

**LICENSING SUB-COMMITTEE C**

A meeting of the Licensing Sub-Committee C was held on 28 August 2012.

**PRESENT:** Councillors Taylor (Chair); Councillors Harvey and Hudson.

**ALSO IN ATTENDANCE:** Mr K Hazley – Owner  
Mr C Churchill – General Manager  
Mrs Churchill -Spensley - DPS  
Sgt Higgins – Cleveland Police Licensing Unit  
PC Fixter - Cleveland Police Licensing Unit

**OFFICERS:** B Carr, T Hodgkinson and S Vickers.

**DECLARATIONS OF INTERESTS**

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

12/4 **REVIEW OF PREMISES LICENCE - INN OFF THE PARK, 339 LINTHORPE ROAD, MIDDLESBROUGH, TS5 6AB - MBRO/PRO122**

A report of the Assistant Director Community Protection had been circulated outlining a request for a Review of a Premises Licence from Cleveland Police in relation to Inn Off the Park, 339 Linthorpe Road, Middlesbrough, Ref No. MBRO/PRO122.

Summary of Current Licensable Activities

Sale of Alcohol and Recorded Music - 11am to 12 midnight - Monday to Sunday  
Facilities for Dancing - 7.30pm to 12 midnight - Friday to Sunday  
Indoor Sports - 11am to 12.30am - Monday to Sunday

Full details of the Premises Licence 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.

Details of the Application

The Principal Licensing Officer presented the report in relation to the application to Review the licence, received on behalf of Cleveland Police on 2 July 2012, in relation to Inn Off the Park, 339 Linthorpe Road, Middlesbrough, Ref No. MBRO/PRO122 as outlined above.

The report provided background information in relation to the premises which, operated as a first floor snooker club accommodating a bar and terrace area situated on the corner of Linthorpe Road and Kensington Road in close proximity to residential properties.

A copy of correspondence from Cleveland Police on 7 August and 13 August 2012 regarding suggested conditions to be included on the licence to alleviate the problems at the premises which had been agreed with the applicant was attached at Appendix 4 to the report.

Cleveland Police

Sgt Higgins advised Members that the Police had called for a Review of the Premises licence primarily because of issues with underage sales on the grounds of the prevention of crime and disorder and the protection of children from harm licensing objectives.

Sgt Higgins referred to the details of the two underage sales which occurred on Friday 30 March and Friday 28 April 2012 included in the statement of PC Fixter. Members were advised that both members of staff responsible for the underage sales had been interviewed

and issued with fixed penalty notices. Sgt Higgins also referred to the visit by the Police to the premises on 19 May 2012 and advised that Officers were concerned regarding two females aged 16 and 17 who were present at the premises and had smelled of alcohol. Although neither of the females had a drink in their possession and had denied purchasing alcohol from the premises, the Police had arranged to have them removed from the premises and taken home by their parents. The Police had subsequently called for a review of the Premises Licence.

Sgt Higgins advised Members that following the application for the Review, the Police had had constructive dialogue with the Premises Licence Holder and the Designated Premises Supervisor with a view to alleviating the problems at the premises. The Police had worked with the Premises Licence Holder and the Designated Premises Supervisor to put forward a number of conditions which both parties believed would alleviate the problems at the premises.

Sgt Higgins advised that the key issue was the presence of young people at the premises after 9.00pm. Sgt Higgins highlighted that the incidents which had brought about the application for the Review had all occurred late at night. The Police and the management at the premises had determined that 9.00pm was a suitable time for young people to be required to leave the premises.

Sgt Higgins referred to the offence of persistently selling alcohol to children under Section 147A of the Licensing Act 2003. The offence was committed if on two or more different occasions in a period of three consecutive months alcohol was unlawfully sold on the premises to a person under the age of 18. The two offences committed on Friday 30th March and Friday 28th April fell within this category and paragraphs 15 and 30 of Section 147A of the Licensing Act 2003 included considerations for police and trading standards when deciding whether it was appropriate to issue a closure notice. As a consequence the Police advised that they intended to request the premises to close for a period of 7 days although the paperwork in respect of this request had not been finalised.

Sgt Higgins referred to the statements of Inspector Marsay and PC Price and advised that the penalty notices referred to in the statement of PC Price had been paid.

The Chair queried whether Sgt Higgins had received any additional information from the Barnardos organisation. Sgt Higgins advised that the role that Barnardos had taken part in a Police operation in respect of identifying under age drinkers. Barnardos had looked after two of the young people suspected of under age drinking who had been removed from premises on 19 May 2012 but they had no active role in the Review of the premises licence.

Applicant in Attendance

The General Manager advised Members that the premises were a family run independent premises which had been operational for 26 years without any incidents. The DPS was the mother of the General Manager and she had over 35 years licensing experience.

