

LICENSING SUB-COMMITTEE C

A meeting of the Licensing Sub-Committee C was held on 26 July 2012.

PRESENT: Councillors R Arundale, P Sharrocks and B E Taylor

ALSO IN ATTENDANCE: N W - Applicant/DPS
C H - Applicant's Legal Representative
M F - Applicant's Legal Representative
E E - Premises Security Advisor
R H - Premises Licence Holder
N H - Witness (26th only)
J S - Cleveland Police Legal Representative
Sgt H - Cleveland Police Licensing Unit
PC P - Cleveland Police Licensing Unit
E K - Director of Public Health (24 & 25th only)

OFFICERS: B Carr, C Cunningham, J Hedgley and J Hodgson.

DECLARATIONS OF INTERESTS

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

12/3 **LICENSING ACT 2003 - APPLICATION FOR A REVIEW OF PREMISES LICENCE - PAVILLION ARENA 1664 - 208 NEWPORT ROAD, MIDDLESBROUGH - MBRO/PRO354**

A report of the Assistant Director Community Protection had been circulated outlining an application for a Review of Premises Licence in relation to Pavilion Arena 1664, 208 Newport Road, Middlesbrough, Ref No. MBRO/PRO354.

The Chair advised members of the committee, the applicant and the police of the Council's intention to record the proceedings of the meeting. The members of the committee, the applicant and the police confirmed that they had no objections to the proceedings being recorded.

The legal representative representing Cleveland Police advised the Chair that the police had concerns regarding the release to the public of the evidence contained in Pack 9, 13 and 14 and of all of the photographs contained in the Police bundle on the grounds that the release of the information could jeopardise ongoing court cases. The Police legal representative suggested that the hearing be heard part in private and part in public.

The legal representative for the applicant expressed concern that this matter had only been drawn to his attention. He stated that it would be difficult to differentiate whether questions could be asked in public or private and suggested that the photos and the statements contained in Pack 9, 13 and 14 of the Police bundle be removed from the evidence to enable the proceedings to be heard in public.

The Chair advised that the Committee would go into private session to consider how the hearing should proceed. All interested parties and officers of the Council, other than representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee determined how the hearing should proceed.

Subsequently all interested parties returned to the room and the Chair announced that the Committee had decided that it was in the public interest that the Sub Committee considered the evidence contained in Packs 9, 13 and 14 and the photos contained in the Police bundle as the Committee had determined that the above information could not be dealt with in isolation. As a consequence, in accordance with paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 the Chair announced that the hearing would be heard in private.

**** EXCLUSION - PRESS - PUBLIC**

ORDERED that the press and public be excluded from the meeting for the following items on the grounds that, if present, there would be disclosure to them of exempt information as defined in Paragraph 14 (2), of the Licensing Act 2003 (Hearings) Regulations 2005 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The legal representative for the applicant requested that the Premises Licence Holder and the barrister's legal assistant be allowed to remain in the room throughout the proceedings although neither would take an active role in the proceedings and the applicant's witness would only attend whilst giving evidence.

The Police legal representative advised Members that the Police were not aware that the applicant intended to call a witness. The applicant's legal representative advised that the licensing section had been notified by email of the fact that the applicant intended to call a witness and of the identity of the witness.

The Chair advised that the Committee would go into private session to consider the request. All interested parties and officers of the Council, other than representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee considered the request.

Subsequently all interested parties returned to the room and the Chair announced that the Committee had decided that the Premises Licence Holder and the barrister's legal assistant would be allowed to remain in the room throughout the proceedings and the applicant's witness would be allowed to attend when required to give evidence.

The Chair asked both parties to provide details of the witnesses they would be calling.

Summary of current Licensable Activities

Sale of Alcohol, Regulated Entertainment and Late Night Refreshment

Summary of current hours of Licensable Activities

Sale of Alcohol - 11am to 7.00am Monday to Sunday

Regulated Entertainment and Late Night Refreshment - 11am to 7.30am

A copy of the current Premises Licence was attached at Appendix 1.

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

Details of the Application

The Senior Licensing Officer presented the report with regard to an application for a Review of the Premises Licence, received from Cleveland Police on 30 April 2012 on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, in relation to Pavilion Arena 1664, 208 Newport Road, Middlesbrough, Ref No. MBRO/PRO354. All parties confirmed that the report was correct.

