

## Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Monday, 8th June, 2020.

**Present:** Cllr Paul Kirton (Chairman), Cllr Ken Dixon, Cllr Eileen Johnson

**Officers:** Mandy MacKinnon (PH), Jonathan Nertney (HR,L&C), Polly Edwards, Peter Bell, Nigel Hart, Leanne Maloney-Kelly, Michaël Henderson, Margaret Waggott, Sarah Whaley (MD)

**Also in attendance:** Goldies and Che Bar Premise Licence Holder ,Paulo Raffiq along with his legal representatives, Mr Matthew Foster, Solicitor and Mr Charles Holland, Barrister and Hannah Railton (Designated Premise Supervisor), Sergeant Paul Higgins, PC Andrew Thorpe and PC Emma Westmoreland (Cleveland Police) represented by Miss Joan Smith, Barrister

**Apologies:** None

**SLS  
25/19**      **Evacuation Procedure**

The Evacuation procedure was noted.

**SLS  
26/19**      **Declarations of Interest**

There were no declarations of interest.

**SLS  
27/19**      **LICENSING ACT 2003  
APPLICATION FOR REVIEW OF A PREMISE LICENCE  
CHE BAR, 94-95 HIGH STREET, STOCKTON-ON-TEES TS18 1BD**

Members were asked to consider an application for a review of a premise licence from Cleveland Police for Che Bar, 94-95 High Street, Stockton on Tees, TS18 1BD on the grounds of the prevention of crime and disorder and public safety.

A representation on the grounds of the prevention of crime and disorder and public safety objectives had also been received from Public Health and Licensing.

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.

Members were informed that the parties to the review had entered into extensive constructive negotiations to discuss whether the issues which were at the root cause of the review application could be addressed by agreement being reached on amendments to the premises licence including additional conditions.

Members noted that the parties had invited them to be addressed on the outcome of these discussions and proposed amendments to the premises licence. Members noted that given this was a review of a premises licence they had to be satisfied that such proposed amendments were a necessary and proportionate manner in which to deal with the outcome of the review. Members noted that the decision rested with them and they agreed that was a sensible

way in which to proceed with the review hearing.

Miss Smith, Barrister, who attended the meeting remotely, addressed the Committee.

Miss Smith noted that constructive discussion had taken place between the responsible authorities who had made representations and the premise licence holder and his representatives.

Miss Smith noted that the members of the Committee had read the extensive background papers to the review which detailed the grounds for seeking the review and the evidence presented in support. One of the main causes of concern to the Police was the premises use of an unregistered door supervisor and the numbers of door supervisors employed at the premise. Miss Smith noted that the proposed amendments to the conditions addressed that issue and would ensure that the door supervisors working at the premises were employed by an external company which operated to a high standard. The Premise Licence Holder would have no day to day management of the door supervisors given they would be employed by an external contractor.

Miss Smith addressed the Committee on the proposed amendments which the Committee were invited to agree and therefore amend the Premises Licence. The following amendments had been agreed between the parties:-

(1) Reduction in Hours

The supply of alcohol for consumption on and off the premises shall cease at 02.30.

The premises shall close at 03.00.

(2) The conditions upon the licence shall be amended as follows;

Amend condition as follows:

An incident book (in hardback format with sequentially numbered pages) will be kept on the premises at all times. The book will detail in brief, incidents of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters will be timed, dated and signed by the author and produced to Police and other Responsible Authorities immediately upon request.

Add condition as follows:

A written external customer management policy which aims to safely manage the ingress to and egress from the premises by customers (including egress and ingress for the purposes) shall be implemented and operated.

Add condition as follows:

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

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 June 2022 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 (date) or each subsequent second anniversary of (date) and RI is the retail prices index for the (date) (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.

No less than 4 weeks before 1 June 2022 and each second anniversary of 1 June 2022, the Licensee shall give notice to the Licensing Authority of the varied minimum prices calculated in accordance with this condition unless otherwise agreed.

Add condition:

An external Security Agency will be used to provide SIA registered Door Supervisors. The Premises must only use an external Security Agency that is on the ‘Approved Contractors List’

Add

There must be a minimum of 4 door staff after 9pm on Sundays prior to Bank holidays, Boxing Day, and New Year’s Eve.

Door staff signed in at Che Bar cannot also be signed in at Goldies Bar at the same time.

The Premise Licence Holder must not be included towards the minimum door numbers.

The Members of the Committee were invited to ask questions.

Sergeant Higgins for the Police and Mr Holland, Barrister, for the premise licence holder answered the Members questions.

Miss Edwards, Licensing Officer, attended the meeting remotely and informed the Committee that the proposed amendments to the licence addressed the concerns which led to the licensing authority submitting a representation to the review.

The Strategic Health & Wellbeing Manager attended the meeting remotely and informed the Committee that the proposed amendments to the licence addressed the concerns which led to Public Health submitting a representation to the review.

Mr Holland, Barrister, addressed the Committee and noted that the Premise Licence Holder had acknowledged that changes needed to be made. He had taken the review process extremely seriously and had retained legal representatives and external consultants. The Premise Licence Holder was proactively taking steps to make improvements.

Mr Holland stated that the Committee could be satisfied that such steps were appropriate to deal with this review. Mr Holland agreed with Miss Smith that the proposed amendments were a sensible and proportionate manner in which to deal with this review.

The members of the Committee were invited to ask questions.