The business was primarily a snooker club and the premises did have a number of junior members aged 14 - 18 years of age. The premises worked with Tees Valley Housing on initiatives to provide events for disadvantaged children. The premises also had an England pool player who provided coaching sessions at the premises for excluded children.

Members were advised that the premises did have procedures in place including the Challenge 21 policy and the premises had passed all previous test purchases. With regard to the three incidents of underage sales, members were advised that an investigation had been carried out following the first underage sale and the member of staff responsible for the sale had been disciplined. The cause of the underage sale had been human error and the purpose of the investigation was to ascertain if the policies that the premises had in place were sufficiently robust.

Following the investigation all policies were risk assessed, the Challenge 21 policy was revised to Challenge 25 and more notices had been put up in the premises. A refusals book

had also been put in place and all staff had received further training. The premises also introduced a new policy that young people under the age of 18 were required to leave the premises by 9.00pm and all junior members had been notified of the new policies. In response to a query regarding the age of staff at the premises Members were advised that all the staff were over the age of 21.

The Chair referred to the proposed condition regarding the installation of a digital CCTV system. The General Manager advised that the CCTV system currently in place was an analogue system and the premises had been in consultation with the police regarding the installation of a digital system. It was envisaged that the system would be in place by the end of September 2012.

Sgt Higgins advised that the police accepted that it would take time to install the digital CCTV system and he acknowledged that the Police were working with the premises with regard to the location of the cameras. The General Manager advised that the premises were trying to identify hotspots at the premises and had identified two areas that were not visible from the bar and it was intended that cameras would be installed in these areas.

Members were advised that the premises staff conducted hourly walks around the inside of the premises to challenge any young people who appeared to be under the age of 18 to ensure that they vacated the premises before 9.00pm and this procedure had been in place since June 2012.

The General Manager advised that it was intended that the Bar Manager would become the DPS. The General Manager had all the qualifications to hold a Personal Licence but he was waiting for the renewal of his CRB check before applying for a licence. It was intended that at least four members of the staff at the premises would hold a personal licence.

#### Summing Up - The Applicant

The DPS advised that she had been a licence holder for over thirty years at four different premises and she had never been subjected to a review of licence throughout that time. The DPS apologised for the incidents and advised that she was not at the premises at the time of the incidents because of personal family problems. The DPS acknowledged the support that she received from the General Manager and the police in dealing with the problems at the premises.

#### Summing Up - The Police

Sgt Higgins advised that the key issue was the presence of young people at the premises after 9.00pm and the Police considered that the conditions suggested by the Police in conjunction with the management of the premises would address any previous concerns about underage sales to young people at the premises. 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

That the Premises Licence in respect of Inn off the Park, 339 Linthorpe Road, Middlesbrough - Ref No: MBRO/PR0122 be retained subject to the inclusion of the additional or modification of the following conditions:-

#### Prevention of Crime and Disorder

1. That digital colour CCTV be installed by 30 September 2012 to cover both internal and external areas of the premises. This will be recording at all times, retain footage for a minimum of 31 days and be able to produce footage on a disc to be made available to reasonable requests by members of the police and other responsible authorities.

2. That there shall always be a member of staff on duty, who can operate the CCTV system including copying footage.
3. An incident book to be maintained and kept on the premises at all times.

#### Protection of Children from Harm

1. There shall be no person under the age of 18 on the premises after 9.00pm.
2. Within 10 minutes either side of 8.30pm a member of staff shall visually check all customers and notify any person under the age of 18 years of age that they must leave the premises by 9.00pm.
3. Any person on the premises aged under 18 shall be accompanied by a responsible adult.
4. A responsible adult shall not be responsible for more than 3 persons under the age of 18 years old.
5. The premises must operate a Challenge 25 policy whereby any person appearing to be under the age of 25 years shall be asked for photo ID before being served.
6. Only photo ID will be accepted as proof of age either passports, photo driving licences or PASS accredited proof of age.
7. Signage of a minimum A4 size shall be displayed at both the entrance to the premises and the bar area with regard to the Challenge 25 policy.
8. Staff shall have up to date licensing training, particularly in relation to under age sales which will be documented and signed by both management and each individual member of staff. This training will be refreshed every six months.
9. A refusals book shall be maintained and kept on the premises at all times.
10. The above conditions detailed at 1 and 2 under the protection of children from harm shall be suspended on any occasion when a pre arranged private party is taking place. On such an occasion members of the public shall not be permitted access to either the whole premises or the part of the premises where the private party is located.

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

1. The application was considered on its own merits, taking into account the licensing objectives.
2. Consideration was given to the relevant Government Guidance and Middlesbrough Council's Licensing Policy.
3. Consideration was given to the case made by the Applicant and the Police.
4. Members acknowledged the fact that the applicant had worked with the Police to alleviate the problems at the premises.

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