

## Licensing Sub-Committee

A meeting of the Licensing Sub-Committee was held on Thursday, 1 June 2006.

**Present:** Councillors Rix, Roberts and Woodhead.

**Officers:** M Vaines (DNS), Ms R McKenzie (LD).

### 219 Chairman – Appointment

RESOLVED that Councillor Woodhead be appointed Chairman for this meeting only.

### 220 The Roseworth, Redhill Road, Stockton on Tees - Application under Schedule 8 of the Licensing Act 2003 - Application for a review of a premise licence under Schedule 8 of the Licensing Act 2003

An application for review was submitted by Cleveland Police in respect of The Roseworth Pub, subsequently further applications in respect of the review were received from the Environmental Health Department of Stockton-on-Tees Borough Council. The Licensee of the Roseworth was also in attendance to state her case.

The Licensee requested a further adjournment of the hearing as her Solicitor was not able to attend. The Committee were informed that the application for review had been adjourned on two previous occasions. The Licensee explained that she originally instructed John Gaunt, who is based in Sheffield to attend the hearing on the 3 April 2006. However the Licensee's solicitor said they only received the papers two days before the hearing and so the committee agreed to request an adjournment to allow the Licensee to obtain legal advice. The Licensee stated that she changed her to Solicitor to a local firm as her solicitor was unable to travel to Stockton. The Licensee also requested an adjournment of the hearing on the 4 May as she was on holiday. Her request was granted.

The Licensee stated that she had instructed Appleby Hope and Matthew eight weeks ago. The Licensee produced a letter from her Solicitors dated 23 May 2006 which explained that her Solicitor could not attend the hearing. It also stated that her solicitor had attempted to contact the Licensee throughout the day on Friday 19 May 2006. The Licensee confirmed that all the documents were sent to her new Solicitor and that they had received all the information in relation to the application. The Licensee informed the Committee that she had met with her Solicitor to obtain legal advice and that he had intended to be present at the hearing today.

In relation to the application for adjournment the representative from Cleveland Police stated that she would not agree to an adjournment and stressed that this was the Police's application. An adjournment was also opposed by the representative from the Environmental Health Department.

In considering the application for adjournment the Committee took into consideration that the hearing had been adjourned on two previous occasions. The Committee also took into consideration that the hearing was convened at the request of the Police and that legislation stated a hearing should be convened within 20 working days of an application for review. The Committee noted that first hearing had taken place on the 3 April 2006. The Committee also noted that the letter from their Solicitors was dated the 23 May 2006 and that the Licensee had done nothing to try and obtain further legal representation as indicated in the letter from Appleby Hope & Matthews. The Committee therefore decided that the licensing objectives may be undermined if the hearing did not continue and therefore refused the application for adjournment.

The Licensing Officer referred the parties to the report which detailed the application for a review.

The Legal Adviser on behalf of Cleveland Police explained to the Committee that the Police were seeking a review on the grounds of crime and disorder and public

nuisance. The Legal Adviser referred the Committee to the reports of crime and disorder in relation to The Roseworth. Cleveland Police submitted a booklet of evidence in relation to their application and the Committee Members were guided through this. The Legal Adviser stated that the Licensee was also the designated premises supervisor. The Legal Adviser informed the Committee that when the Licensee recently went on holiday the premise was closed but re-opened without authority by her husband. Through her evidence a representative from Cleveland Police described the Roseworth as a small pub that catered mainly for local residents.

The Roseworth first came to the attention of Cleveland Police when local beat officers received complaints regarding youths and noise. The Committee were informed that in on the 12<sup>th</sup> August 2005 the Licensee arranged an under 18 disco and did not seek any advice regarding organising such an event. Alcohol was still being served within the premise. There were a number of children present within The Roseworth who were in various stages of drunkenness and were causing trouble. The Licensee was advised that she should hold no more under 18's discos. The Licensee held a further under 18's disco on the 26<sup>th</sup> August 2005 and again there were children at the disco where alcohol was served, the Licensee was interviewed by the police and warned that there should be no more incidents.