The Chair clarified that all parties had received the additional information circulated by the applicant on 23 July 2012. Members agreed that the additional information could be considered.

Cleveland Police

The Police legal representative advised that the Police had requested a Review of the licence on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Director of Public Health on behalf of Middlesbrough NHS, the responsible authority for health, had also made representations in support of the review of the licence on the grounds of the prevention of crime and disorder and public safety licensing objectives in particular in relation to the injuries and risks to the safety of the public arising from incidents at the premises.

Members were advised that there had been a history of meetings between the Police and the Arena and action plans had been put in place with regard to the issues at the premises. It was acknowledged that as a result of the action plans things had improved, however when the action plans had been withdrawn the situation at the premises had deteriorated. The Police had concerns regarding whether there were adequate numbers of door staff employed at the premises and highlighted that the premises had employed a member of door staff whose security identification had expired. The Police also had concerns regarding the clientele at the premises and the severity and number of violent incidents and crime and disorder occurring at the premises.

The Police legal representative invited PC P to give an overview of her experience working in the licensing unit, confirm the content of her statement and outline her concerns in relation to the operation of the premises.

The Police legal representative also referred to the evidence detailed at EJP/1 - (Page 24 - 53), EJP/2 - (Page 54 - 55), EJP/3 - (Page 56 - 59), EJP/4 - (Page 60 - 64), EJP/5 - (Page 65 - 72), EJP/6 - (Page 73 - 78), EJP/7 - (Page 79 - 83), EJP/8 - (Page 84 - 90), EJP/9 - (Page 91 - 97), EJP/10 - (Page 98 - 104), EJP/11 - (Page 105 - 111), EJP/12 - (Page 112 - 116), EJP/13 - (Page 117 - 121), EJP/14 - (Page 122 - 130), EJP/15 - (Page 131 - 132), Pack 1 - (Page 133 - 137), Pack 2 - (Page 138 - 140), Pack 3 - (Page 141 - 147), Pack 4 - (Page 148 - 155), Pack 5 - (Page 156 - 158), Pack 6 - (Page 159 - 166), Pack 7 - (Page 167 - 169), Pack 8 - (Page 170 - 179), Pack 9 - (Page 180 - 196), Pack 10 - (Page 197 - 206), Pack 11 - (Page 207 - 216), Pack 12 - (Page 217 - 226), Pack 13 - (Page 227 - 234), Pack 14 - (Page 235 - 244), Pack 15 - (Page 245 - 246), Pack 16 - (Page 247 - 248), Pack 17 - (Page 249 - 250), Pack 18 - (Page 251 - 252), Pack 19 - (Page 253 - 254), Pack 20 - (Page 255 - 258), Pack 21 - (Page 259 - 260), Pack 22 - (Page 261 - 264), Pack 23 - (Page 265 - 266), Pack 24 - (Page 267 - 69), Pack 25 - (Page 270 - 271), Pack 26 - (Page 272 - 275), Pack 27 - (Page 276 - 280), Pack 28 - (Page 281 - 288), Pack 29 - (Page 289 - 290), Pack 30 - (Page 291 - 293), Pack 31 - (Page 294 - 296), Pack 32 - (Page 297 - 298), Pack 33 - (Page 299 - 307), Pack 34 - (Page 308 - 313), Pack 35 - (Page 314 - 318), and asked PC P to confirm the circumstances of each incident and outline any further concerns in relation to the promotion of the licensing objectives.

The applicant's legal representative asked questions of PC P and sought clarification in respect of a number of the incidents detailed in the Police evidence and the minutes of the meetings held between the police and the applicant contained within the Police evidence bundle.

The Police legal representative invited Sgt H to give an overview of his experience working in the licensing unit, confirm the content of his statement and outline his concerns in relation to the operation of the premises. Sgt H made reference to the nature of the discussions that had taken place at the meetings between the applicant and the police and outlined the purpose of the action plans. Sgt H made particular reference to the action plan (EJP/3) initiated on 22 May 2009 in response to an event selling cut price drinks at the premises held in 2009 which was referred to in an article in the Evening Gazette on 13 March 2009 (EJP/2).

