

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 17th October, 2017.

Present: Cllr Paul Kirton (Chairman) ; Cllr Eileen Johnson; Cllr Bill Woodhead (MBE)

Officers: J Nertney(DHR&LC); S Mills; S Whaley(DCE)

Also in attendance: Premise Licence Holder; Mr Mark Garry (Director); Mr Paul Kushnirenko (Designated Premises Supervisor) Mr Gordon Crockett (SIA Registered – provision of Security and Door Supervisors at the premise); Ms Joan Smith (Barrister Cleveland Police); Sergeant Higgins; PC Johnson

Apologies: None

SLS 37/17 Appointment of Chair

RESOLVED that Councillor Kirton be appointed as Chairman for this meeting only.

SLS 38/17 Evacuation Procedures

The Evacuation Procedure was noted.

SLS 39/17 Declarations of Interest

There were no declarations of interest.

**SLS 40/17 LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISE LICENCE
JOKERS, 11 YARM LANE, STOCKTON ON TEES**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered an application from Cleveland Police for a premise licence review of Jokers, 11 Yarm Lane, Stockton on Tees, full details of which were contained within the attached report.

Members were advised that the premises currently had the benefit of a premise licence that permitted the supply of alcohol, provision of regulated entertainment and late night refreshment.

The opening hours of the premises were:

Sunday to Thursday	10:00 until 02:30
Friday to Saturday	10:00 until 03:30

Ms Joan Smith, Barrister, representing Cleveland Police, Sergeant Higgins and PC Johnson attended the meeting and were given the opportunity to make representation. A copy of the report and supporting documents and statements had been provided prior to the meeting.

Mr Mark Garry (Director of G Leisure 5 Limited, Premise Licence Holder), Mr

Paul Kushnirenko (Designated Premises Supervisor) and Mr Gordon Crockett (SIA Registered – provision of Security and Door Supervisors at the premise) attended the meeting. A copy of the report and supporting documents and statements had been provided prior to the meeting.

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

The Committee gave consideration to the report, the application and the representation which had been received from Cleveland Police. The Committee heard oral submissions from the parties who were in attendance at the meeting.

Members noted that the review of the premise licence was made at the request of Cleveland Police.

Cleveland Police had produced in their evidence a schedule of CCTV footage showing incidents at the premises which had been captured on open space CCTV positioned in the Town centre and controlled and monitored by the Council. The premises licence holder had been informed that he could view the CCTV footage prior to the hearing but had not contacted the Police to make any arrangements to do so.

Ms Smith made submissions on behalf of Cleveland Police and also called Sergeant Higgins and PC Johnson to give evidence. The CCTV footage was shown to the Committee.

The Committee heard that the Premise had previously applied to extend their licensing hours in 2014 which the Police had objected to and the matter was considered by the Licensing Sub Committee. Contrary to the Police objection the Committee granted the application to extend the hours with a warning as to future conduct. Since that time the Police continued to have concerns and the premise had been issued with an action plan to improve in 2015. The Premise had changed the DPS in 2016, however the premise found itself on an action plan again as the Police continued to have concerns about the manner in which the premise was being run and the level of incidents connected to the premise.

Members were informed that the Police had encountered issues when they had attempted to obtain CCTV from the premise as footage had not been kept in accordance with the conditions of the licence. Seeking a review was the last resort for the Police. The Police were of the view that the clientele of the premise were the root cause of the problems encountered at the premise. The Police submitted that the level of incidents connected with the premise was high in relation to other premises in the town. The Police did not believe that Mr Garry had taken the issue seriously and they had reported that they had little or no contact with him and that he had not contacted the Police in relation to the review or sought to have any dialogue.

Mr Garry made his submission as the Premise Licence Holder and also called Mr Kushnirenko and Mr Crockett to give evidence.

Mr Garry informed the Committee that he felt he had been involved in the process as communication had taken place via Mr Kushnirenko, the DPS. Mr Garry confirmed he did monitor what went on at the premise via his cameras. Mr

Garry had ensured issues had been addressed when they had been brought to his attention such as the issues encountered with the CCTV. The Committee were informed that all door staff were SIA registered and Mr Garry had taken proactive action to replace the door staff when this had been appropriate. Mr Garry felt that his door staff had been taking action in relation to incidents but they had been advised not to leave the door. Mr Garry explained that the premise had a strict drugs policy and that previously Mr Kushnirenko had removed a knife from a customer which showed the premises did take their responsibilities seriously. Mr Garry stated that he had upgraded CCTV at the premise, employed Vision Security as his door staff and did not promote cheap alcohol. Mr Garry felt the premise was responsible.

Mr Crockett stated that his company had taken over responsibility for security and door supervision at the premise since June 2017 and since that time there had been a reduced number of incidents. He was of the view that the premise was heading in the right direction.