A representative from the Police stated that she thought the Licensee's attitude was irresponsible and that as a result of the raves Police Officers were assaulted and cars were damaged. A representative from the Police stated that the Licensee should have known the laws in relation to children. Furthermore, the Licensee had people on the doors that were not properly trained or regulated. There had been no raves since the incident in August 2005. The Police representative explained that the Police had received a number of reports regarding after hours drinking, drugs and under age drinking. Furthermore, the pub is very small and within a 17 month period there had been 49 incidents reported. The Police representative explained that this was more than some of the pubs within the centre of Stockton.

The Police representative stated that on the 7 June 2005 Cleveland Police received a report that the landlady's partner had threatened someone. The Police representative explained that the Licensee's partner was not the licensee or the DPS.

Furthermore, in relation to drugs, residents had complained that the dealing of drugs was blatantly taking place within the premise. The Police representative stated that she would expect the DPS to inform Cleveland Police of any drug dealing and to either remove the person from the premise or to contact the Police so they could deal with the culprits. The Police representative further stated that if The Licensee had employed proper door staff they could have assisted in relation to the problems which occurred at the raves. Furthermore, if the Licensee had sought advice, Cleveland Police would have explained the procedure that she should have followed and how she should have dealt with any problems. The Police representative explained that the Licensing Unit was there to help Licensees and that she had not sought any advice in relation to drugs or raves.

The Police representative stated that the Licensee's management was affecting crime and disorder and affecting other residents. Furthermore, Cleveland Police had received letters from residents who stated that they wished to move due to the problems at The Roseworth. The Police representative stated that they had received reports of criminal damage and assault and that a lot of the problems within the pub were spilling out on the street and the Police had been called as a result. These disturbances were subsequently causing a nuisance to other residents and included banging on windows late at night. The Police also explained that many of these incidents were domestic incidents between the Landlady and her partner.

A recent domestic incident involved a report from the daughter of the Landlady who contacted the Police. The Police representative also referred to an incident on the 2 May 2006 which involved a burglary at the premise. The Police had requested to see the pubs CCTV footage however were informed that this was broken and had not yet been fixed.

Furthermore in relation to the incident on the 20 May 2006 the Licensee had gone on holiday to Spain and closed the bar. The Licensee was informed that her partner had opened the bar and was serving drinks to members of the public. As a result the Licensee called the Police and her partner was informed that he must close the bar until the Licensee returned.

Cleveland Police also explained that the Licensee had not been attending pub watch. The Committee were informed that the meetings were of great importance as licensee's were kept informed of any changes within the law and information was shared regarding people who were barred from premises. The Police felt this was an important requirement and strongly recommended those within the industry to attend Pub Watch. Therefore it was imposed on the licence as a condition. Pub Watch was held every three months and there had been no representation from The Roseworth for the last five meetings. Therefore the Licensee was in breach of her licence conditions.

Cleveland Police stated they felt that the number of incidents would be reduced if the Licensee was removed from being the DPS as she herself caused some of the problems. Furthermore the Police would like to see the premise close at an earlier time. Cleveland Police said that a lot of their time had been spent dealing with the incidents from The Roseworth. Cleveland Police felt that the Licensee was not running the pub to the best of her ability and that she was not requesting help in relation to the management. The Licensee had been given opportunities to seek advice and remedy the situation and that as a last resort the police has requested a review.

The Committee enquired whether a lot of the incidents reported were domestics. The Police confirmed that the domestic incidents were cause of concern for the Police.

The Committee asked the Police what conditions they felt could be imposed to improve the management of The Roseworth. Cleveland Police explained this maybe achieved by reducing hours and monitoring this over a period of time. Furthermore a condition could be imposed not to allow any person under 18 on the premise at all. This would prevent the situation where adults are buying alcohol on behalf of children and therefore deal with the issue of underage drinking.