All parties present were given an opportunity to sum up their case with the premises licence holders representative given the opportunity to make the final submission.

The Committee had regard to the extensive bundle of written evidence, which had been circulated prior to the hearing and presented to them, in addition to the oral evidence given on behalf of the Police and by Mr Holland. 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 was satisfied that the review could be dealt with in the manner as suggested by the parties and that was a proportionate solution to the review.

The Committee were mindful that the Premise Licence Holder had given assurances to the Committee that he would introduce and maintain improvements at the premise and they hoped such assurances would be maintained.

The Committee resolved to amend the Premise Licence as follows:-

The following condition

1) Reduction in Hours

The supply of alcohol for consumption on and off the premises shall cease at 02.30.

The premises shall close at 03.00.

2) The conditions upon the licence shall be amended as follows;

Amend condition as follows:

An incident book (in hardback format with sequentially numbered pages) will be kept on the premises at all times. The book will detail in brief, incidents of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters will be timed, dated and signed by the author and produced to Police and other Responsible Authorities immediately upon request.

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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).

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Add condition:

An external Security Agency will be used to provide SIA registered Door Supervisors. The Premises must only use an external Security Agency that is on the 'Approved Contractors List'

Add

There must be a minimum of 4 door staff after 9pm on Sundays prior to Bank holidays, Boxing Day, and New Year's Eve.

Door staff signed in at Che Bar cannot also be signed in at Goldies Bar at the same time.

The Premise Licence Holder must not be included towards the minimum door numbers.

RESOLVED that the Premise Licence for Che Bar, 94-95 High Street, Stockton on Tees TS18 1BD be amended as detailed and for the reasons as set out above.

**SLS  
28/19**

**LICENSING ACT 2003  
APPLICATION FOR REVIEW OF A PREMISE LICENCE  
GOLDIES BAR, 93 HIGH STREET, STOCKTON-ON-TEES TS18 1AA**

Members were asked to consider an application for a review of a premise licence from Cleveland Police for Goldies Bar, 93 High Street, Stockton on Tees, TS18 1AA on the grounds of the prevention of crime and disorder and public safety.

A representation on the grounds of the prevention of crime and disorder and

public safety objectives had also been received from Public Health and Licensing.

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.

Members were informed that the parties to the review had entered into extensive constructive negotiations to discuss whether the issues which were at the root cause of the review application could be addressed by agreement being reached on amendments to the premises licence including additional conditions.

Members noted that the parties had invited them to be addressed on the outcome of these discussions and proposed amendments to the premises licence. The Members noted that given this was a review of a premises licence they had to be satisfied that such proposed amendments were a necessary and proportionate manner in which to deal with the outcome of the review. The Members noted that the decision rested with them and they agreed that was a sensible way in which to proceed with the review hearing.

Miss Smith, Barrister, who attended the meeting remotely, addressed the Committee.

Miss Smith noted that constructive discussion had taken place between the responsible authorities who had made representations and the premise licence holder and his representatives.

Miss Smith noted that the members of the Committee had read the extensive background papers to the review which detailed the grounds for seeking the review and the evidence presented in support. One of the main causes of concern to the Police was the premises use of an unregistered door supervisor and the numbers of door supervisors employed at the premise. Miss Smith noted that the proposed amendments to the conditions addressed that issue and would ensure that the door supervisors working at the premises were employed by an external company which operated to a high standard. The Premise Licence Holder would have no day to day management of the door supervisors given they would be employed by an external contractor.

Miss Smith addressed the Committee on the proposed amendments which the Committee were invited to agree and therefore amend the Premises Licence. The following amendments had been agreed between the parties:-

(1) Reduction in Hours

The supply of alcohol for consumption on and off the premises shall cease at 03.30.

The premises shall close at 04.00.

(2) The conditions upon the licence shall be amended as follows;

## Amend

An incident book (in hardback format with sequentially numbered pages) will be kept on the premises at all times. The book will detail in brief, incidents of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters will be timed, dated and signed by the author and produced to Police and other Responsible Authorities immediately upon request.

Add condition as follows:

A written external customer management policy which aims to safely manage the ingress to and egress from the premises by customers (including egress and ingress for the purposes) shall be implemented and operated.

Add condition as follows:

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

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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.

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No less than 4 weeks before 1 June 2022 and each second anniversary of 1 June 2022, the Licensee shall give notice to the Licensing Authority of the varied minimum prices calculated in accordance with this condition unless otherwise agreed.

Add to door staff condition:

An external Security Agency will be used to provide SIA registered Door Supervisors. The Premises must only use an external Security Agency that is on the 'Approved Contractors list'

Add

There must be a minimum of 4 door staff after 9pm on Sundays prior to Bank holidays, Boxing Day, and New Year's Eve.

Door staff signed in at Goldies Bar cannot also be signed in at Che Bar at the same time.

The Premise Licence Holder must not be included towards the minimum door numbers.

Amend CCTV condition in respect of time frame

There will be a minimum of 28 days recording...

The Members of the Committee were invited to ask questions.

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Door staff signed in at Goldies Bar cannot also be signed in at Che Bar at the same time.

The Premise Licence Holder must not be included towards the minimum door numbers.

Amend CCTV condition in respect of time frame  
There will be a minimum of 28 days recording.

RESOLVED that the Premise Licence for Goldies Bar, 93 High Street, Stockton on Tees TS18 1AA be amended as detailed and for the reasons as set out above.