

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Thursday, 13th September, 2018.

Present: Cllr Paul Kirton (Chairman), Cllr Evaline Cunningham, Cllr David Wilburn

Officers: Stephanie Landles (EG&DS), Gemma Mann(PH), Jonathan Nertney (HR&LC), Leanne Maloney, Sandra Percival, Margaret Waggott, Sarah Whaley (DCE).

Also in attendance: Jade Bradshaw (applicant) Aaron Fisher and David Taylor from Parker Barras (the letting agent for the landlord) who assisted the applicant. Sergeant Paul Higgins and PC James Johnson(Cleveland Police)

Apologies: None

**SLS
21/18** **Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS
22/18** **Declarations of Interest**

There were no declarations of interest.

**SLS
23/18** **Licensing Act 2003
Application For Grant Of A Premise Licence
Manhattans, High Street, Stockton-On-Tees TS18 1UB
Report Without Exempt Information**

Members of the Statutory Licensing Sub Committee were asked to consider an application for Grant of a remise Licence Manhattans, High Street, Stockton on Tees TS18 1UB.

An application for grant of a premise licence had been received from Ms Jade Dent, also known as Jade Bradshaw in relation to Manhattans, 9 High Street, Stockton-On-Tees.

The applicant has applied for a licence for the following:

Live & Recorded Music
Sunday to Thursday 10.00 – 00.00
Friday & Saturday 10.00 – 01.00

Late Night Refreshment
Sunday to Thursday 23.00 – 00.00
Friday & Saturday 23.00 – 01.00

Supply of Alcohol On & Off The Premises
Sunday to Thursday 10.00 – 00.00
Friday & Saturday 10.00 – 01.00

Opening Hours
Sunday to Thursday 10.00 – 00.30
Friday & Saturday 10.00 – 01.30

Representation and a witness statement had been received from Cleveland Police, Trading Standards, Public Health and Environmental Health. The representations received related to the licensing objectives.

There had been no representations made by interested parties.

Jade Bradshaw (Applicant), Aaron Fisher and David Taylor from Parker Barras (the letting agent for the landlord) who assisted the applicant, were all in attendance at the meeting and given the opportunity to make representation.

Sergeant Higgins and PC Johnson (Cleveland Police), Stephanie Landles, Environmental Health Officer and Gemma Mann, Public Health were all in attendance at the meeting and given the opportunity to make representation.

A copy of the report and supporting documents had been provided to all persons present and to members of the Committee.

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

The Committee were informed that a further representation had been received from Environmental Health in relation to health and safety issues connected with the premise. The representations related to a visit which had been carried out at the premise on 8th August 2018 attended by an Officer from the Council's Building Control Section and the Fire Brigade. Building Control had identified a number of issues concerning the safety of the premise and the Fire Brigade had written to the Council also confirming their views.

The Chair gave Mr. Fisher an opportunity to comment on whether the Committee should have regard to this late evidence. Mr. Fisher confirmed that he did not have any objection to the representation being considered.

The Committee considered that the information contained within the representation was relevant and did need to be taken into consideration when making their decision.

Mr. Fisher spoke on behalf of the applicant (J Bradshaw) summarising the application and addressing the concerns which had been raised in the responsible authorities' representations.

Mr. Fisher stated that the applicant's mother would have no involvement in the premise. The initial intention was that the applicants' mother would act as guarantor under the lease and that was why the lease initially made reference to her. It was also stated that the applicant's mobile phone had been stolen and therefore her mother's contact details had been provided should anyone need to contact the applicant.

Members heard that the applicant had appointed a Designated Premises Supervisor (DPS) who was to manage the premise. It was accepted that the applicant had no previous experience of running a licensed premise but she did have a responsible job working in a pharmacy.

If the application was granted the Operating Schedule had identified a number of measures which would be converted into conditions and would ensure the premise operated appropriately.

The hours had been reduced from those operated previously and it was confirmed that the applicant had attended a licensing course on 10th September 2018. It was stated that the applicant was aware of how a premise should be run and that she had worked in the retail sector for some time. The applicant was keen to make the business a success

Mr. Fisher and the applicant were asked questions by the Committee Members.

