

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

I Pc Emma Price

[on behalf of] the chief officer of police for the Cleveland police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

Chambers,
2-6 Albert Road,

Post town: Middlesbrough

Post code (if known): TS1 1QA

2. Premises licence details:

Name of premises licence holder (if known): Mr. Abdu SHAHER

Number of premises licence (if known): MBRO/PR0147/019199

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

On Monday 22nd February 2016 an incident took place at the Chambers Bar on Albert Road at 01:40 hrs where a Police Officer was hit over the head by a customer with a glass bottle. The incident had started inside the bar where doorstaff had gone to eject a group of disorderly customers. Whilst doing this a member of Chambers doorstaff who was off duty and talking to his colleagues has thrown food over one of the disorderly group. This resulted in the group starting to fight with the doorstaff. The incident escalated and was captured on a dash mounted camera by a Police traffic car. Two plain clothes Police Officers who were passing went to assist and a female who was part of the disorderly group hit one of the Police Officers over the head with a glass bottle she had took out of Chambers.

The female was arrested and has been charged with the offence of causing Grievous Bodily Harm.

This premises has been the subject of Police concern since August 2015. Police Licensing Officers have been in regular contact with the owner and Designated Premises Supervisor Abdu Shaher.

On the 18th of February 2016 Police Licensing Officers visited the premises to speak with Mr Shaher and obtain CCTV footage of incidents in the premises. These incidents included an assault between customers at 04:15 hours on Monday the 8th February where a male received a broken jaw and an incident on Saturday 12th February at 01:26 hrs where a male was assaulted on the dancefloor and also received a broken jaw.

These sorts of violent incidents have become commonplace at Chambers and the Police Licensing Officers have requested Mr Shaher provide them with written details of what measures he has taken to address the violence.

Mr Shaher has not provided any such details and it is clear from this latest incident that he has lost control of the premises.

This latest incident constitutes both serious crime and serious disorder. It is not appropriate to address these issues through the standard review process as the incidents have become so violent that immediate action is required before a member of the public is seriously harmed.

Signature of applicant:

Date: 24/02/2016

Capacity: Police Constable

Contact details for matters concerning this application:

[Cleveland Police]

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

Chambers
2-6 Albert Road
Middlesbrough
TS1 1QA

Premises licence number (if known): MBRO/PR0147/019199

Name of premises supervisor (if known): Abdu Shaher

I am a Chief Superintendent *Giordan Lang*³ in the Cleveland police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

On Monday 22nd February 2016 an incident took place at the Chambers Bar on Albert Road at 01:40 hrs where a Police Officer was hit over the head by a customer with a glass bottle. The incident had started inside the bar where doorstaff had gone to eject a group of disorderly customers.

Whilst doing this a member of Chambers doorstaff who was off duty and talking to his colleagues has thrown food over one of the disorderly group. This resulted in the group starting to fight with the doorstaff. The incident escalated and was captured on a dash mounted camera by a Police traffic car. Two plain clothes Police Officers who were passing went to assist and a female who was part of the disorderly group hit one of the Police Officers over the head with a glass bottle she had took out of Chambers.

The female was arrested and has been charged with the offence of causing

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

Grievous Bodily Harm.

This premises has been the subject of Police concern since August 2015. Police Licensing Officers have been in regular contact with the owner and Designated Premises Supervisor Abdu Shafer.

On the 18th of February 2016 Police Licensing Officers visited the premises to speak with Mr Shafer and obtain CCTV footage of incidents in the premises. These incidents included an assault between customers at 04:15 hours on Monday the 8th February where a male received a broken jaw and an incident on Saturday 12th February at 01:26 hrs where a male was assaulted on the dancefloor and also received a broken jaw.

These sorts of violent incidents have become commonplace at Chambers and the Police Licensing Officers have requested Mr Shafer provide them with written details of what measures he has taken to address the violence. Mr Shafer has not provided any such details and it is clear from this latest incident that he has lost control of the premises.

This latest incident constitutes both serious crime and serious disorder. It is not appropriate to address these issues through the standard review process as the incidents have become so violent that immediate action is required before a member of the public is seriously harmed.

