

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 30th January, 2018.

Present: Cllr Mrs Kathryn Nelson(Chairman), Cllr Evaline Cunningham, Cllr Ken Dixon,

Officers: Jonathan Nertney(DHR&LC); Simon Mills, Sarah Whaley(DCE)

Also in attendance: Applicant Benham Azadi, Mandy Mackinnon (Public Health), PC James Johnson, Sergeant Paul Higgins (Cleveland Police)

Apologies: None

SLS 56/17 **Evacuation Procedure**

The Evacuation Procedure was noted.

SLS 57/17 **Declarations of Interest**

There were no declarations of interest.

SLS 58/17 **Draft minutes from the Statutory Licensing Sub Committee meetings which were held on the 17th October and 8th November 2017**

Consideration was given to the draft minutes of the Statutory Licensing Sub Committee meetings which were held on the 17th October and 8th November 2017 for approval and signature.

RESOLVED that the minutes be agreed and signed by the Chairman as a correct record.

SLS 59/17 **Licensing Act 2003 Application For Variation The Regency Rooms, 28-29 Prince Regent Street, Stockton on Tees**

Members of the Statutory Licensing Sub Committee considered an application for variation of a premise Licence for The Regency Rooms, 28-29 Prince Regent Street, Stockton on Tees.

An application for variation had been received from, Benham Azadi in relation to The Regency Rooms, 28-29 Prince Regent Street, Stockton on Tees. The proposed variation was for the following:

- To increase the terminal hour for the following licensable activities;

Plays, Films, Indoor Sporting Events, Boxing/Wrestling, Live/Recorded Music, Dance, Late Night Refreshment & Supply of Alcohol On & Off The Premises
From 03.00 to 04.00

- To increase the terminal hour for the opening of the premise From 03.30 to 04.30

Representations had been received from Cleveland Police and Public Health.

The representations related to the prevention of Crime and Disorder, prevention of Public Nuisance and Public Safety objectives.

A copy of the report and supporting documents had been provided to all persons present and to members of the Committee. An additional supporting statement had been circulated prior to the meeting.

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

Mandy Mackinnon representing Public Health was in attendance at the meeting and given the opportunity to make representation.

PC James Johnson, Sergeant Paul Higgins representing Cleveland Police was in attendance at the meeting and given the opportunity to make representation.

The Applicant Mr Azadi was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

The Applicant Mr Azadi stated that since taking over the premise he had made many improvements to the premises. He also stated that he had worked as a Door Supervisor for approximately 15 years and often worked at the front of the club.

The premise was situated in a part of the town centre that had recently seen a number of new premises open including micro pubs, a gin bar and a small brewery.

The premise was the town's only remaining traditional nightclub and he needed to compete with nearby premises such as Goldie's, The Garrick and Don Bar which were open until 04:00 hours. The premise also needed to compete with other late night premises in neighbouring towns such as Middlesbrough as Mr Azadi felt that he was losing customers to Middlesbrough where there were premises which operated later than his.

Mr Azadi stated that since he had taken over at the premise there had been no call outs to Cleveland Police and he felt he was running the premise well and acting in the best interests of his customers.

Mr Azadi had taken into account some of the comments made by Public Health in their representation and was happy to amend his application to; Sunday to Thursday till 03:00 hours, and would also be willing to reduce the opening time of the premises from 09:00 hours to 11:00 hours if the Committee was minded to grant the application.

Mr Azadi stated that he was mindful that the Councils Statement of Licensing Policy indicated that they were unlikely to grant applications with a terminal hour later than 03:00 hours, however Mr Azadi believed that this was a case where the Council should depart from their Policy.

In response to the questions asked by Cleveland Police Mr Azadi confirmed that he had taken over the premise at the end of September/start of October 2017

and that he had an agreement to take on the lease if he was successful in obtaining a licence till 04:00 hours. In relation to alternative ways of increasing revenue, Mr Azadi had not considered providing live music and was not able to provide food at the premise as there were no kitchen facilities. He had provided drinks promotions however no business wanted to give drinks away for free as it did not make economic sense.

Mrs Mackinnon of Public Health referred to the statement that had been provided on behalf of the Director of Public Health.

