

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Monday, 5th January, 2009.

Present: Cllr Woodhead, Cllr Kirton, Cllr Mrs Nelson

Officers: J. Nertney (LD), M. Vaines (DNS)

Also in attendance: Premises Licence Holder: Marstons Plc – Mr Jervis (represented by Mr Cochrane from Flint Bishop Solicitors)

Cleveland Police: PC Iceton (represented by Miss Smith, Barrister)

Environmental Health: Mr Snowdon, Environmental Health Manager

Persons Living Within the: Six representations had been received and three of those persons
Vicinity of the Premise were in attendance at the meeting along with their representative Councillor Rix, Ward
Councillor

Apologies:

**LSC
46/08 Declarations of Interest**

There were no interests declared.

**LSC
47/08 Appointment of Chairman**

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

**LSC
48/08 LICENSING ACT 2003
APPLICATIONS FOR REVIEW OF A PREMISE LICENCE
QUEEN VICTORIA, 54 YARM ROAD, STOCKTON ON TEES**

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

The Licensing Officer advised the Committee that an application had been received from Cleveland Police under the provisions of Section 51 of the Licensing Act 2003. However further issues of concern arose for the Police and an expedited review application was submitted under Section 53A of the Licensing Act 2003.

The Sub Committee had met on 9 December 2008 in accordance with the expedited review procedure and had resolved to:-

- Remove the Designated Premises Supervisor with immediate effect; and
- Suspend the premises licence with immediate effect

It was noted that the premises licence holder had not objected to the interim measures and the matter before the Committee was now a review of the premises licence.

It was noted that normally the appellant and each person who had made a

relevant representation would be invited to address the Committee. However the Police and Premises Licence Holder were in agreement in relation to this matter. They had reached what they believed to be an amicable and reasonable approach to this matter and they were invited to inform the Committee of their proposals.

The representatives for the Police and Premise Licence Holder informed the Committee that they both were in agreement that the Designated Premises Supervisor should be removed and that the licence should remain suspended until such time as the Premise Licence Holder had obtained vacant possession of the premise and evicted the DPS. It was noted that the Premises Licence Holder had a possession hearing listed before Middlesbrough County Court in February 2009. The Premises Licence Holder had agreed that should possession not be obtained within a period of three months, which was the maximum period a licence can be suspended, then the licence would be revoked.

The representatives for the Police and Premise Licence Holder invited the Committee to agree to their suggested course of action.

In considering their decision Members of the Committee had regard to the documentary evidence which had been submitted to them, to Statutory Guidance and to guidance issued by the Department for Culture, Media and Sport titled Expedited/Summary Licence Reviews Guidance which was issued in October 2007.

The Committee gave consideration to whether the DPS should be removed. The Committee agreed that this would be appropriate and proportionate in these circumstances.

The Committee also felt it was appropriate to suspend the premises licence. The Committee noted that the Premises Licence Holder was in full agreement with this course of action.

RESOLVED that:-

- The Designated Premises Supervisor be removed with immediate effect; and
- The premises licence be suspended with immediate effect until such time as the Premise Licence Holder obtains vacant possession of the premise and the DPS be evicted. Should vacant possession not be obtained within a period of three months then the premises licence shall be deemed revoked.