Sgt H also made reference to concerns regarding the serious nature of the incidents that had occurred at the premises, the incidents involving the premises door staff, the fact that the security identification of one of the members of the door staff had expired and concerns regarding the number of door staff employed at the premises. Reference was also made to the suggestion that a police vehicle be parked outside the premises when they were operational to deter crime however Sgt H advised that the police did not have a vehicle available for this purpose.

Reference was also made to the number of incidents that had occurred within the smoking area at the premises and the fact that the area was not permanently supervised.

Sgt H emphasised that in the view of the police the premises should close at 2.00am on every trading day and he also suggested that the lighting in the premises should be improved to enable better quality footage to be captured by the CCTV system to assist officers when

viewing incidents. Members were advised that the police would also like the premises to have permanent supervision of the smoking area.

The legal representative for the applicant suggested that the head doorman could view the smoking area via a monitor located in the reception area however Sgt H advised that the doormen would then be reacting to incidents rather than preventing them.

The legal representative for the applicant advised that if the premises were restricted to closing at 2.00am every trading day, it would have the effect of closing the premises down. The legal representative for the applicant also made reference to the concerns expressed by the police regarding the clientele at the premises and queried when the concerns were raised. The Police advised that the issue of the premises turning away unsightly customers who could have the potential to cause trouble had been raised on a number of occasions and had been included as a desired outcome in subsequent action plans.

The legal representative for the applicant advised the Committee that if they made a decision to modify the conditions in relation to the licence then they had to consider if it was appropriate to do so. The Committee was advised that the premises had 36 incidents that had been discussed over a 13 month period in 2010/2011. However the premises had 14 incidents in an 11 month period in 2011/2012 and it was highlighted that these incidents lead to the application for a Review of the Premises Licence.

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The applicant's legal representative asked questions of Sgt H and sought clarification in respect of a number of the incidents and the minutes of the meetings held between the police and the applicant contained within the Police evidence bundle. The legal representative for the applicant asked Sgt H if any thought had been given to an increased police presence at the premises. Members were advised that the police attended the premises as and when required and they also conducted regular drive bys.

The legal representative for the applicant advised that in other areas of Cleveland, operators provided funding for an additional police presence at their premises. Sgt H advised that this idea had been proposed and considered however the police did not see it as a long term solution which would solve the problems at the premises.

The legal representative for the applicant questioned whether the police should have held continuous meetings with the police to discuss the premises. The legal representative reviewed the fourteen incidents which had brought about the review and asked questions of Sgt H.

Relevant Representations - The Director of Public Health

The Director of Public Health on behalf of Middlesbrough NHS, the responsible authority for health, outlined his representations in support of the review of the licence on the grounds of the prevention of crime and disorder and public safety licensing objectives in particular in relation to the injuries and risks to the safety of the public arising from incidents at the premises.

The applicant's legal representative asked questions of the Director of Public Health and sought clarification in relation to the submitted representations.

Applicant in Attendance

The applicant's legal representative presented his client's case.

The applicant's legal representative invited the DPS to outline his position within the company and his role in respect of the premises and his experience within the licensing trade. The DPS outlined the capacity of each room within the premises and advised Members of the type of entertainment held on each floor. The DPS also outlined the policies and procedures and the training practices already in place at the premises.

The applicant's legal representative suggested the inclusion of a number of conditions on the Premises Licence in response to the concerns raised by the police. The Police legal representative asked questions of the DPS in relation to the initial application for the premises licence from 2006/7 and sought clarification in relation to the premises current trading hours and the policies currently in operation at the premises particularly in relation to alcohol and drugs, signage, dispersal from the premises and the lighting and CCTV system at the premises.

Members clarified which aspects of entertainment the premises were currently operating of those listed on the current licence. The DPS emphasised that he did not make the application for the premises licence nor was he party to the subsequent appeal in 2006/7.

The Chair advised that the Committee would go into private session to seek advice from the Council's legal representative. All interested parties and officers of the Council, other than representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee sought advice. All parties subsequently returned to the hearing.

All parties returned to the meeting and Members sought clarification with regard to the identity of the applicant who submitted the appeal to the Magistrates Court. The Council's legal representative provided Members with the licensing history of the premises licence.