A discussion took place in relation to the plan which had been attached to the application. It was clear that the plan was incorrect as a number of structural changes had taken place while the premises were being refurbished. It was noted that when a visit had taken place by an Officer from the Council's Building Control Section and the Fire Brigade at the premise on 8th August 2018 the applicant had been informed that a fire risk assessment should be carried out immediately. To date no fire risk assessment had been undertaken.

There appeared to be some confusion as to who would take responsibility for ensuring the fire risk assessment was carried out and whether the plan was accurate.

The applicant was asked to explain how she would ensure that previous clientele of the premise would not return and cause similar issues which had occurred there under the previous Premise Licence Holder. The applicant stated that she intended to employ one of the previous doorstaff.

Mr. Fisher and the applicant were asked questions by Sergeant Higgins from Cleveland Police.

It was explained that Parker Barras were the letting agent and that the landlord of the premises was Dennis Harley Developments Limited. When questioned, Mr. Fisher was not able to explain who was paying for the work at the premises.

It was suggested to Mr. Fisher that he was asking the Committee to follow the same process that occurred on the previous occasion when Parker Barras had been responsible for locating the previous tenant. Mr. Fisher denied this and stated that Parker Barras had attempted to resolve the previous issues connected with the premise but were unable to do so as the previous licence holder would not accept their help.

It was suggested that the applicant's mother would be involved in the premise as she initially appeared on the lease. Mr. Fisher stated that she was intended to be guarantor and not involved in the running of the premise. It was suggested to Mr. Fisher that the amended lease with the applicant's mothers name removed was only produced after the Police had raised their concerns that she was connected with the premise.

On questioning the applicant on her experience, she accepted she had no experience of running or being involved in the management of a licensed

premise.

The applicant was also questioned about her attendance on the licensing training course. The Committee had been informed that the applicant had attended the course on the 10th September 2018, however, after questioning it became apparent that she had not attended the course.

The applicant was asked whether she understood the operating schedule and the conditions which would be attached to the premises licence. The applicant stated that she had relied on advice she had been given. The applicant was unable to explain the condition relating to 'Challenge 25'.

The applicant confirmed that she had a job in a pharmacy and was also mother of a young child, she also confirmed that if the licence was granted she did not intend to give up her job. The Police reiterated their concern that she would not be actively involved in the premise and therefore would not ensure that the licensing objectives would not be undermined.

Questions were raised as to how the applicant came to appoint the Designated Premises Supervisor to manage the premise. The Police raised a concern that the DPS had not attended the meeting and therefore the Police, other responsible authorities and the members of the Committee were unable to ask any questions of the DPS.

The Committee had regard to the written representation from Public Health and heard oral submissions from the Health Improvement Specialist.

The Environmental Health Officer provided a copy of conditions which addressed the potential for public nuisance at the premise and which had been agreed with the applicant. The conditions were:-

1. Refuse including bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
2. A noise limiting device should be provided covering all sound systems which at all times shall operate at the decibel level set by the Environmental Health Unit and shall be maintained in good working order.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency. Any music played in the premises shall not cause a disturbance at the nearest residential premises. Any music played shall be indoors only.
4. The licence holder or his representative shall conduct periodic assessments of the noise coming from the premises when used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments and shall include, the time and date of the checks, the person making them and the results including any remedial action. All records shall be retained for one year.
5. Use appropriate management controls to reduce the likelihood of customers

causing noise disturbance to local residents when vacating the premises. This should include placing at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles)

6. The ventilation and extraction system shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement of any filters.

7. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

The Environmental Health Officer referred to the information which had been brought to her attention by the Councils Building Control Officer and the Fire Brigade following a visit to the premise at which the applicant was in attendance.

Sergeant Higgins informed the Committee that the premises was in a prominent location on Stockton High Street and had previously had a premise licence revoked in January 2018 after a history of issues including lock ins, anti-social behaviour, drug use and violence. The premise had caused problems for approximately six months while sufficient evidence was gathered to bring the previous review application.

