

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 25th March, 2010.

Present: Cllr Dick Cains, Cllr Roy Rix and Cllr Bill Woodhead.

Officers: D Kitching (DNS); J Nertney (LD).

Also in attendance: None.

Apologies: None.

**LSC
37/09** **Appointment of Chairman**

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

**LSC
38/09** **Declarations of Interest**

There were no interests declared.

**LSC
39/09** **Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

**LSC
40/09** **The Oddfellows, 500 Thornaby Road, Thornaby - Application for Review of a Premise Licence under the Licensing Act 2003**

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

The Head of Trading Standards & Licensing advised Members that an application had been received from Cleveland Police under the provisions of Section 53A of the Licensing Act 2003 for a summary review of the premises licence. It was noted that the Police intended to submit a review under the normal review procedure but that there continued to be a deterioration in the number of incidents of serious disorder which were of great cause of concern to Cleveland Police and they had felt it necessary and appropriate to bring a summary review application forthwith.

Members were provided with a copy of the following documents:-

- Application for the review of a premises licence under section 53A of the Licensing Act 2003 dated 22 March 2010, received 24th March 2010
- A Certificate under Section 53A(1)(b) of the Licensing Act 2003 signed and dated by Superintendent Best on 23 March 2010

Members noted that this was a summary review of the premises licence made at the request of the Cleveland Police and was dealt with solely on the basis of the documentary information provided by the Police as detailed above.

In considering their decision Members had regard to the written application which had been submitted by Cleveland Police. Members also had regard to guidance issued by the Department for Culture, Media and Sport titled Expedited/Summary Licence Reviews Guidance which was issued in October 2007.

Members were satisfied from the information provided by Cleveland Police that there was evidence that the premises were associated with serious disorder as defined under the legislation.

Members noted that the Police were in the process of lodging an application for a review of the premises. However owing to the continuing increase in incidents of disorder some of which involved violence, the Police had lodged a summary review application. Members noted that the Police had given advice to Mr Lin the Premises Licence Holder and Designated Premises Supervisor (DPS) regarding his management of the premises and problems and issues that had been brought to the Polices attention. The Police had considered and implemented other measures to give Mr Lin an opportunity to resolve the problems at the premise. In February 2010 an action plan was agreed with Mr Lin but incidents of disorder had continued to increase at the premise. The Police indicate that in their view Mr Lin appeared to have lost control of the premises.

Members gave consideration to four interim steps which they were obliged to consider and which were set out in the report. Members gave consideration as to whether Mr Lin should be removed as the DPS. Members agreed that as Mr Lin was also the Premises Licence Holder they did not feel that it was appropriate or necessary to remove him as the DPS if they decided to take another interim step such as suspending the premises licence.

Members were of the opinion that from the information provided by the Police this was an extremely serious matter. Members therefore felt it was appropriate to suspend the premises licence in order to prevent further incidents of serious disorder at the premises. Members balanced their decision to suspend the premises licence against the potential financial impact for the premises licence holder. A suspension was deemed to be proportionate given that this matter was deemed very serious and that the use of the premises was associated with serious disorder.

RESOLVED that the premises licence be suspended with immediate effect.