Members asked questions with regard to the current policies operational at the premises. The applicant's legal representative invited the premises security advisor to outline his experience in the security business and in particular his involvement with security at the premises. The security advisor responded to questions from the Police and Members of the Committee with regard to security arrangements at the premises and recruitment of security staff.

The applicant's legal representative invited Mr N H a witness for the applicant to outline his experience as a customer of the premises. The witness responded to questions from the Police and Members of the Committee.

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Summing Up

The applicant's legal representative and the Police legal representative summed up their evidence.

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.

DECISION

The Arena Premises Licence currently allows the sale of alcohol until 7.00am and various entertainment activities and provision of hot food until 7.30am every day of the week. The hours were extended following an appeal in the Magistrates Court on 27 June 2007 against the Council's decision to allow the sale of alcohol until 2.00am and entertainment and hot food until 2.30am.

The Police brought the review because they were concerned about the number and severity of assaults and the number of incidents of disorder in and around the premises. NHS Middlesbrough provided representations about injuries occurring in and around the premises which required medical attention.

The hearing took place over a period of two and a half days and the Committee has taken into consideration the representations of all the parties, the guidance under section 182 of the Licensing Act 2003, including the parts of the guidance referred to by the parties and the

Council's policy when deliberating and in reaching its decision.

The Committee heard that since 2009 there have been a large number of incidents of disorder, fighting and assaults in and around the premises. The police held eight meetings with the premises licence holder over the intervening period in order to address problems at the premises and give the premises licence holder the opportunity to improve before bringing this review.

The Premises Licence Holder advised the Committee that he has asked for a police presence and may be willing to contribute financially which he considers may deter crime and disorder. The police did not agree with this, and the Committee accepted that the distribution of resources including allocation of officers is a matter for the police to determine.

The Committee considered that the police have put a great deal of resources, time and effort into attempting to resolve the issues by holding 8 meetings with the Premises Licence Holder and by giving assistance on the numerous occasions when disorder occurs at the premises.

The Committee considered the police were right to bring a review of the premises as the licensee has had ample opportunity to improve the level and seriousness of incidents occurring. It appeared that as soon as matters improved and the premises were left to operate without police intervention incidents started to occur that caused the police concern.

The Committee acknowledged that the police stated they have a good working relationship with the DPS and the management of the premises. However serious incidents are still occurring at the premises which have resulted in fractured skulls, broken jaws, noses and cheekbones and biting injuries. The Committee considered that measures could have been taken by the premises licence holder during the course of the meetings with the police to minimise such level of incidents and disorder at the premises.

NHS Middlesbrough informed the Committee that public safety was being put at risk through the violent incidents and resulting injuries to people inside and outside of the premises and advised as to the medical treatments that were required.

In accordance with the Guidance at paragraph 9.21 the Committee has taken this into consideration and as a result consider the public safety objective is being undermined at the premises.

NHS Middlesbrough informed the Committee that Middlesbrough ranked 7th out of 152 PCT areas in the Country for violent crimes attributable to alcohol.

From July 2011 to the 11 March 2012 there had been 14 incidents resulting in serious injuries including fractured skulls, broken noses, cheekbones and jaws, facial injuries and the amputation of a finger which caused the police concern. The most serious incident was alleged to include the premises own doorstaff, one of whom was not SIA registered in accordance with the mandatory condition on the licence. Also from 8 April 2011 to 23 March 2012 there have been 21 various incidents including disorder damage and drunkenness. Since 29 April 2012 to 15 July 2012 there have been a further six incidents.

It is acknowledged that some of the incidents are caused by people who have been refused entry, however many are either outside or inside the premises and caused by people who have been inside or ejected or hanging around outside of the premises.

It is acknowledged by the Committee that the Premises Licence Holder has co-operated with the police when incidents arise by providing whatever information is requested and has some good procedures and policies in place.

However, the Council cannot allow the level of incidents and the severity of injuries incurred to continue at the premises which are undermining the licensing objectives. It has therefore been decided it is appropriate to reduce the hours the premises can serve alcohol and provide other activities. It also considers it appropriate to modify the licence by adding and amending conditions in order to promote the prevention of crime and disorder, public safety and the

protection of children from harm.

