business when the applicant and Mr Parker had operated the premises.

Members were afforded the opportunity to ask further questions in relation to those points raised by the applicant's legal representative and the following issues were raised:-

- In response to a query, the applicant advised that, whilst working at Millennium, his position was 'Under Manager'. He confirmed that he had never been a DPS at any of the licensed premises he had been involved with.
- A Member queried what the applicant's role had been at the premises in which he had worked at if he had not been DPS. The applicant responded that he had been present at the door to ensure there was no fighting. In response to a further query, the applicant confirmed that he was not SIA registered.
- The applicant was asked what his exact role had been at the licensed premises, other than overseeing the door, if he had not been the DPS. The applicant replied that as Under Manager he delegated work to staff.
- In relation to the current application, it was queried what the applicant's role would be if he was not going to be the DPS. The applicant responded that he did not intend to be at the premises every night but would have a similar role to the DPS.

Relevant Representations

Cleveland Police

The Police legal representative confirmed that Members had read the statement submitted by PC Price, and did not propose to go over the statement. PC Price confirmed that her statement was correct and that she had nothing to add.

Questions to those making Representations

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

- In response to a query, PC Price stated that the number of violent/disorder incidents at the premises, then known as Chicago Rock, whilst the applicant had been involved, had remained consistent.
- A Member of the Committee expressed concern at the use of the term 'consistent' as the applicant had only been involved in the premises for a brief period of time and queried whether the officer could provide figures in relation to incidents that had occurred prior to the applicant's involvement. PC Price responded that she was unable to do so.
- In response to a question, it was confirmed that the premises known as The Millennium were located within the jurisdiction of Stockton Police, however, it was licensed by Middlesbrough Council. Sergeant Higgins confirmed that he had contacted colleagues at Stockton Police to obtain a summary of events that occurred whilst the applicant was involved with the Millennium following the submission of the current application. No prior enquiries had been made regarding the applicant.
- Reference was made to the serious allegation made in the applicant's statement, page four, in relation to the meeting he had with Sergeant Higgins and it was queried whether this was correct. Sergeant Higgins replied that he had met with the applicant and Daniel Scott, this was usual procedure with new applications. At that point the Police had not been provided with dates of birth for either male so no background checks had been carried out. The only premises discussed at that meeting was the former Chicago Rock and Cornerhouse was not mentioned. Following the information provided by the applicant, Sergeant Higgins had advised that he would advise him whether the Police would be making representations and subsequently telephoned the applicant to confirm that the Police would make representations if he submitted an application. Sergeant Higgins stated that he had asked the applicant how he would feel about reopening the Cornerhouse as that premise was already licensed and would simply require a transfer of the licence into the applicant's name. At that point, the Police were still unaware of the applicant's criminal conviction.

Questions from the Applicant to Cleveland Police

The applicant's legal representative was afforded the opportunity to ask questions of the Police and the following issues were raised:-

- Page 2 of PC Price's statement made reference to 247 violent crimes and it was queried whether figures were available for previous years. PC Price responded that there had been 456 crimes within the saturation zone during 2008/09 and 392 crimes against a person. 323 incidents had occurred outside the saturation zone.
- PC Price's statement referred to Friday and Saturdays, between 11.00pm and 3.00pm as being the peak time for incidents. It was queried whether Cleveland Police had made representations to increase the terminal hour of the premises (in September 2007) to 3.00am. Sergeant Higgins provided clarification in relation to the terminal hours at the premises following a review of the premises licence in September 2007 and the amalgamation of licences for the downstairs and upstairs of the premises in 2007. The Police had not made representations at that point.
- Page 3 of PC Price's statement referred to two serious incidents and it was queried whether they had occurred inside the premises. PC Price replied that she believed they had occurred in and around the premises. Sergeant Higgins added that the injuries relating to the serious incidents were sufficiently linked to the premises by the Committee considering the review of the premises licence.
- The applicant's legal representative considered the use of the term 'number of incidents remained consistent' as being unfair as just two incidents had occurred at the premises whilst the applicant had been involved in its operation and that there had in fact been a reduction in incidents whilst the applicant had been running the premises.
- The applicant's legal representative asked PC Price whether, in her opinion, the applicant was offering to provide something different for the town. PC Price responded that she did not believe the premises would offer anything different or that it would be operated any differently.
- A Member of the Committee queried how many premises within the saturation zone were currently closed. Sergeant Higgins responded that since the review of the Council's Policy in 2010, no further premises had closed. There were currently approximately four premises within the saturation zone that were closed.