(Signed)



(Date)

24th February 2016.

Address: Middlesbrough Police HQ, Bridge Street West, Middlesbrough, TS2 1AB

Telephone number(s): 01642 303175

Email: emma.price@cleveland.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both. "

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various Regulations under the Licensing Act 2003 ("the Act") to allow for the operation of the new summary review procedure under sections 53A to 53C of the Act in relation to premises licences.

The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (S.I.2005/42) are amended to provide for the making of applications, the giving of notices and the advertisement of applications under the new procedure. This includes the prescription of an application form for the initiation of the procedure by the police.

The Licensing Act 2003 (Hearings) Regulations (S.I. 2005/44) are amended to provide for hearings conducted in pursuance of the new procedure, under section 53C of the Act. Lastly, the Licensing Act 2003 (Licensing authority's register)(other information) Regulations 2005 (S.I. 2005/43) are amended to require inclusion on a licensing authority's register of the fact that an application under the new procedure has been made, and the grounds upon which it is made.

Middlesbrough
Council



PREMISES LICENCE

Part A

Premises licence number

MBRO/PR0147/019199

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Chambers 2-6 Albert Road	
Post town	Post code
Middlesbrough	TS1 1QA
Telephone number	
01642 213658	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Live Music Recorded Music Performances of Dance Activity like music/dance Late Night Refreshment Sale of Alcohol

The times the licence authorises the carrying out of licensable activities
LIVE MUSIC
Monday to Sunday: 11am to 4.30am
RECORDED MUSIC
Monday to Sunday: 11am to 4.30am
PERFORMANCES OF DANCE
Monday to Sunday: 11am to 4.30am
ACTIVITIES LIKE MUSIC/DANCE
Monday to Sunday: 11am to 4.30am

LATE NIGHT REFRESHMENTS

Monday to Sunday: 11am to 4.30am

SALE OF ALCOHOL ON AND OFF PREMISES

Monday to Sunday: 11am to 4am

The opening hours of the premises

Monday to Sunday: 11am to 4.30am

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol sales permitted ON and OFF the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

A & L Entertainments Ltd
2-6 Albert Road
Middlesbrough
TS1 1QA

Registered number of holder, for example company number, charity number (where applicable)

9013440

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Abdu Shafer

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

MBRO/PL0263/019475 issued by Middlesbrough Borough Council

Granted on 5 June 2014



Authorised Officer

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.

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.

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.

Annex 2 - Conditions consistent with the operating Schedule

Embedded Restrictions and Benefits

ON LICENCES

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:

Monday to Sunday: 11am to 4am.

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December).

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the Borough of Middlesbrough, private entertainment for gain may be provided throughout the premises by virtue of the previous Justices' Licence/Public Entertainment Licence.

Public Entertainment by way of music and singing only, which is provided solely by the reproduction of recorded sound, may be provided throughout the premises by virtue of the previous Justices' Licence.

LICENSING OBJECTIVES

GENERAL - ALL FOUR LICENSING OBJECTIVES

1. All managers and area managers have attended and passed the national licensee certificate and first aid courses. The unit is an active member of the pub watch scheme and has a pub watch radio which is linked to the local police. When any incident occurs in the venue a company incident form is completed by the door staff and managers. After completion this form is faxed through to head office for their records.
2. All security staff hold an SIA badge and are required to sign in at the start of every shift, a file holding all signing sheets and incident reports is kept in the unit at all times.
3. Full co-operation will be given to the Police while they are conducting any investigation.

THE PREVENTION OF CRIME AND DISORDER

1. A 32 camera recording system is in place in the unit.
2. The unit is fitted with an intruder alarm which is a redcare system, so any activation and a key holder is informed immediately.
3. The toilet areas are checked every 20 minutes. Security and bar staff are all trained to be vigilant at all times for any signs of drunkenness, violence or drug abuse.
4. All door staff used in the venue are fully trained and all hold SIA badges.