HOURS

1. The Committee decided that the sale of alcohol should be from 11.00am to 2.00am Sunday to Thursday and all other licensable activities to be reduced to 11.00am to 2.30am. In addition to the above reasons, most of the incidents occurred either inside or outside of the premises after 2.00am and many of the incidents that cause the police concern occurred midweek. The Committee considers this to be an appropriate measure even with the further conditions as it considers any later time would not promote the prevention of crime and disorder, protect public safety, protect children from harm and prevent public nuisance.

2. The Committee decided that the sale of alcohol should be from 11.00am and 4.00am on Fridays and Saturday and all other licensable activities to be reduced from 11.00 am to 4.30am subject to the following conditions.

2.1. Entry will not be permitted to the premises after 2.00am unless the person is a Member of the Arena and produces a valid Membership Card as described below.

2.2. Every Member entering the premises after 2.00am must have his Membership Card and ID scanned by the Scannet system.

2.3. Members must be registered and issued with a photographic identification membership card capable of being scanned by the scannet system at least 24 hours prior to entry to the premises.

2.4. The club must maintain a register of members to include date of birth name and address. The Council considered the submission by the police that the premises should cease selling alcohol at 2.00am and considered the premises licence holder's submissions that the effect of this measure would close the business.

However the Council noted that in accordance with guidance its overriding purpose is to uphold the objectives for the benefit of the community and referred and considered the guidance on reviews in chapter 11.

Saturdays appear to be the busiest night and the premises licence holder advised that because the nights are genre specific they attract a different crowd, They also put on nationally and internationally known DJs. The Premises Licence Holder advised the Committee that on some of the busiest nights being a Saturday there were no incidents, He advised that the club operates on Fridays twice a month again with a specific music genre.

However numerous serious incidents have occurred on Saturday nights/early hours Sundays including one of the most serious incidents alleged to involve an unlicensed member of the door staff. The Committee consider the longer the hours the greater the risk of intoxicated fuelled violence which has occurred in and around the premises on weekends and therefore the Committee do not consider it appropriate for alcohol to be sold after 4.00am.

Also part of the reasons the Magistrates originally granted the licence until 7.30am was due to the cultural events the premises licence holder aspired to hold in such early hours which have not been carried out.

The Council's policy looks at impact of late hours and the Committee considered the premises to be located in a predominantly commercial area but with residential properties nearby. It considered its proposals should not adversely impact the area but if residents continue to be affected the Committee advised that they contact the licensing office to notify them of any of the problems they experience.

The Committee considers that by removing the very late licence with a safeguard restricting entry after 2.00am to Members only on Fridays and Saturdays together with the additional stringent conditions problems at the premises should be dramatically reduced. It considers on balance that the trouble causing element who may find a very late licence attractive or who

may pre load or drink in many venues prior to the Arena will be deterred by the new provisions.

CONDITIONS

The following are the main additional conditions to be imposed on the Licence and additional reasons to the above have been given. The Committee have removed defunct conditions and modified others to either make them enforceable or add additional requirements. The modified conditions to the licence are set out in the attached extract of the Premises Licence.

The Committee does not accept any wording in conditions that would make the condition ambiguous, uncertain or open to differing interpretations for example reasonable, adequate, when practicable and amendments have been made where this arises.

1. DOORSTAFF

1.1 On any occasion when the premises are open until the last customer has been dispersed safely from the premises, the following minimum deployment of SIA Registered Door Staff shall be made:-

Customers inside Premises

1 - 199 3
200 - 299 4
300 - 399 5
400 - 499 6
500 - 599 7
600 - 699 8
700 - 799 9
800+ 10

1.2 The smoking area shall be supervised by a member of the door staff at all times it is in operation. Such supervision will be in person and not by a monitor.

The police advised the Committee that additional door staff were required at the premises and because many of the incidents occurred in the smoking area a member of the door staff should supervise the area to prevent assaults and disorder occurring.

2. CCTV

2.1. The premises must be fitted with digital colour CCTV which must include live coverage of the internal area, the front, side and rear (including fire exits) of the exterior of the premises and the smoking area.

2.2. The design and specification of the CCTV system shall be approved by the licensing authority in consultation with the police.

2.3. A monitor must be provided in the foyer or reception area showing live CCTV footage of the external and internal areas of the premises to be viewed by doorstaff.

