

MIDDLESBROUGH COUNCIL

AGENDA ITEM 3

COMMITTEE REPORT

LICENSING COMMITTEE

24 – 26 JULY 2012

REPORT OF THE ASSISTANT DIRECTOR OF COMMUNITY PROTECTION

APPLICATION FOR REVIEW OF PREMISES LICENCE

Applicant: Cleveland Police

Ref.No.MBRO/PR0354

Premises: Pavillion Arena 1664, 208 Newport Road, Middlesbrough

Premises Licence Holder: Hameed Investments Limited

Application received: 1 June 2012

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 is attached at Appendix 1.

1. Background Information

The premises consist of 3 storey night club, comprising of a ground floor, mezzanine floor and first floor, with a capacity of approximately 850. The premises are located on Newport Road, Middlesbrough outside of the Town Centre and Cumulative Impact Zone. Residential properties are in close proximity to the premises. A location plan is attached at Appendix 2.

Prior to the introduction of the Licensing Act 2003 the premises had the benefit of a Justices On Licence, Public Entertainment Licence and a Special Hours Certificate, permitting the sale of alcohol and entertainment between the hours of 7pm and 2am Monday to Saturday and 12 noon to 12.30am on Sundays and 12 noon to 2am on Sundays preceding a Bank Holiday.

On 6 August 2005 an application was made to convert these licences into a Premises Licence under the provisions of the Licensing Act 2003. This licence was granted on 19 August 2005. On 22 September 2006 this licence was transferred to Mr Riaz Hameed.

On 22 September 2006 Mr Hameed made an application to vary the premises licence to extend the hours for the sale of alcohol between the hours of 11am and 7am and all other licensable activities permitted by the licence between the hours of 11am and 7.30am daily. Following representations to this application from Cleveland Police and the Council's Environmental Protection (Noise) Team the application was considered by the Council's Licensing Sub Committee on 13 November 2006.

This application was granted in part, and subject to a number of conditions, to permit the supply of alcohol from 11am to 2.30am daily and regulated entertainment and late night refreshment between 11am and 3am daily. An extract from the minutes of this meeting detailing this decision is attached at Appendix 3.

This decision was subsequently appealed to Teesside Magistrates Court. Following a 3 day hearing between 25 and 27 June 2007 Magistrates determined to substitute the decision of the Council and extended the hours for the sale of alcohol to 11am to 7am daily and all other licensable activities to 11am to 7.30am daily. In addition one of the conditions imposed by the Committee was amended and a number of additional conditions were imposed. The reasons given by the Court when making this decision are attached at Appendix 4.

On 22 April 2008 the licence was transferred to Arena 2007 Limited. An application was also made to vary the designated premises supervisor from Mr Riaz Hameed to Mr Neil Winterbottom.

On 8 November 2010 the licence was transferred to Hameed Investments Limited.

2. Details of Application for Review of Premises Licence

On 30 April 2012 an application for review of the Premises Licence was received from Cleveland Police on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. However, this application was incorrectly served and as a result Cleveland Police re-served the relevant documentation and a further consultation period took place between 1 June 2012 and 29 June 2012.

A copy of the application for review by Cleveland Police is attached at Appendix 5.

On 27 June 2012 a representation in support of the application made by Cleveland Police was received from the Director of Public Health. This representation relates to the prevention of crime and disorder and public safety and a copy is attached at Appendix 6.

3. Notification to Responsible Authorities/Advertisement:

Cleveland Police have confirmed that copies of the application were served on all Responsible Authorities on 1 June 2012.

In addition, to fulfil the requirements of the Licensing Act 2003, Licensing Officers have posted notices in the vicinity of the premises and in the Council Offices advertising the review application. At the end of the 28 day consultation period there were no further representations.

4. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

The Prevention of Crime and Disorder
Public Safety

The Prevention of Public Nuisance
The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

The Licensing Act 2003 provides a procedure for review of a premises licence by any Responsible Authority or other persons who consider that there are problems at a premise which would impact on any of the licensing objectives.

5. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Reviews	Starting at paragraph 11.1
Prevention of Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at paragraph 2.17
Prevention of Public Nuisance	Starting at paragraph 2.33
Protection of Children from Harm	Starting at paragraph 2.41

And any other sections of the Guidance which Members consider to be relevant.

6. Middlesbrough Council Licensing Policy

Members are referred to the following relevant sections of the Policy.

Prevention of Crime and Disorder	Pages 32 to 42
Public Safety	Pages 30 and 31
Prevention of Public Nuisance	Pages 23 to 29
Protection of Children from Harm	Pages 43 to 47

And any other sections of the Policy which Members consider to be relevant.

7. Members' Options

Members may consider the following options:

1. To modify the conditions of the licence.
2. To exclude a licensable activity from the scope of the licence.
3. To remove the designated premises supervisor.
4. To suspend the licence for a period not exceeding 3 months.
5. To revoke the licence.
6. Alternatively Members may consider that it is not necessary to take any of the above steps and may issue an informal warning/and or recommend improvement within a certain time period.

Members are reminded that any aggrieved party (i.e. Applicant for the review, Holder of the Premises Licence any other person who made a relevant representation) may appeal any decision of the Licensing Committee to the Magistrates Courts.

Contact Officer: John Hodgson
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Ed Chicken
Head of Community Protection
Date 24 July 2012

For admin use only:

Decision:

Reasons: