

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Monday, 28th January, 2019.

Present: Cllr Paul Kirton (Chairman), Cllr Derrick Brown, Cllr Bill Woodhead(MBE)

Officers: Jonathan Nertney (HR&LC), Leanne Maloney-Kelly, Sarah Whaley (DCE).

Also in attendance: Applicant, Cleveland Police (represented by Mr Kemp, Barrister). Also in attendance Mrs Wilson, Solicitor, Sergeant Higgins, PC Johnson and PC Thorpe. Respondent, Andrew McAllister (Premise Licence Holder and Designated Premises Supervisor) (represented by Mr Holland Barrister). Also in attendance, Hannah Railton, Bethany Cheetham, Steve Howe (Phoenix Security)

Apologies:

**SLS
25/18 Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS
26/18 Declarations of Interest**

There were no declarations of interest.

**SLS
27/18 Minutes from the Statutory Licensing Sub Committee meetings which were held on the 30th July, 11th September and 13th September 2018**

Consideration was given to the Statutory Licensing Sub Committee minutes from the meetings which were held on the 30th July, 11th and 13th September 2018 for signature.

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

**SLS
28/18 LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISE LICENCE
CLOCK TOWER
96-96A HIGH STREET, STOCKTON-ON-TEES TS18 1UB**

Members considered a review application in respect of The Clock Tower, 96-96a High Street, Stockton-On-Tees which had been requested by Cleveland Police. The representation that had been received related to the prevention of crime and disorder.

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

A copy of a summary report, including supporting documents and statements, had been provided to the Sub Committee and to all persons present.

Mr Holland on behalf of the respondent informed the Committee that constructive discussions had taken place with Cleveland Police and that the parties were jointly inviting the Committee to agree to modify the premises licence and vary the conditions.

Mr Holland summarised the background relating to the issues which were of concern to the Police and confirmed that Mr McAllister the premise licence holder had taken proactive steps to address those issues. It was accepted that there had been too many incidents at the premise and that on occasions those incidents had not been managed appropriately. Due to those circumstances Mr McAllister had changed the door firm which he employed which appeared to be having positive results. The premises had also introduced a strict dress code and improved the documentation used when reporting incidents. Many steps had been taken since the review was commenced. Mr Holland provided to the Committee a copy of the proposed amended conditions which had been agreed following discussion with the Police.

Mr Kemp on behalf of Cleveland Police informed the Committee that the review had been sought following a catalogue of violent crimes in relation to the premise. In the view of the Police, the Crime and Disorder licensing objective was not being achieved. Although the Police were initially seeking revocation of the premises licence they acknowledged the proactive work that had been undertaken by Mr McAllister. It appeared that the steps Mr McAllister had taken were working and with that in mind the Police were in agreement that the proposed amended conditions were an appropriate solution to deal with the issues as at the date of this hearing. The proposed amended conditions were both necessary and proportionate and the Committee were invited to agree to the variation of the premises licence as proposed by the parties.

Members had regard to the Committee papers, and in addition to the oral submissions made at the meeting by both parties.

Having carefully considered those matters brought before them and in reaching their decision, 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.

Members were persuaded that since the review proceedings had commenced, the respondent had taken active measures to address the concerns of Cleveland Police. It was acknowledged that only a short period of time had elapsed since the new measures had been introduced but initial signs were positive. The Committee hoped that the positive improvements would continue.

The respondent would now be in no doubt that should he not continue with the improvements at the premise or if the premise was to relapse then he would be mindful that he was at risk of a further review being brought which could result in a different outcome.

The Committee resolved to vary the licence and amend the conditions as detailed in the submissions which were presented to them by the parties, namely:-

Old condition (to be replaced by new condition)
CCTV Cameras shall be maintained in the premises and tapes/records kept a minimum of 31 days and shall be available for inspection by the Police/Licensing Authority on request

New Condition

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

- The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
- 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 including the area outside the front door of the premises and all areas where the sale/supply of alcohol occurs.
- The system will record and retain CCTV footage for a minimum of 31 days
- The system will record for 24 hours a day.
- The system will 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 will be password protected to prevent unauthorised access, tampering, or deletion of images.
- There will be at all times, when the premise is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
- Upon receipt of a request for a copy of CCTV footage from Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations of serious crime.
- CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises

Additional Condition

The premises shall be equipped with a minimum of 2 bodycams which shall be maintained in good working order and be correctly timed and date stamped.

- Bodycams will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
- Bodycams will be password protected to prevent unauthorised access, tampering, or deletion of images.
- There will be at all times, when the premise is open, a member of staff on duty with access to the bodycam system who is trained in the use of the equipment.
- Upon receipt of a request for a copy of bodycam footage from Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations

of serious crime.

- Bodycam footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises

Old Condition

No irresponsible sales promotions of alcoholic beverages shall be offered to customers (to be retained)

Additional Condition

a) Every supply of alcohol under the premises licence shall be at not less than the minimum price calculated in accordance with the following or as varied in accordance with this condition:

Bottle/330ml of Beer, lager, cider, perry or similar - £2.00

Pint Glass of Beer, lager, cider, perry or similar - £2.00

125ml of Wine or similar - £3.50

175ml of Wine or similar - £4.00

250ml of Wine or similar - £4.50

Bottle/750ml of Wine or similar - £14.00 Measure/25ml of Spirits, Liqueurs or similar - £2.50

Measure/50ml of Spirits, Liqueurs or similar - £3.50

Measure/50ml of Fortified wine or similar - £3.00.

b) Where alcohol is supplied under the premises licence of a type not expressly referred to above, the minimum price applicable to the supply shall be the minimum price for the type of alcohol referred to above that is most similar to that supplied.

c) Unless the Licensing Authority considers it appropriate not to do so, the minimum price shall be varied every two years following discussion with the Premises Licence Holder in accordance with the agreed procedure.

The “retail prices index” shall be as defined in Section 989 of the Income Tax Act 2007 (being currently, the general index of retail prices for all items) published by the Statistics Board or, if that index is not published for a relevant month, any substituted index or index figures published by the Board).

The first variation shall take place on 1 August 2021 and each subsequent variation shall take place in every two years thereafter.

The varied minimum price shall be the sum produced by multiplying the minimum price then applicable by a figure expressed as a decimal and determined by the formula:

$$1 + (RD - RI)/RI$$

Where RD is the retail prices index for the 1 May 2021 or each subsequent second anniversary of 1 May 2021 and RI is the retail prices index for the 1 May 2019 (or each subsequent second anniversary of date).

The figure determined in accordance with this formula is rounded to the nearest third decimal place.

If in relation to any two year period RD is equal to or less than RI, the figure determined in accordance with the formula shall be 1 and there shall be no change in the minimum price for that year.

The varied minimum price shall after application of the formula be rounded up or down to the nearest £0.05.

Before 1 August 2021 and each second anniversary of 1 August 2021, the Licensee shall give notice to the Licensing Authority of the varied minimum prices calculated in accordance with this condition unless otherwise agreed.

Old Condition (to be replaced by new condition)

Ensure Sight of Evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

New Condition

A Challenge 25 policy shall be in place at all points of sale for alcohol.

- Staff must require ID in the form of a current ten year passport, photo card driving licence or PASS Hologram identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made
- Notices must be exhibited at all points of sale and at all entrances and exits informing customers and staff that the Premises are operating a Challenge 25 Policy.
- Training in relation to Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.
- Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.
- Documented training records must be kept at the Premises and made available to the Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.
- Notices must be exhibited at all points of sale and at all entrances and exits informing customers and staff that the Premises are operating a Challenge 25 Policy.

New Condition

The following minimum deployment of SIA licensed door staff shall be made:

- Wednesday - 2 SIA licensed door staff between 21.00 and 00.00 (or when the premises is cleared of members of the public whichever is the later)
- Friday - 2 SIA licensed door staff between 20.00 and 22.00, increasing to 3 licensed door staff between 22.00 and 02.00 (or when the premises is cleared of members of the public whichever is the later).
- Saturday (and Sunday preceding any Bank Holiday Monday) - 2 SIA licensed door staff between 20.00 and 22.00, increasing to 4 licensed door staff between 22.00 and 02.00 (or when the premises is cleared of members of the public whichever is the later).

New Condition

At any time when a door supervisor or door supervisors are engaged at the premises, the door supervisor or, if more than one door supervisor is engaged, at least 2 members of the door team are to be issued with bodycams by the premises.

New Condition

An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- All crimes reported to the venue
- Any faults in the CCTV system, searching equipment or scanning equipment
- Any visit by a relevant authority or emergency service
- The incident book must be made available to Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.

RESOLVED that Members agree to vary the premise Licence of The Clock Tower 96-96A, High Street, Stockton-on-Tees by amending the conditions of the licence for the reasons as detailed above.

SLS 29/18 **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 30/18 **LICENSING ACT 2003 EVIDENCE ON BEHALF OF LICENCE PREMISE HOLDER FOR REVIEW OF A PREMISE LICENCE, CLOCK TOWER, 96-96A HIGHSTREET STOCKTON**

This item included the confidential information in relation to the item 'Licensing Act 2003, Review of a Premise Licence, Clock Tower, 96-96A, High Street,

Stockton on Tees'. Please refer to the above for the Committee's decision.