2.4. A monitor to be provided in the foyer/entrance to the premises showing images of patrons entering the premises, the monitor to be large enough and in such a prominent position in order for patrons to take notice

2.5. That lighting must be provided at the foyer, front side and rear of the exterior of the premises and the smoking area and must be bright enough for the CCTV system to capture clear images.

2.6. That enough cameras are fitted to the internal areas of the premises to ensure that the best possible images are captured in view of the ambient lighting.

2.7. CCTV recordings must be kept for a minimum of 31 days and kept in a locked secure

cabinet. This may be reduced to a shorter period only with the prior approval of the licensing authority in consultation with the police if the recording times, number of cameras or high resolution recordings will make it impossible to adhere to the 31 days.

CCTV is required to deter crime and disorder and to detect perpetrators of crime and disorder when it occurs. The evidence shows that there have been problems with CCTV capturing recognisable images and not covering some areas where disorder occurred, namely the smoking area, the side and the rear of the premises.

The Committee considered that, in view of the problems with CCTV images and in particular the assaults and fighting inside and outside of the premises it is essential that the foyer, external area and smoking area are lit bright enough for the CCTV to capture clear images otherwise the objectives will continue to be undermined.

The Committee acknowledged that there were problems with clear footage of the dance floor where fights had occurred because of the type of lighting in that area. It accepted that it was difficult to condition this, however it did think it was appropriate for the Premises Licence Holder to provide sufficient cameras to capture the best footage possible in order to assist the door staff monitoring the system and the Police in subsequent inquiries.

The Committee also considered it appropriate for live feeds to be monitored by doorstaff which will either deter trouble starting or enable door staff to react to any trouble before it escalates. The Committee considered that if patrons could see themselves entering the premises they would know that CCTV was in operation and this may act as a deterrent.

The Committee considered that the CCTV system was to be approved by the licensing authority in consultation with the police. It will not qualify that by adding the word reasonably because this leads to ambiguity. If a public body acts unreasonably the Premises Licence Holder has the safeguard of making a complaint to that effect.

GLASSES AND BOTTLES

In view of the incidents involving glasses and bottles and to avoid any such incidents occurring in the future all drinking containers shall be made of polycarbonate and bottles will be decanted.

ID AND ENTRANCE PROVISIONS

The following condition will be imposed because the evidence shows underage people have managed to gain entry to the premises and therefore were likely to be illegally drinking alcohol despite the current procedures in place. The Committee also considered that the premises did attract a young crowd. Therefore the Committee considers it appropriate to condition robust procedures to ensure they are continually enforced to prevent the objectives being undermined. Also the system will log every person in the premises and will be able to identify those who have previously caused problems.

No person shall be permitted entry to the premises without photographic identification being either a driving licence, passport or PASS card.

Every person entering the premises shall have their photographic identification scanned by the "Scannet" system.

SMOKING AREA

In addition to the doorstaff, CCTV and sufficient lighting to capture clear images on the CCTV footage set out above, the Committee considers it appropriate to make it a condition that the area be fenced to prevent any access the area to people who have not been permitted into the premises. Problems have occurred in this area including incidents when people have climbed a fence to enter.

The smoking area must be enclosed to stop people who are not permitted into the premises

from gaining access to it.

FIRE ESCAPES

Previously people who have been refused entry have attempted, sometimes successfully, to enter the premises by the fire exits therefore the following condition is appropriate to uphold the objectives.

Audible and visible alarms must be fitted to all external fire doors to the premises, except the front entrance / exit doors.

DISPERSALS POLICY

The Committee require the dispersals policy to be approved by the licensing authority in consultation with the police and to be complied with at all times. There are problems associated with dispersal or groups hanging around which need to be better addressed in the policy which the police and licensing authority can assist with.

The premises shall have a dispersals policy approved by the licensing authority in consultation with the police and comply with it at all times.

NOTICES

The Committee requires the Premises Licence Holder to ensure that all notices warning customers about drunkenness, CCTV, drugs, leaving the premises quietly and the availability of the taxi phone to be large enough and predominantly place to stand out to customers. The relevant conditions have been modified.

CONCLUSION

The Committee considers it has reached a fair decision which will enable the Premises Licence Holder to continue to operate and provide, as submitted at the hearing, nationally recognised entertainment whilst upholding the licensing objectives of preventing crime and disorder, public safety, protection of children from harm and the prevention of public nuisance.

