

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 13th May, 2010.

Present: Cllr Maurice Perry, Cllr Roy Rix and Cllr Bill Woodhead.

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

Also in attendance: Cleveland Police: PC Icton, PC Thorpe (represented by Mrs Nevison, Police Solicitor)

Trading Standards: Miss Allwood, Trading Standards Officer

Apologies: None

**LSC
16/10** **Appointment of Chairman**

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

**LSC
17/10** **Declarations of Interest**

There were no interests declared.

**LSC
18/10** **Regency News, 30 Prince Regent Street, Stockton on Tees - Application for a 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 Chairman noted that Mr Mohammed had been invited to attend the meeting and had been sent a copy of the agenda and supporting papers. The Chairman requested Licensing Officer to make a telephone enquiry to ascertain the whereabouts of Mr Mohammed. The Licensing Officer telephoned the two numbers that were noted on the papers including the telephone number for the premise which was unobtainable and a telephone number starting with 01325 which appeared to be a Darlington number even though Mr Mohammed's address was in Middlesbrough. The Licensing Officer confirmed that there was no reply from the 01325 number.

The Chairman invited the Police to make any representations they had as to whether the application should be adjourned. Mrs Nevison stated that the Police were of the view that the matter should proceed in the absence of Mr Mohammed as it was not in the public interest for the review application to be adjourned. The Police were continuing to experience problems linked to the premise and a recent visit had shown that there were still breaches of the licence conditions. The Police had not had any recent contact from Mr Mohammed and it did not appear that Mr Mohammed had instructed any legal representation.

Members decided to proceed in the absence of Mr Mohammed and hear the application as in their view there were no public interest grounds to adjourn the hearing.

The Licensing Officer advised Members that an application had been received

from Cleveland Police under the provisions of Section 51 of the Licensing Act 2003. The Licensing Officer presented his report to Members.

Mrs Nevison (Police Solicitor) referred to the evidence that had been presented by the Police in support of their application including witness statements from PC Icton dated 09/03/10 and 29/04/10 plus supporting exhibits and the witness statement of PC Thorpe dated 10/03/10. Both PC Icton and PC Thorpe confirmed the contents of their statements as been true and accurate.

Mrs Nevison drew Members attention to the fact that there had been two under age sales. There had also been numerous breaches of the licence conditions which Mr Mohammed had failed to rectify despite having ample opportunity. Mrs Nevison referred Members to the advisory and warning letters that the Police had sent to Mr Mohammed and advised that breaches of licence conditions still continued at the premise.

Members were given an opportunity to ask questions of the Police Officers.

Miss Allwood on behalf of the Trading Standards department informed Members that she had lodged a representation as they were concerned over the under age sales and the lack of training. Miss Allwood advised Members that Trading Standards fully supported the Polices application for a review of the premises licence.

In considering their decision Members had regard to the documentary evidence which had been submitted to them along with the Councils Statement of Licensing Policy and to Section 182 Statutory Guidance.

Members noted that Mr Mohammed was not in attendance and they were therefore unable to question him or seek any clarification as to whether he had taken any steps to comply with the licence conditions.

Members were extremely concerned that there had been two positive under age sales at the premises.

Members noted that Mr Mohammed had failed to heed warnings given to him by Cleveland Police and had continued to flagrantly breach the conditions of his licence.

Members gave consideration to whether the DPS should be removed. Members agreed that this would be appropriate and proportionate in the circumstances. Members also felt it was appropriate to revoke the premises licence given the serious and continuing nature of the licence breaches and the under age sales.

RESOLVED that:-

- Mr Akhtar Mohammed be removed as the Designated Premises Supervisor with immediate effect; and
- The premises licence be revoked.

