

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Tuesday, 14th September, 2010.

Present: Cllr Dick Cains, Cllr Maurice Perry and Cllr Bill Woodhead.

Officers: J Nertney (LD); S Mills (DNS).

Also in attendance: Nexum Operations Limited: Mr Anthony Kinsey, Paul Kinsey and Mr Paul Plunkett, Designated Premise Supervisor (represented by Mr Whur, Solicitor)

Cleveland Police: Sergeant Daley, PC Johnson, PC Leek (represented by Miss Lamballe of Counsel).

Apologies: None

LSC 28/10 **Appointment of Chairman**

RESOLVED that Councillor Woodhead be appointed Chairman for this meeting.

LSC 29/10 **Declarations of Interest**

There were no interests declared.

LSC 30/10 **Zanzibar, High Street, 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 presented the report. It was noted that an application had been received from Cleveland Police under the provisions of Section 51 of the Licensing Act 2003.

Miss Lamballe on behalf of Cleveland Police advised Members that since the Polices application for a review had been lodged there had been some positive improvements at the premise. Miss Lamballe noted that there had been a number of significant incidents in the past which were set out in the Polices application. In discussions with the premise licence holder and their legal representative it had been suggested that the determination of the application should be deferred for a few months in order to ascertain whether the improvements can be sustained. The Police were minded to agree to the suggestion and invited the Members to agree with a deferment for a period of three months with the proviso that the matter can be brought back before Members if there should be cause for concern in this interim period.

Mr Whur on behalf of Nexum Operations Limited informed Members that both himself, the Polices legal representative and the legal advisor to the Committee were in agreement that the proposal for a deferment was a legally valid route which Members could follow.

If the matter could be deferred till January 2011, after the busy Christmas period, then Members would be in a position to assess whether the improvement at the premise could be sustained. Mr Whur stated that Mr Kinsey

was taking a specific interest in the premises and as he lives close to the A1 near Harrogate he was able to keep a close eye on the operation of the premise.

Mr Whur invited Members to agree to defer the consideration of the review application to January 2011.

In considering their decision Members of the Sub Committee 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 were extremely concerned that on the documentary evidence provided by the Police there were a number of incidents of crime and disorder connected with the premise. Members noted that they had not heard any evidence from either the Police or the premises licence holder in relation to the alleged incidents and Members also made no findings at this time.

Members did note that since the review application was lodged by the Police in July 2010 the premise licence holder did appear to have put measures in place which addressed some of the concerns of the Police.

Members agreed to defer consideration of the review application. It was noted that the Police would continue to monitor the premise and could request for the review to be brought back before the Committee before January 2011 if they had any further concerns about the operation of the premise which were relevant to their review application. It was noted that both the Police and premise licence holder were in agreement to this course of action. Members indicated that consideration of the review would be deferred to a fixed date in January, with a provisional date in the week commencing 10 January 2011, subject to confirmation that this could be accommodated in the parties diaries.

RESOLVED the application be deferred to January 2011.