Sergeant Higgins invited the Committee to consider excluding the public from part of the proceedings under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005. Regulation 14 notes that licensing hearings will normally be held in public unless:-

“The licensing authority may exclude the public from all or part of the hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public”

Sergeant Higgins explained that the Polices evidence included information relating to the applicants mother and her previous involvement in licensed premises which was a cause of concern to the Police.

The Committee considered the matter under Regulation 14 and resolved to hear that evidence in private and the public, including the press, were asked to leave the meeting room.

The Committee heard evidence from the Police in relation to the applicant's mother and her previous involvement in the running of the Roseworth and the Queen Victoria Public House. Both premises had been subject to formal action and review of the premises licences.

The meeting was reopened to the public.

The Police were of the view that the applicant was a front for her mother. It was

noted that the applicant had no previous involvement in running a licensed premise and the only connection with the licensed trade was her mother who had previously run licensed premises which had caused issues which undermined the licensing objectives. The Police argued that their view on the connection with the applicant's mother was justified by her mother's e-mail address and contact telephone number being included on the premises licence application form and as a party to the lease with the landlord. Since the Police raised this concern an amended lease had been provided removing the reference to the applicant's mother. The Police were of the view that this was a deliberate attempt to remove the applicant's mother from being linked to the premise application but this was too late as the evidence already suggested that she was connected.

The Committee had regard to the written representation from Trading Standards which was attached to the Committee report.

All parties present were given an opportunity to sum up their case with the applicant given the opportunity to have the final submission to the Committee. 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 considered all of the evidence and oral submissions they had heard and after considering this the Committee resolved to refuse the application for the following reasons:-

The Committee had no confidence whatsoever in the applicant who had no awareness or knowledge of the licensing objectives and her responsibilities if she was named on a premises licence. The applicant's understanding of the most basic licensing requirements such as Challenge 25' was sadly lacking; The applicant's evidence had been at best muddled and confused and on occasions untruthful. Evidence had initially been given to the Committee that she had attended a licensing training course on 10th September 2018 but when questioned it became apparent that this was a lie, she had not actually attended the course or received any certificate confirming her successful completion. It was of great concern to the Committee that an applicant appearing before them would attempt to mislead them;

The Committee found that the applicant had little or no understanding of the application. She also had no understanding of the terms of the lease she had entered into. When questioned she stated it was for 5 years but the lease stated the term was for 10 years. The applicant was also questioned as to whether she had started to pay rent but she was unable to answer that question despite the lease indicating that rent payments would commence on 1st September 2018. This all supported the submission of Cleveland Police that the applicant was a front person and that her mother is or was likely to be involved in the premise. The previous historical issues concerning the applicant's mother were a matter of record and had not been disputed. Although the applicant had sought to persuade the Committee that her mother would have no involvement in the premise by, for example, producing an amended lease this was done only after the Police had raised their concerns. The initial lease had included the

applicant's mother as a party / joint tenant. The application also included the applicant's mother's e-mail address and mobile telephone number. The explanation that this was only done because the applicant had her phone stolen was not credible;

The Committee were extremely concerned that the applicant had not produced an accurate plan and that structural alterations had been made to the premise such as the moving of toilets which were not reflected on the plan which had been submitted with the application;

The Committee were extremely concerned about the evidence raised by the Environmental Health Officer. This included the views of the Councils Building Control Officer and a letter from Cleveland Fire Brigade indicating that there were issues of public safety connected with the premise. The Committee were not given any assurances that the applicant understood these concerns or had any plan in place to address them. A fire risk assessment had not been carried out despite the applicant being informed that this needed to be done as a matter of urgency when Building Control and the Fire Brigade visited the premise at the start of August.

RESOLVED that the application for grant of a Premise Licence Manhattans, High Street, Stockton-On-Tees, TS18 1UB, be refused for the reasons as detailed above.

**SLS
24/18 Licensing Act 2003
Application For Grant Of A Premise Licence
Manhattans, High Street, Stockton-On-Tees TS18 1UB
Exempt Information**

This item included the confidential information in relation to the item 'Licensing Act 2003, Application For Grant Of A Premise Licence, Manhattans, High Street, Stockton on Tees, TS18 1UB'. Please refer to the above for the Committee's decision.