

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Monday, 22nd August, 2011.

Present: Cllr Michael Clark, Cllr Paul Kirton and Cllr David Wilburn.

Officers: J Nertney (LD); P Edwards (DNS).

Also in attendance: Mr Cook (Premise Licence holder) – represented by Mr Ross (Solicitor); Cleveland Police: PC Leek, PC Johnson – represented by Miss Smith, Barrister.

Apologies: None.

**LSC
16/11** **Appointment of Chairman**

RESOLVED that Councillor Kirton be appointed Chair for this meeting only.

**LSC
17/11** **Declarations of Interest**

There were no interests declared.

**LSC
18/11** **The Highland Lad, 59 High Street, Norton, Stockton on Tees - Application for Variation of a Premise Licence under the Licensing Act 2003**

The Licensing Officer presented the report to Members. Consideration was given to the application as outlined in the report by the Licensing Officer. Members noted and gave consideration to the representations that had been received from responsible authorities, namely Cleveland Police. Representations had been received from twelve persons living within the vicinity of the premises although none of these persons were in attendance at the meeting. Members also heard oral submissions from Mr Cook and PC Johnson on behalf of the Cleveland Police.

Mr Ross on behalf of the applicant informed Members that planning permission for the alterations to the premises had been granted and a set of architect's drawings had been appended to the application.

The outside area to the front of the premise had a planning restriction that it was not to be used after 23:00 hours and no music should be played at any time.

The applicants had taken on board the comments from Cleveland Police and had agreed to the eight conditions as requested.

It was accepted that the Highland Lad did have a reputation and Mr Cook intended to change that and for the premise to become an asset to Norton Village.

Mr Cook also made a submission to Members and stated that his intention was for the premise to be upmarket and food led rather than a drinking den. Mr Cook stated that as the sole owner he was different to a pub group whose sole intention can be to milk as much profit from a premise to the detriment of residents and the community. Mr Cook stated that it would look much nicer and be an asset for Norton and he had no intention of turning it into a vertical drinking establishment.

Mr Cook stated that the rationale for wanting to supply alcohol from 9 a.m. was so that some of the older generation who perhaps go shopping early sometimes like a quiet drink.

Mr Cook was asked questions by Members and the Police representative.

Miss Smith on behalf of Cleveland Police stated that the Police had a concern over longer licensing hours but would reluctantly conceded to the licence being granted from 10 a.m. but feel that 9 a.m. was a step too far. At the present time Norton High Street suffered from anti social behaviour and alcohol fuelled disorder. The Police were concerned that the premise may attract early morning drinkers to the area. Miss Smith stated that there were 6 premises on Norton High Street and none of them had a licence to supply alcohol before 10 a.m.

Miss Smith confirmed that the applicant had agreed to the conditions as suggested by Cleveland Police. Miss Smith noted one amendment that the footage should be retained for 31 days.

Twelve representations had been received from persons living within the vicinity of the premises. None of these persons were in attendance at the Committee meeting.

The Members had regard to the written representations that had been received.

All parties present were given an opportunity to sum up with the applicant having the final submission.

In considering their decision Members were mindful that they needed evidence on which to base their decision. When considering their decision Members had regard to the Statutory guidance issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy.

Members noted that none of the twelve persons living within the vicinity of the premises who had made a representation were in attendance at the meeting. Neither the Applicant nor the Members were able therefore to question or clarify any of the issues raised by those persons who had made representations.

Although Mr Cook was the new owner of the premise the evidence before Members indicated that this was a problem premise with a bad reputation. As such Members were of the view that the applicant needed to demonstrate his management of the premise for a period of time.

Members were of the view that to grant a licence for the supply of alcohol at 9 a.m. in the morning was a step too far at this time. It was noted that other premises in the High Street were licensed from 10 a.m. The Police had reluctantly conceded their agreement to the licence been granted from 10 a.m. Members noted that it was accepted by all parties present that the premise currently had a very bad reputation and a history which left a lot to be desired. Members were mindful that the applicant had not yet demonstrated that the past problems had been resolved. In the opinion of Members the applicant needed a period of time to show that his aspirations for the premise could be fulfilled and that he could manage the premise as he plans.

In relation to the variation of the licensable area Members considered the area to the front of the premises to be the area that generated most concern for local residents and Members. Although Members were minded to grant the application to extend the licensed area they placed a condition on the licence that the area to the front of the premises (i.e. the outside drinking area) should not be used by drinkers after 22:00 hours although in line with the planning condition smokers could continue to use this area till 23:00 hours if permitted by the management. It would be a matter for the management to have a system or measures in place to ensure that open vessels were not taken into the outside area after 22:00 hours. Should any responsible authorities carry out visits and find customers with open vessels in that area after 22:00 hours then they would be in breach of their licence conditions. It was therefore a matter for the applicant to consider whether he can introduce measures to control this or whether he wishes to close that area to all customers from 22:00 hours. Members also mirrored the planning condition by attaching a condition that the area should be cleared and not used after 23:00 hours and no music shall be played at any time in that area.

Members also agreed to attach the conditions as requested by Cleveland Police with the proviso that CCTV footage be retained for 31 days.

RESOLVED that the application be granted for variation to:-

- Allow the supply of alcohol between:-

Monday to Sunday from 10 a.m. till the terminal hour as detailed on the licence

- Alterations to the premises layout as detailed in the plan lodged with the application.

The Committee attached the following conditions to the Licence:-

1. There shall be no open vessels in the outside seating area after 22:00 hours (i.e. no drinking in this area by customers after 22:00 hours)
2. The outside seating area shall not be used for any other purpose after 23:00 hours and no music shall be played within this external seating area.
3. A digital closed circuit Television System (CCTV) must be installed and maintained in good working order and be correctly time and date stamped. The system must incorporate sufficient built in hard drive capacity to suit the number of cameras installed, whilst complying with Data Protection legislation. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs. There will be a minimum of 14 days recording. The system will record for 24 hours a day and the footage must be kept for a minimum of 31 days. The system must incorporate a means of transferring images from the hard drive to a format that can be played back on any desktop computer. The digital recorder must have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.

4. There must be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other responsible authority, be able to produce the footage within a reasonable time, e.g. 24 hours routine or less if urgently required for investigation of serious crime. In the event of technical failure of the CCTV equipment the premise licence holder/DPS must report the failure to Police on contact number 01642 302360 immediately.
5. An incident book shall be kept and maintained on the premises at all times. The book shall detailed in brief, incident of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to Police and any other responsible authority including the licensing authority on request.
6. The DPS and all other staff shall ensure that no vessels are taken off the premises by customers
7. A written drugs policy to the satisfaction of Cleveland Police must be maintained at the premises and a drugs safe must be maintained and emptied regularly.
8. Secure bottle bins must be installed in the premises.
9. Challenge 21 policy must be implemented and appropriate signage displayed – staff must request evidence of age of persons appearing under 21.
10. Staff training must take place every three months. Records must be maintained and signed by the DPS to confirm training has been completed. They must be produced to Police and any other responsible authority including the licensing authority on request.