

FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 26 NOVEMBER 2013

APPLICATION FOR REVIEW OF PREMISES LICENCE

Applicant: Cleveland Police

Ref.No. PR0052

Premises: Club Bongo International, 11-12 Bridge Street West, Middlesbrough, TS2 1AW

Application received: 31 October 2013

Summary of Current Licensable Activities:

Regulated Entertainment – Monday to Sunday 11am to 3.30am
Late Night Refreshment – Monday to Sunday 11pm to 3am
Sale of Alcohol (on and off sales) – Monday to Sunday 11am to 3am

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

1. Background

The premises consist of a night club situated in Middlesbrough town centre. The premises have operated under the provisions of a Premises Licence since the introduction of the Licensing Act 2003 and prior to that operated under the provisions of a Justices Licence and Public Entertainment Licence.

Members may recall that on 31 October 2013, Cleveland Police made application for a summary review of the above premises licence following concerns in relation to serious crime and/or serious disorder at the premises. A copy of this application is attached at Appendix 2.

As a result of this application the Licensing Sub Committee, at a hearing on 4 November 2013 decided to suspend the licence as an interim step pending the full review hearing.

2. Additional Representations

- 2.1 On 12 November 2013 a representation was made on behalf of the Premises Licence holder against the interim measures imposed by the Licensing Sub Committee on 4 November 2013 and on 14 November 2013 Members considered this representation.

The Committee determined that the interim steps of suspension of the Premises Licence remained appropriate for the promotion of the licensing objectives until the full review for the following reasons:-

1. A serious incident occurred at the premises which the Police believed involved a weapon resulting in the victim being slashed down his face requiring 70 stitches to the wound.
 2. The Premises Licence Holder has historically failed to comply with CCTV requirements.
 3. The CCTV system did not record the incident and the current DPS did not know how to operate the CCTV system.
 4. It was noted that a new CCTV system has been installed at the premises and the Premises Licence Holder proposes to search customers for weapons with metal detectors before entry to the premises. However the Committee did not consider that these measures were sufficient in the interim, in view of the seriousness of the crime and the historical failure of the CCTV system.
 5. The Committee were concerned about the way in which the incident was handled by the management of the premises, including the DPS and door staff, by ejecting the victim through the side door and failing to call the emergency services.
 6. The Committee believed that the conditions suggested by the Premises Licence Holder were insufficient because of the overall concerns with regard to the management of the club in complying with conditions and preventing and dealing with incidents at the premises.
- 2.2 Since the initial application by Cleveland Police for a summary review of the premises licence additional evidence has been submitted in support of their application. This documentation is attached at Appendix 3.

3. 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 interested party who consider that there are problems at the premises which would impact on any of the licensable activities.

4. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Crime and Disorder

Pages 32 to 42

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

5. Guidance to the Licensing Act 2003

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

Prevention of Crime and Disorder	Starting at paragraph 2.1
Reviews	Starting at paragraph 11.1

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

6. 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.

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