Mr Azadi had no questions of Mrs Mackinnon but stated that he only had control over the customers in his own premise.

Sergeant Higgins advised the Committee that Mr Azadi had been running the premise since October 2017. Cleveland Police were of the opinion that the premise had not been trading for long enough to properly assess the impact the proposed application would have on crime and disorder in the area.

Yarm Lane which was very close to the premise was a hotspot for crime and disorder in the town. Sergeant Higgins advised that they had analysed incidents within a 200 metre radius of the premise over the last 6 months where it was reported that there had been 100 incidents linked to the night time economy which was considered a lot for such a small area. The Police accepted that none of the incidents reported were specifically linked to the Regency Rooms.

In relation to Mr Azadi's claim that premises in Middlesbrough had later licences than his, Cleveland Police stated that Middlesbrough only had one currently trading premise with a terminal hour later than 3 – 3.30 a.m. and that premise was the Empire nightclub. Cleveland Police did not agree with Mr Azadi's argument that his customer base were leaving Stockton to travel to Middlesbrough.

PC Johnson gave further specific details of some of the incidents which involved the use of weapons.

Out of the 100 incidents recorded, Cleveland Police had prepared a table of 37 of those which gave further information as follows:

Out of the 37 incidents:-

- Before 1 a.m. – 4 incidents occurred;
- Between 1 a.m. and 2 a.m. – 5 incidents occurred;
- Between 2 a.m. and 3 a.m. – 10 incidents occurred; and
- After 3 a.m. – 18 incidents occurred.

It followed that the later hour for a premise led to the potential for more crime and disorder as people tended to be more inebriated and/or less able to defend themselves. Cleveland Police were of the view that the licensing objectives would be undermined if the proposed application was granted.

It was also noted that Stockton Councils Statement of Licensing Policy stated:- 'In non-residential areas new or variation applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 3 a.m. will normally be refused, subject to relevant representations being received'.

All parties present were given an opportunity to sum up their case with the applicant been given the opportunity to make the final submission.

Members had regard to the committee papers, and the oral submissions made at the meeting and those submissions of evidence provided on behalf of Public Health and Cleveland Police.

Having carefully considered those 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 mindful that each case had to be considered on its own individual merits.

The applicant had not challenged the evidence of the responsible authorities but had made the point that he could not be responsible for members of the public who come into the town and caused crime and disorder. The Committee did note that there was no evidence of any incidents specifically linked to the applicants premise.

Although Cleveland Police accepted that there were no specific incidents linked to the premise the evidence of crime and anti-social behaviour linked to late night supply of alcohol was clearly made out. The Committee were persuaded that a further premise supplying alcohol after 3 a.m. would lead to a cumulative impact and on that basis the licensing objectives would be undermined. It was also considered relevant that the applicant had been managing the premise for a relatively short period of time and although there was no history of crime and disorder linked to the premise a further period of incident free time was deemed appropriate in order to give proper consideration to the effect of the variation application.

The Committee also noted that the Councils current licensing policy stated:-

'In non-residential areas new or variation applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 3 a.m. will normally be refused, subject to relevant representations being received'.

The Committee accepted that relevant representations had been received and that they should apply their policy. The Committee were mindful that each case had to be considered on its own individual merits and the Policy did not act to fetter the discretion of the Committee.

The Committee had not been presented with evidence by the applicant which persuaded them that there was sufficient reasons to depart from the policy requirements.

The Committee considered whether any additional conditions could be attached to the licence but were of the opinion that there were no relevant conditions as there were no specific incidents linked to the premise. However the Committee felt strongly that the evidence presented by Cleveland Police did show that the

area within which the premise was situated was clearly a stress area and was affected by incidents of crime and disorder linked to the late night supply of alcohol.

The Committee were satisfied from the evidence presented to them that to extend the terminal hour for the supply of alcohol would undermine the licensing objectives.

After considering all of the evidence the Committee decided to refuse the variation application.

RESOLVED that the application for a variation of a premise licence for The Regency Rooms, 28-29 Prince Regent Street, Stockton on Tees be refused for the reasons as detailed above.