The Committee requests that the licensing officer submits a report to the Licensing Committee three months after the new provisions come into force with regard to how the premises are operating.

The Committee takes very seriously the amount of incidents and the severity of the injuries that have occurred at the premises. It also considers that tough measures should be taken where premises add to the existing problems in Middlesbrough of violent crimes attributable to alcohol. The Committee therefore recommends to the police and licensing officers to bring the matter back for a review if incidents continue to occur at the premises once the restrictions are in place.

CONDITIONS

ANNEX 1 - MANDATORY CONDITIONS

Mandatory conditions in accordance with Section 19 of the Licensing Act 2003:

Where a premises licence authorises the supply of alcohol:

(i) No supply of alcohol may be made under the premises licence:

(a) At a time when there is no designated premises supervisor in respect of the premises licence, or

(b) At a time when the designated premises supervisor does not hold

a personal licence or his personal licence is suspended.

(ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Effective from 6 April 2010

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. The responsible person shall ensure that free tap water is

provided on request to customers where it is reasonably available.

Effective from 1 October 2010

4. (1) The premise licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whiskey: 25ml or 35ml; and

(iii) still wine in a glass: 125ml; and

(b) customers are made aware of the availability of these measures. Mandatory conditions in accordance with Section 21 of the Licensing Act 2003:

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed -

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to -

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

For the purposes of this section -

(a) 'security activity' means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that

Schedule.

Delete Annex 2 - Embedded restrictions and Benefits in relation to the Cleveland County Fire Brigade standard recommendation for the use and installation of smoke generators as they were part of the old Public Entertainment Licence requirements.

Revised Conditions following the Licensing Sub Cttee held on 24, 25 and 26 July 2012

Annex 2 - Conditions consistent with the operating schedule

LICENSING OBJECTIVES

GENERAL - ALL FOUR LICENSING OBJECTIVES

THE PREVENTION OF CRIME AND DISORDER

1. The premises must be fitted with digital colour CCTV which must include live coverage of the internal area, the front, side and rear (including fire exits) of the exterior of the premises and the smoking area.

1.1. The design and specification of the CCTV system shall be approved by the licensing authority in consultation with the police.

1.2. A monitor must be provided in the foyer or reception area showing live CCTV footage of the external and internal areas of the premises to be viewed by door staff.

1.3. A monitor to be provided in the foyer/entrance to the premises showing images of patrons entering the premises, the monitor to be large enough and in such a prominent position in order for patrons to take notice

1.4. That lighting must be provided at the foyer, front side and rear of the exterior of the premises and the smoking area and must be bright enough for the CCTV system to capture clear images.

1.5. That enough cameras are fitted to the internal areas of the premises to ensure that the best possible images are captured in view of the ambient lighting.

1.6. CCTV recordings must be kept for a minimum of 31 days and kept in a locked secure cabinet. This may be reduced to a shorter period only with the prior approval of the licensing authority in consultation with the police if the recording times, number of cameras or high resolution recordings will make it impossible to adhere to the 31 days.

2. Notices will be displayed throughout the premises notifying patrons that CCTV is in operation 24 hours a day.

3. In view of the incidents involving glasses and bottles and to avoid any such incidents occurring in the future all drinking containers shall be made of polycarbonate and bottles will be decanted.

4. 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.

5. The premises will have a written drugs policy and an approved drug box and drug register which will be used to dispose of and record all illegal substances found.

6. 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.

7. On any occasion when the premises are open until the last customer has been dispersed safely from the premises, the following minimum deployment of SIA Registered Door Staff shall be made:-

Customers inside Premises

1 - 199 3
200 - 299 4
300 - 399 5
400 - 499 6
500 - 599 7
600 - 699 8
700 - 799 9
800+ 10

8. The smoking area shall be enclosed to stop people who are not permitted into the premises from gaining access to it and it shall be supervised by a member of the door staff at all times it is in operation. Such supervision will be in person and not by a monitor.

9. No glasses/open bottles or other open containers shall be allowed to leave the premises at any time or be allowed to be taken into the smoking area.

10. Any person(s) appearing or acting intoxicated or acting in a disorderly manner will be refused entry to the premises. A refusals book will be kept fully updated to show persons refused and must be made available to the police, trading standards and licensing enforcement officers on request and/or during an inspection of the premises.