Summing Up

Cleveland Police

The Police legal representative summed up by stating that Cleveland Police considered that there would be a negative impact on the cumulative impact zone if the application was granted, for the reasons set out in PC Price's statement.

The applicant had conceded that the premises were situated within the saturation zone and that he would be content to not sell alcohol and to close at 11.00pm – prompted by PC Price's statement. There had been continuing problems at the premises, which was acknowledged by the applicant.

The applicant had stated that he had been involved in the running of the Millennium premises, however, he had sought to distance himself when problems at the premises were raised by the Police and had stated that he had no responsibility for door staff or management of the premises. The Police also had an issue with the applicant apparently acting as a door supervisor and not being SIA registered.

Whilst the applicant had been involved with other licensed premises, his name had never appeared on any of the licences, therefore, the issue of his conviction had never been raised.

Sergeant Higgins had stated that during discussions prior to the application being submitted, the applicant's conviction had not come to light. The applicant's conviction was a significant enough offence to warrant a substantial prison sentence.

In conclusion, the Police maintained its objections to the application.

Applicant

The applicant's legal representative summed up by stating that the applicant believed the way in which he intended to operate the premises would maintain the four licensing objectives. He and his nephew had experience with the premises which they felt put them at an advantage.

The Police believed granting the licence would impact upon the saturation zone and the applicant's legal representative referred to the crime figures contained within the Police statement but queried why comparative figures had not been included and suggested this may be due to an improvement in crime figures within the zone.

Reference was made to the Local Alcohol Profiles for England (LAPE) attached to PC Price's statement. The applicant's legal representative considered that the trend charts showed a steady downward trend in alcohol related crime within the local area, despite a national trend.

The applicant's legal representative stated that whilst the applicant had not acted in the role of DPS or Premises Licence Holder, he had worked at a number of licensed premises and had a considerable knowledge of the licensed trade.

Apart from the major problem of the applicant's conviction, the Police's only criticism of the applicant had been his involvement in the Millennium nightclub and it had been determined that he had not been the DPS or licensee at the premises.

In terms of how the applicant would promote the licensing objectives, his legal representative stated that he intended to introduce a drinks pricing policy and to introduce a strict dress code and offer different entertainment to change the character of the establishment.

It was acknowledged that the applicant had made a big mistake with regard to his conviction, however, he wished to turn his life around and it was requested that he be given a chance.

It was highlighted that there was no evidence of violence, drugs or underage sales at any of the licensed premises with which the applicant had been involved and that he and his nephew had already demonstrated that they could run the premises satisfactorily.

The applicant's legal representative stated that should the Committee not be in favour of the applicant, he would be willing to operate the premises by an alternative of not selling alcohol by retail and closing at 11.00pm or 12.00am.

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 application for a Premises License in respect of The Venue, 61 Wilson Street, Middlesbrough, Ref No: MBRO/PR0294, be refused, for the following reasons:-

1. The premises were located in an area designated, by the Council, as a saturation zone.
2. The Committee believed that the applicant had not demonstrated that if a licence were granted there would be no negative cumulative impact on the licensing objectives.
3. The Committee was concerned that the applicant had been involved with nine licensed premises in Teesside but with no apparent direct responsibility for any of those premises.

4. The Committee was concerned about the applicant's 66 month jail sentence for the supply of Class A drugs and the fact that he had not pleaded guilty until the actual day of the trial.
5. At no time in the application were any questions directed to the proposed Designated Premises Supervisor. This called into question exactly what his role would be at the premises.

In reaching the above decision Members had considered the following:-

1. The case was considered on its own merits taking into account the four licensing objectives of The Licensing Act 2003.
2. Relevant Government Guidance of the Licensing Act 2003, particularly in relation to:-
 - Protection of children from harm, starting at paragraph 2.41, Annex D.
 - Prevention of crime and disorder, starting at paragraph 2.1, Annex D.
 - Public Safety, starting at paragraph 2.19, Annex D.
3. Middlesbrough Council's Licensing Policy, particularly in relation to:-
 - Crime and Disorder, Pages 32 to 42.
 - Cumulative Impact, Pages 34 to 36.
 - Protection of children from harm, Pages 43 to 46.
 - Public Safety, Pages 30 and 31.
4. Consideration was given to the case made by the Applicant.
5. Consideration was given to representations made by Cleveland Police.

The applicant was reminded of the right to appeal to the Magistrates Court within 21 days of the date of the decision.