The Committee also enquired how the Police sought to address the altercations between the Licensee and her partner. Cleveland Police stated that a number of reported incidents occurred when the family had been drinking and there were staff of friends within the bar after hours. The Police stated that they would like a change to be made to the DPS,

The Committee questioned whether the Police made representations when the Licensee had applied for a variation of a premise licence. The Police stated that they did make representations but agreed conditions with the Licensee such as installing CCTV, regular attendance at Pub Watch, not to allow any person barred to enter the premise and to keep an incident book.

Environmental Health Officer, stated that the Department had received complaints of loud music and karaoke continuing to 1.30 am. As a result an Officer visited the premise and discussed the complaints. The Licensee denied the allegations and the Environmental Officer had requested to see a record of periodic assessments and also gave advice in relation to noise nuisance. The Licensee stated that she had not kept any periodic assessments. As a result of the visit the Officer tried to contact the complainant and gather more information, but this was unsuccessful.

The Licensee stated that she had only been interviewed by the Police regarding the incidents in relation to the underage raves. She also stated that the Police had not been into the premises to address any concerns regarding underage drinking. She explained that she would be aware if someone entered the premise and were underage. Furthermore a lot of her customers are middle aged as the pub does not

attract young customers. The Licensee informed the Committee that there were no drugs within The Roseworth.

The Licensee stated that she had gone through the reported incidents with her Solicitor, however he had not returned the documents to her. The Legal Advisor asked her whether she wanted a copy of the booklet or an opportunity to read through the booklet again. She declined this opportunity. The Licensee stated that she owned the premise and lived there together with her partner. She said had recently separated from her partner and that she intends to buy a bar in Spain.

Cleveland Police clarified that in relation to the 49 incidents they had referred to they involved an accumulation of assaults, burglary and were not just in relation to drugs. The Licensee informed the Committee that the pub was located near to a parade of shops which attracted children. She further stated that she always moves children on if they congregate near to her premise. The Licensee contended that in relation to the after hours drinking the Police had visited once within three years and she was never made aware of any other problems. Furthermore in relation to the domestic incidents these always occurred after hours when the pub was closed to the public and the Police would be able to verify this from their record of phone calls. The Licensee acknowledged that she should not have domestic incidents in any event however these were not in front of customers. She stated that hopefully the pub would be sold within the next six to eight weeks.

The Committee made enquiries regarding the allegations of under 18's within the pub. The Licensee reiterated that she did not allow underage drinking within her pub however children do drink outside of her pub. Furthermore, in relation to the underage raves she followed the Police advice and covered up the pumps whilst the raves were continuing. The Committee referred the Licensee to the statement of PC Khan which referred to an interview and a caution given to an underage 16 year old who admitted drinking within her premise. The Licensee stated that this individual was arrested as a result of a telephone call she had made and that during a function this individual had smashed a window in the kitchen. She stated that the Police had not notified her of the outcome and that the individual had not been drinking in her pub.

The Committee also enquired whether the Licensee thought her domestic altercations would have an affect and whether she thought her behaviour was acceptable. The Licensee stated that the incidents did not occur during the day and were only late at night.

The Committee questioned the Licensee as to why she appeared reluctant to attend for Police interviews. She stated that she had been invited to three interviews and was poorly on one occasion and that the interviews were all in relation to the raves.

Furthermore the Committee enquired why no representative had been attending the Pub Watch meetings. The Licensee stated that she wasn't aware that this was a condition upon her licence as she had not read the licence properly. The Licensee also stated that in relation to the drugs and late night drinking, these were first brought to her attention when the Police submitted an application for review.

The Legal Adviser for the Police explained to the Committee that the Police were not seeking a second bite of the cherry but that they were seeking to promote the Licensing objectives. Furthermore, the Police had given the Licensee a chance however the Police continued to receive many allegations in relation to the premise. The Adviser stated that it was appropriate to review the premise licence and that the Committee should view any breach seriously as the licence conditions had clearly not been adhered to and the licence conditions had been undermined.