11. No person shall be permitted entry to the premises without photographic identification being either a driving licence, passport or PASS card.

12. Every person entering the premises shall have their photographic identification scanned by the Scannet system.

13. The designated premises supervisor or a representative will actively take part in the local Pubwatch scheme.

14. There shall be a search policy on entry.

15. No patron shall leave the premises with bottles or any open vessel.

16. A metal detector shall be used at the premises to carry out searches.

17. An apex Pubwatch radio or similar system shall be used at the venue to inform Police and other venues when a person is refused entry.

18. Entry will not be permitted to the premises after 2am on a Friday and Saturday unless the person is a Member of the Arena and produces a valid Membership Card as described below.

19. Every Member entering the premises after 2am on a Friday and Saturday must have his Membership Card and ID scanned by the Scannet system.

20. Members must be registered and issued with a photographic identification membership card capable of being scanned by the Scannet system at least 24 hours prior to entry to the premises.

21. The club must maintain a register of members to include date of birth name and address.

22. The premises shall have a dispersals policy approved by the licensing authority in consultation with the police and must comply with it at all times.

23. Audible and visible alarms must be fitted to all external fire doors to the premises, except the front entrance/exit doors.

PUBLIC SAFETY

1. A risk assessment shall be carried out on the premises
2. Electrical safety checks (PAT Testing) to be carried out on electrical equipment.
3. Notices are to be displayed in prominent parts of the venue stating entry policy. NO I.D. No ENTRY
4. Hand held counting devices will be used to ensure capacity is not exceeded.
5. There shall be a fully qualified first aider on the premises
6. Staff will be trained in Health and Safety and records of that training shall be kept at the premises.
7. Nominated taxi firms will be notified well in advance of any event to cater for patrons leaving.
8. A taxi free phone shall be installed for patrons to use and a large notice predominantly placed to inform patrons that the free phone is available.
9. A company Health and Safety Policy shall be in operation
10. All walkways to be checked prior to opening for any trip hazards or spillages
11. Procedure for spillages to be in place
12. Fire fighting equipment to be inspected daily and logged.
13. Emergency exits to be checked prior to opening for any obstructions
14. Fire alarm to be tested weekly and logged
15. First aid equipment to be on site at all times
16. Accident book to be on site and any accidents logged
17. All equipment to be well maintained

THE PREVENTION OF PUBLIC NUISANCE

1. Outside to be cleaned and swept every time the premises are open to keep litter to a minimum.
2. Large predominantly placed notices will be displayed asking patrons to leave the premises quietly.
3. Patrons who repeatedly leave the premises in a noisy manner will be barred from the venue.
4. Entertainment noise shall not be audible nor raise the ambient noise levels inside residential premises located on Lees Road, Carey Close or Victoria Street after 11pm.
5. A double sided 2 metre lobby shall be incorporated in the fire exit on the premises south-western facade.
6. All fire exit doors shall incorporate acoustic seals.
7. The licensee shall have control of music sound levels at all times, not the DJ or other performers.
8. Where practicable entertainment noise shall be played through house amplification system and loudspeakers.
9. Entertainment noise shall be controlled via frequency adjustable sound limiters to control sound output at 63Hz and 125Hz mid frequencies, set to operate at levels agreed with the Licensing Authority.
10. All bass bins and loudspeakers shall be acoustically isolated from the building structure to prevent flanking caused by structure borne sound transmission.
11. Where practicable, the premises shall incorporate downward facing loudspeakers featuring narrow directive patters, in order that sound is directed onto the dance floor only.

PROTECTION OF CHILDREN FROM HARM

1. Persons under the age of 18 will not be allowed on the premises unless at a special under 18's event.

2. At an under 18 event the following shall be in place:

- Fully qualified paramedic on premises
- Registered SIA security team shall be on duty at all times to assist or answer questions
- Age limit will be 14 to 17 years of age
- Identification will be requested
- Only non alcoholic drinks shall be sold or displayed
- If patrons are refused entry then efforts shall be made to contact their parents to ensure they are collected safely
- Anyone found under the influence of drink or drugs will when possible have their parents contacted and asked to collect them.
- All incidents are to be recorded and when necessary the Police to be informed
- All patrons shall be searched on entry. If patrons refuse to be searched then they will not gain entry into the premises