

LICENSING SUB-COMMITTEE C

A meeting of the Licensing Sub-Committee C was held on 26 February 2016.

PRESENT: Councillors B E Taylor (Chair); T Lawton and J A Walker

ALSO IN ATTENDANCE: Representing the Applicant:

M Foster - Legal Representative
T Robson - Licensing Consultant
M Holmes - Head of Security
A Shafer - Applicant

Representing Cleveland Police:

A Anderson - Legal Representative
Sergeant P Higgins - Licensing Sergeant

OFFICERS: B Carr, C Cunningham and T Hodgkinson

DECLARATIONS OF INTERESTS

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

15/9 EXCLUSION OF PRESS AND PUBLIC

Prior to the commencement of the meeting, discussion took place as to whether the Hearing should be held in public.

The Police legal representative stated that he recognised the applicant's right to privacy and advised that he would adopt a neutral stance in relation to the decision whether the hearing should be heard in private.

The Applicant's legal representative advised that he would prefer for the hearing to be heard in private as some of the information discussed could have a negative impact on his client's business.

The Chair advised that the Sub Committee would go into Private Session to consider the Applicant's legal representative's request for the hearing to be heard in private.

All interested parties other than the officers of Legal Services and Members Office, withdrew whilst the Committee determined the request.

All interested parties including the press returned to the room to hear the decision of the Sub Committee.

Following consultation with Members of the Sub Committee, the Chair announced, that in accordance with paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the Sub Committee had decided that it was in the public interest that the Sub Committee would be heard in private.

EXCLUSION OF PRESS AND 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 confidential information and the public interest in hearing the confidential information outweighed the public interest in disclosing the information in the hearing being held in public under Paragraph 14 (2), of the Licensing Act 2003 (Hearings) Regulations 2005.

15/10 APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE - 2 - 6 ALBERT ROAD, MIDDLESBROUGH - REF.NO. OL/16/04

A report of the Assistant Director of Improving Public Health had been circulated outlining an application received from Cleveland Police for a Summary Review of the Premises Licence in relation to Chambers, 2 - 6 Albert Road, Middlesbrough Ref: OL/16/04 as follows:-

Members were required to consider at this stage the request from Cleveland Police to take interim steps against the premises licence pending a full review of the licence which was required to be held within 28 days of receipt of the review application (which was received on 24 February 2016).

The Chair invited the Police legal representative to outline the basis for the application. The Sub Committee was advised that the Certificate Under Section 53A(1)(b) of the Licensing Act 2003 had been completed by the Chief Superintendent of Cleveland Police Force on 24 February 2016. The legal representative stated that it was the view of the Police that given the seriousness of the incidents and the apparent lack of control at the premises; the licence should be suspended or the premises should be required to close at 11pm.

The Chair invited the Applicant's legal representative to outline the response to the Police request for interim steps to be taken against the premises.

The Applicant's legal representative outlined a list of measures that the premises intended to take in order to prevent further crime and disorder at the premises and comply with the licensing objectives. A copy of the list of the suggested measures was circulated to Members. The Sub Committee was advised that the applicant needed the opportunity to be able to implement the suggested measures.

The Police legal representative advised that the applicant had been provided with the opportunity to put some of the measures in place as the Police had met with the applicant on a number of occasions to discuss concerns about the premises. The Applicant's legal representative pointed out that the Police had not put an Action Plan in place in respect of the premises.

The Chair queried whether either party had any queries with regard to any of the information circulated at the meeting. It was confirmed that there were no queries and the interested parties and officers of the Council, other than representatives of the Council's Legal Services and Members' Office, withdrew whilst the Sub Committee determined the review.

Subsequently all interested parties returned and the Chair announced the Sub Committee's decision.

NOTICE OF DECISION

Chambers Summary Review - Interim Steps S53A and S53B Licensing Act 2003

The Committee decision was as follows:-

The Committee considered the application for summary review of the Premises and the Certificate from the police, representations made by the police and the Premises Licence Holder through its representative. The Committee also considered the documents submitted by the Premises Licence Holder, the Licensing Act, guidance and policy.

The Committee considered it necessary to take the following interim steps under Section 53B of the Licensing Act 2003 pending the determination of a Review of the Premises Licence that must take place within 28 days from the date of the application:-

1. To suspend the Premises Licence immediately for a period of one week. The suspension is necessary because it will prevent further crime and disorder at the Premises following the serious violent incidents that occurred at the Premises as set out in the Police Certificate. The suspension will enable the measures proposed by the Licence Holder to improve the prevention of crime and disorder to be properly implemented.

2. From Friday 4 March 2016 the sale of alcohol from the premises will be restricted from 11.00am until 1.00am Monday to Sunday. The Committee considered that this interim restriction will protect the public as the violent incidents seem to occur after 1.00am and will enable the Licence Holder to assess whether the new measures are sufficient to uphold the licensing objectives.

The Committee noted that the Premises Licence Holder may make representations in respect of the interim steps and if representations are received the Licensing Sub Committee will hold a hearing to consider those representations within 48 hours in accordance with the Act.

Following hearing representations from the parties the Committee considered that the press and public should be excluded from the meeting in the public interest because the discussion may disclose information in relation to ongoing investigations, however, the decision and reasons will be public. The Committee also took into consideration that the meeting was in respect of whether interim steps are necessary pending review under Section 53A and B and matter will be heard at a full review hearing where usually the press and the public can attend.