The Licensee had no further comments to make.

After considering all of the evidence and representations made the Committee felt that there was evidence of underage drinking taking place within the premise. The Committee noted that the statement of a PC was clear evidence that underage

drinking was taking place at the premise. The Committee took into consideration that the statement referred to two individuals who were cautioned for underage drinking on the same day. The Committee also noted the Licensee's refusal to accept any of the evidence relating to underage drinking. The Committee felt the management of The Roseworth would only be improved if the Licensee was prepared to accept some of the concerns raised by Cleveland Police.

The Committee noted that the Police had made representations regarding raves held for under 18's. The Committee considered that the last event was held in August and that the Licensee had followed police advice and not held any further raves. The Committee felt that the Licensee and Cleveland Police had adequately dealt with the issues regarding the raves.

The Committee took into consideration that the Police had concerns regarding the application for variation and therefore conditions had been agreed with the Licensee to promote the licensing objectives. The Committee also took into consideration that it was a condition of the Licensee's licence that a representative from The Roseworth attended Pub Watch meetings that were held every three months and since the variation of her licence no representative had attended. The Committee also noted that the breach of a condition to fit an internal CCTV was another important breach and that the Licensee had ample time to ensure that this was fixed. The Committee took into consideration that the Licensee had also failed to conduct periodic assessments and noted these had been requested by Environmental Health.

The Committee felt the Licensee had shown little regard to some of the conditions imposed on the licence. This was further exasperated by the fact no satisfactory explanation was given as to why the breaches had occurred. In particular the Committee thought that the failure to attend Pub Watch meetings as a result of not reading the premise licence properly was a blatant disregard to the licensing regime and evidence that the Licensee had failed to manage The Roseworth in line with the licensing objectives.

The Committee noted that many of the reports contained in the booklet involved domestic incidents between the Licensee and her partner. The Committee noted that the incidents were causing a nuisance to those that lived in the vicinity as they often continued outside the pub. However the Committee took into consideration that many of these incidents occurred outside the licensable hours contained on the premises licence.

The Committee noted the representations made by Cleveland Police that the Licensee had closed the pub prior to her going on holiday and that she had acted accordingly.

The Committee took into consideration that the Licensee felt she did not serve any under 18's and that it may be the case that adults buy alcohol on behalf of those under 18. The Committee therefore felt it appropriate to attach the following conditions:-

- No under 18's to be admitted to the premise.
- Request ID from anyone who appears under the age of 18.

The Committee considered that the Police had agreed conditions with the Licensee and that the premise licence had been granted which incorporated those conditions. The Committee noted that the conditions had been imposed to prevent crime and disorder that the Licensee had failed to regard the conditions of any importance. The Committee felt this was further evidence the pub was not been managed in line with the licensing objectives and imposed the following condition.

- All licensable activities to cease by 10.30 pm. The premise to close by 11 pm.

Furthermore in relation to the breach of licensing conditions the Committee felt strongly about the breaches especially as the licensee had agreed the conditions with Cleveland Police and Environmental Health when she applied for the variation of

the licence. The Committee also noted that no reasonable excuse had been provided for failing to enforce the conditions and felt the crime and disorder and public nuisance objective had been undermined as a result. The Committee also felt that the Licensee had failed to show any remorse in relation to the breaches. It was felt by the Committee that the Licensee would only take her obligations under the premise license seriously by suspending the licence.

The Committee felt it appropriate to suspend the premises licence for a period of six weeks.

RESOLVED that:-

1. The following conditions be attached to Roseworth Premise Licence:-
  - a. No persons under the age of 18 be admitted to the premise.
  - b. ID be requested from anyone who appears under the age the age of 18.
  - c. All licensable activities to cease by 10.30 pm. The premise to close by 11 pm.
2. The Premise License be suspended for a period of six weeks.