Mr Kushnirenko stated that he had been DPS at the premise since July 2016. When he took over as DPS there were issues with drugs but he had addressed this and the premise barred people when necessary. Mr Kushnirenko felt that the premise was improving following discussions with PC Johnson concerning the action plan, where he had been assured that the premise was complying with what the Police expected.

All parties present were given an opportunity to sum up their case.

Members had regard to the extensive bundle of written evidence, which had been circulated prior to the hearing and to the additional oral evidence given by witnesses and submissions made at the meeting. Members carefully considered the matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance Issued under Section 182 of the Licensing Act 2003 (as amended) and the Council's Licensing Policy. The Committee were satisfied that the persons causing the anti-social behaviour and violence were customers of the premise. The Committee noted that the CCTV evidence presented to them showed incidents of violence and disorder outside of the premise which was in very close proximity. The Committee noted that such behaviour was unacceptable and it could not be condoned. The respondents suggestion that he could not be responsible for incidents taking place outside his premise was not accepted by the Committee and in their view action needed to be taken in order to address the problem and reduce the incidents of disorder and violence which were effectively connected to the premise. The Committee noted that the premise had been on an action plan in order to identify ongoing issues with the premise. It was noted that many of the action points were being complied with by the premise and credit was given for that. However the main overriding cause of concern was the disorder and violence and there had been little or insufficient improvement in the incidents. The Committee noted that as recently as 7th October 2017 there had been an incident outside the premise. A female had been struck in the face by a male which had led to her being knocked to the ground. An incident of such a nature could have led to extremely serious injury to the female. All persons present including the respondent had been sickened by the nature of that violence.

The Committee acknowledged that attempting to address the cause of the problem was a difficult one but nevertheless action must be taken to attempt to do so.

The Committee considered whether the DPS should be removed. The Committee noted that Mr Kushnirenko had been employed at the premise since 2016. The Committee noted that there had been some improvements at the premise as indicated in the action plan which had been agreed with the Police. The Committee did not feel that it was appropriate to remove the DPS but that he should be in no doubt that he was expected to engage fully with the efforts that need to be made at the premise to ensure a reduction in incidents of violence and disorder by customers of the premise.

Mr Garry was also warned that he should be in no doubt that if similar incidents of violence and disorder by customers of his premise continued then any further review process may lead to revocation of the Premises Licence. Mr Garry was advised to work closely with the Police in order to ensure that the premise did not cause issues which undermined the licensing objectives.

The Committee felt it appropriate and proportionate to suspend the licence for a period of 14 days in order for the Premise Licence Holder, the DPS and Mr Crockett to take stock of the issues which were all clearly identified in front of the Committee. Mr Garry had expressed the view that he had been ambushed by the process however that was not accepted by the Committee. The Committee noted that Mr Garry had been provided with a copy of the report and evidence. The Police had confirmed that they had also invited Mr Garry to view the CCTV but he had not been in contact to do so. The period of suspension would allow Mr Garry to reflect and consider how he could improve the premise so the problems which had been identified before the Committee did not continue to occur in future.

The Committee also decided that it was appropriate and proportionate to reduce the terminal hour for the supply of alcohol at the premise and to reduce the closing time to :-

- Supply of alcohol (on and off the premises) with a terminal hour of 1 a.m. with 30 minutes drinking up time/wind down period so that the premise must close to the public at 1.30 a.m. Monday to Sunday;

The Committee also decided that it was appropriate and proportionate to amend the condition relating to door staff at the premise so that it read:-

- There shall be employed at the premise not less than three SIA registered door supervisors between the hours of 9 p.m. and closing Monday to Sunday.

RESOLVED that:-

1) The Premise Licence be suspended for a period of 14 days.

2) The terminal hour for the supply of alcohol at the premise and the closing time be reduced to:-

- Supply of alcohol (on and off the premises) with a terminal hour of 1 a.m. with 30 minutes drinking up time/wind down period so that the premise must close to the public at 1.30 a.m. Monday to Sunday;

3) The condition relating to door staff at the premise be amended so that it reads:-

- There shall be employed at the premise not less than three SIA registered door supervisors between the hours of 9 p.m. and closing Monday to Sunday.

**SLS
41/17** **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.

**SLS
42/17** **LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISE LICENCE
JOKERS, 11 YARM LANE, STOCKTON ON TEES**

This item included the confidential information in relation to the item 'Licensing Act 2003 Application for Variation of an Licence, Jokers, 11 Yarm Lane, Stockton on Tees'. Please refer to the above for the Committee's decision.

**SLS
43/17** **Witness Statement**

This item was the confidential information in relation to the item 'Licensing Act 2003 Application for Variation of an Licence, Jokers, 11 Yarm Lane, Stockton on Tees'. Please refer to the above for the Committee's decision.

**SLS
44/17** **Witness Statement**

This item was the confidential information in relation to the item 'Licensing Act 2003 Application for Variation of an Licence, Jokers, 11 Yarm Lane, Stockton on Tees'. Please refer to the above for the Committee's decision.