5. A random search policy is in place. A female member of security is for the searching of female patrons.
6. To understand Cleveland Police drug action plan and enforce this at all times. All staff are trained to be vigilant at all times and not serve anyone who is drunk.
7. Any other patron who is found buying alcohol for a patron who is drunk will be removed from the premises.
8. All CCTV footage recorded should be kept for a minimum period of 31 days and which ever format footage is recorded onto should be kept in a locked and secure cabinet.
9. All glasses should be made of toughened glass.
10. The DPS or his representative should attend the appropriate Pubwatch scheme.
11. A fully up to date incident book recording incidents of crime and disorder should be kept at all times.
12. No person under 18 years of age shall be permitted in the premises after midnight on any occasion whether this person is accompanied or not.
13. No drink of any description shall be allowed to leave the premises in any glass, open bottle or other container.
14. The premises will have a minimum of one secure non returnable bottle bank per floor.
15. No drinks promotions which encourage immoderate or irresponsible drinking shall be allowed.
16. After 8pm 1 SIA qualified door supervisor should be on duty for every 100 patrons present at the premises.

PUBLIC SAFETY

1. Health and Safety risk assessments are carried out twice a year and a copy will be provided on request.
2. Fire risk assessments are carried out twice a year and a copy will be provided on request.
3. A fire detection and alarm system is present throughout the building and a bell test is conducted on a weekly basis.
4. A full fire drill is conducted with the staff every 6 months and the system is serviced every year where a new certificate is issued on compliance.
5. The fire alarm is fitted with a music cut off system, so if the fire bell activates then the music will cut off.
6. Maintained and non-maintained emergency lighting is located around the building and covers all emergency exit routes. These are fully tested every 12 months.
7. All employees have a staff induction when starting work with the company. This induction covers health and safety, fire evacuation and fire fighting, drug awareness and dealing with violence. A copy is attached.
8. All door staff are SIA badge holders.
9. The building has a capacity level set on it by the Fire Authority as follows:
Ground Floor - 418
1st Floor - 335
Second Floor - 200
These capacity levels are monitored at all times by the management and the security personnel by using door clickers.

THE PREVENTION OF PUBLIC NUISANCE

1. Implementation of dispersal policy - as attached document.
2. Active member of pub watch and will bar any customers who are on the pub watch list.
3. A litter patrol will be conducted at the end of every night.
4. A sound limiting device for amplified sound shall be installed and operated at the premises and incorporate a noise cut-out device which operates if noise from regulated entertainment exceeds a level that has been set and agreed with Middlesbrough Council. The sound limiting device shall be used to control amplified sound from all public entertainment events held at the premises.
5. The doors opening onto Albert Mews at the rear of the premises shall not be used at any time as an access route for customers to the premises, except in the event of an emergency.
6. Promotional flyers, advertising leaflets etc shall be collected at regular intervals by the licensee or his/her representative and deposited in the premises own waste bins. At the end of each evening staff shall patrol the vicinity, collect all discarded flyers within a 20 metre radius of the premises and deposit them in the premises own waste bins. Where promotional material is distributed away from the premises concerned the same principle applies, however at the end of the evening staff shall return to the distribution site(s), collect all relevant discarded promotional material and return it to their own premises.
7. Noise and vibration shall not emanate from the premises so as to cause a nuisance or disturbance to the occupiers of nearby premises.
8. All windows and external doors facing onto Wilson Street and ALbert Mews shall be kept closed when regulated entertainment is being provided except in the event of an emergency. The doors facing onto Albert Road shall be kept closed after 2am when regulated entertainment is being provided except in the event of an emergency.
9. To take guidance from the conclusions of a noise acoustic report from Noise Technology.

THE PROTECTION OF CHILDREN FROM HARM

1. Where under 18 events are in operation no alcohol will be on sale or visible on the premises.
2. SIA licensed personnel will be present at all times.
3. Events will finish no later than 10pm.
4. A 100% search policy will be in operation.
5. Parents will be welcome to visit the event at all times but because it is strict under 18's they must be accompanied by the manager whilst in the venue.
6. An identification policy is in place, if someone looks younger than 21 they will be asked for identification, where only a passport or driving licence will be accepted as valid documentation. If they cannot produce identification then they will be refused entry.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not Applicable

Annex 4 - Plans

Attached

