

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 7th July, 2020.

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

Officers: Jonathan Nertney (HR,L&C), Nigel Hart, Leanne Maloney-Kelly, Sarah Whaley (MD)

Also in attendance: The Premise Licence Holder and Designated Premises Supervisor, Mr Paul Kushnirenko, Sergeant Paul Higgins and PC Emma Westmoreland (Cleveland Police) represented by Miss Joan Smith, Barrister

Apologies: N/A

SLS 1/20 **Declarations of Interest**

There were no declarations of interest.

SLS 2/20 **Exclusion of the press and public**

To consider passing a Resolution Pursuant to Paragraph 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, excluding the press and public from the meeting during consideration of the following item on the grounds that if present there would be disclosure to them of exempt information and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

RESOLVED that under Resolution Pursuant to Paragraph 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, the press and public be excluded from the meeting for the reasons as detailed above.

SLS 3/20 **LICENSING ACT 2003 APPLICATION FOR SUMMARY REVIEW OF A PREMISE LICENCE JOKERS, 11 YARM LANE, STOCKTON-ON-TEES TS18 3DR**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for an expedited review of a premise licence from Cleveland Police on the grounds of the prevention of crime and disorder and public safety for the licensed premise Jokers, 11 Yarm Lane, Stockton on Tees, TS18 3DR.

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. It was noted that this was a remote meeting and all parties were in attendance via Microsoft Teams either by video link or via the telephone. All parties confirmed that they could see and/or hear each other.

The Licensing Authority received an Application from the Chief Officer of Police

for a summary review of the Premises Licence in respect of Jokers, 11 Yarm Lane, Stockton-On-Tees under Section 53A of the Licensing Act 2003 ("the Act").

In accordance with Section 53A of the Act, the Application was accompanied by a Certificate signed by a senior member of the police that it was her opinion that the premises were associated with serious crime.

Under Section 53A(2) of the Act, the Committee noted it must, within 48 hours of receipt of the application, consider whether it was necessary to take interim steps pending a review of the Premises Licence.

The Licensing Sub Committee noted that the interim steps under Section 53B(3) were the modification of the conditions on the licence, the exclusion of the sale of alcohol by retail from the licence, the removal of the designated premises supervisor or the suspension of the licence.

The Police requested that the Premises Licence be suspended.

Miss Smith Barrister, addressed the Committee and drew their attention to the appendices to the report which included the certificate and her submissions in relation to the issues and interim steps which the Police were seeking.

Miss Smith invited Sergeant Higgins to address the Statutory Licensing Sub Committee.

Members of the Committee and the Premise Licence Holder were invited to ask questions of the Police.

All parties present were given an opportunity to sum up with the Premise Licence Holder invited to speak last.

The Statutory Licensing Sub Committee decided it was necessary to impose the interim steps of suspending the Premises Licence in respect of Jokers, 11 Yarm Lane, Stockton-On-Tees.

The decision had immediate effect.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by those present at the meeting. The Committee decided the matter based on its merits.

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.

The Committee were satisfied that:-

- Mr Kushnirenko was the Premise Licence Holder and Designated Premises Supervisor;
- The Premise Licence Holder received rent for flats within the building in which

the premise was located;

- A large cannabis farm was located within the flats above the premise. The drugs seized had an estimated street value of several hundred thousands of pounds.

The Committee was satisfied based on the information presented by the Police that the flats above the premise which the Premise Licence Holder had rented out and for which he received rent were linked or connected to serious crime.

The Committee considered that it was both necessary and proportionate to suspend the Premises Licence.

RESOLVED that the Premise Licence for Premise Licence Jokers, 11 Yarm Lane, Stockton on Tees, TS18 3DR be suspended for the reasons as detailed above.

**SLS
4/20**

**LICENSING ACT 2003
APPLICATION FOR SUMMARY REVIEW OF A PREMISE LICENCE
JOKERS, 11 YARM LANE, STOCKTON-ON-TEES TS18 3DR**

This item included the confidential information in relation to the item 'Licensing Act 2003, Application For Summary Review of a Premise Licence, Jokers, 11 Yarm Lane, Stockton on Tees, TS18 3DR'. Please refer to the above for the Committee's decision.