

## Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 15th April, 2010.

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

**Officers:** J Nertney (LD); M Vaines, C Snowdon, A Worthington (DNS).

**Also in attendance:** Marstons Plc – Mr Charlton (represented by Mr Cochrane from Flint Bishop Solicitors);

Cleveland Police: PC Icton, PC Johnson (represented by Miss Smith, Barrister);

Observers: Mr Mosley a local resident.

**Apologies:** None.

### **LSC 7/10 Appointment of Chairman**

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

### **LSC 8/10 Declarations of Interest**

There were no interests declared.

### **LSC 9/10 The Oddfellows, 500 Thornaby Road, Stockton on Tees - 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 Licensing Officer advised the Members that an application had been received from Cleveland Police under the provisions of Section 53A of the Licensing Act 2003.

The Licensing Sub Committee had met on 25 March 2010 in accordance with the expedited review procedure and had resolved to:-

- Suspend the premises licence with immediate effect

It was noted that Mr Kwai Yau Terrence Lin, the premises licence holder, had not objected to the interim measures and the matter before the Sub Committee was now a review of the premises licence.

Since the interim steps hearing the Licensing Authority had received a request to transfer the premises licence into the name of Marstons Plc. The application requested that this be with immediate effect and Mr Lin had signed a form consenting to the transfer. Marstons had subsequently made a representation against the interim steps.

It was noted that normally the appellant and each person who had made a relevant representation would be invited to address the Sub Committee. However the Police and Martsons Plc as the current Premises Licence Holder had reached an agreement which was acceptable to the Police and addressed their concerns following their review application. It was noted however that

albeit the Police and Premise Licence Holder could indicate they had reached an agreement that the review hearing still had to proceed and the decision as to what action to take rested with the Sub Committee.

The representatives of Cleveland Police, Environmental Health and the Premise Licence Holder were invited to address the Committee and confirm their position in relation to the review application.

The representatives for the Police and Premise Licence Holder informed Members that they both were in agreement that the Designated Premises Supervisor (Mr Kwai Yau Terrence Lin) should be removed and that the licence should remain suspended until such time as the Premise Licence Holder had reached agreement with the Police in relation to a new Designated Premises Supervisor. 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 if the licence was reactivated at that time the premises licence holder gave an assurance that they would not reopen the premise until the Police had agreed to a new DPS and if agreement could not be reached then the matter would have to come before the Licensing Sub Committee. Furthermore Mr Cochrane on behalf of the Premise Licence Holder gave an assurance that the premise would not reopen until Members had reached a decision on any application for a new DPS.

Mr Snowdon stated that Environmental Health were of the view that as long as the Premise Licence Holder and any new DPS adhered to the conditions on the licence then this would satisfy their concerns.

The representatives for the Environmental Health, Cleveland Police and Premise Licence Holder invited the Sub Committee to agree to their proposal which they felt addressed the licensing objectives and the review procedure.

In considering their decision Members had regard to the documentary evidence which had been submitted to them including the representation from one interested party, to Section 182 Statutory Guidance and to additional guidance issued by the Department for Culture, Media and Sport titled Expedited/Summary Licence Reviews Guidance and the Council's Licensing Policy Statement.

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

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

RESOLVED that:-

- Mr Kwai Yau Terrence Lin be removed as the Designated Premises Supervisor with immediate effect; and
- The premises licence be suspended for a period not exceeding three months to allow the Premises Licence Holder to reach agreement with the Police as detailed in the written assurance given by Mr Cochrane Solicitor on behalf of

Marstons Plc.