

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Monday, 14th September, 2020.

Present: Cllr Paul Kirton (Chairman), Cllr Eileen Johnson, Cllr Bill Woodhead (MBE)

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

Also in attendance: Cllr Nigel Cooke, Applicant Darren Bell, Acting Sergeant Andrew Thorpe, PC Emma Westmoreland (Cleveland Police), Ms Joan Smith, Barrister at Law representing Cleveland Police. PC Deborah Chadwick and PC Jackie Booth from North Yorkshire Police.

Apologies: N/A

SLS 9/20 **Declarations of Interest**

There were no declarations of interest.

SLS 10/20 **LICENSING ACT 2003 APPLICATION FOR GRANT OF A PREMISE LICENCE THE HARDWICK, 2 HIGH NEWHAM ROAD, STOCKTON-ON-TEES, TS19 8RQ**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for Grant of a Premise Licence for The Hardwick, 2 High Newham Road, Stockton-on-Tees TS19 8RQ.

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.

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered the above application, full details of which appeared before Members in their agenda and the background papers.

The Committee noted that the application was for the grant of a Premise Licence to authorise licensable activities as detailed in the application form appended to the Committee report.

The Applicant Mr Darren Bell outlined the basis of the application to the Committee. Mr Bell did not call any other witnesses or produce any documentation or other evidence in support of his application.

Mr Bell informed the Committee that he had addressed issues of concern and would ensure that noise did not escape from the premise. He explained that the premise did not have a car park and that he did not promote drink driving. Mr

Bell operated a zero tolerance to drugs, and he would be operating a Challenge 25 policy, refresher training for staff and had installed an extensive CCTV system at the premise which covered all areas both inside and out. Mr Bell wished to create a community bar which would be an asset to the community and hopefully lead to other businesses investing in the locality. Mr Bell stated that his wife was proposed to be the Designated Premises Supervisor.

Members heard that Mr Bell had entered into a lease agreement for the premise and that his application for a premise licence had been completed by Parker Barrass, a commercial letting agent. Mr Bell had invested a sum in the region of £40,000 into the premise and had undertaken an extensive refurbishment. Mr Bell informed the Committee that prior to his involvement in the Pack Horse premise in Stokesley he had successfully managed licensed premises without any issues with the Police or other responsible authorities. He had given assurances to the Committee that the premise would be operated and managed in a responsible manner.

Miss Joan Smith on behalf of Cleveland Police was given the opportunity to ask questions of Mr Bell. Miss Smith asked Mr Bell why he had not included any period of drinking up time in the application and that his application was made for the terminal hour for the supply of alcohol to be the same as the closing time for the premise. Mr Bell stated that if the Committee felt that there should be a reduction in the hours then he would comply with that requirement.

Councillor Nigel Cooke was given an opportunity to ask questions of Mr Bell.

Members of the Committee asked questions of Mr Bell.

Miss Smith addressed the Committee on the grounds of the Polices objection and drew their attention to the witness statements which had been served. Acting Sergeant (AS) Andrew Thorpe on behalf of Cleveland Police gave evidence to the Committee summarising the grounds for the polices objection to the application. AS Thorpe stated that when initially viewing the application it had appeared to be relatively straightforward however a history of concern over the running of the Pack Horse in Stokesley led to the Police serving additional evidence. There were numerous instances of a lack of accountability and a lack of responsibility.

The Police were of the view that Mr Bell and the Bell's family history while managing the Pack Horse premise in Stokesley, were of such concern as to lead to the conclusion that the licensing objective would be undermined if the premise licence was granted.

Miss Smith invited PC Deborah Chadwick and PC Jackie Booth from North Yorkshire Police to address the Committee. There had been extensive involvement with the Police and licensing authority over issues concerning the management of the Pack Horse, it had been subject to an improvement plan and an application for the review of the premises licence was pending prior to Mr Bell surrendering the licence. The history of incidents was outlined to the Committee. In the opinion of North Yorkshire Police and because of the previous history of management they would oppose any licensing application made by Darren Bell, his wife Patricia Bell or their son Charlie Bell.

Mr Bell was invited to ask questions of the Police officers.

Members of the Committee were given an opportunity to ask questions of the parties in attendance at the meeting.

Councillor Nigel Cooke addressed the Committee on behalf of residents. All parties were given an opportunity to ask questions.

All parties present were given an opportunity to sum up their case with Mr Bell invited to speak last.

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 Mr Bell and the other parties at the meeting.

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 made the following findings in reaching their decision: -

- Mr Darren Bell had confirmed to the Committee that his application had been completed by a commercial letting agent. He had not produced any further documentation to the Committee to show that he would operate a good due diligence system at the premise. If an application had led to objections following consultation then the Committee would normally expect to see the applicant provide documentary evidence to address those concerns and demonstrate to the Committee that the applicant understood his responsibilities and would operate the premise in a responsible manner ensuring the licensing objectives were not undermined. For example, Mr Bell could have provided examples of training that would be given to his staff or copies of refusal registers, policies and other matters. This was especially relevant given that he was intending to operate a licensed premise which was in relatively proximity to residential premises.
- Cleveland Police had called evidence from North Yorkshire Police officers concerning the issues connected with a premise previously managed by the applicant and his family, namely the Pack Horse, Stokesley. Mr Bell had informed the Committee that his wife, Patricia Bell, was the Designated Premises Supervisor of the Pack Horse. The evidence presented had not been challenged by Mr Bell and he had informed the Committee that he did not wish to get into a "he said, she said" argument. It was noted that the issues identified by North Yorkshire Police would have led to a premises licence review hearing if Mr Bell had not surrendered his licence for the Pack Horse. It was explained to Mr Bell that this was his opportunity to give his version of events in relation to the evidence presented by the Police. Mr Bell failed to do so;
- Despite extensive and detailed evidence given by the Police as to incidents connected to the management of the Pack Horse Mr Bell did not accept any responsibility that his involvement in the management of that premise was lacking and that he may have learned any lessons from his management style.

Mr Bell gave sweeping assurances to the Committee that the premise would be operated in a responsible way but presented no evidence to back up his assurances;

- During the hearing, Mr Bell had informed the Committee that the application for the premises licence had been completed by Parker Barrass who were a commercial letting agent with whom he dealt with in negotiating the terms of the lease. It appeared that Mr Bell had been somewhat naïve in entering into a commercial lease and refurbishing the premises without obtaining the necessary licence and permissions. There were elements of the application submitted which Mr Bell did not understand. For example, Mr Bell was questioned as to what his intentions were for the supply of late-night refreshment. Mr Bell did not understand what this meant within licensing act requirements and commented that his agent had completed the application. The Committee had similar concerns over the applicants operating schedule, for example he stated that he would not tolerate rowdy behaviour, but the evidence presented by the Police, which was not challenged, demonstrated a history of rowdy behaviour at the Pack Horse;

- Mr Bell was not represented and presented his own application to the Committee. Mr Bell did not call any evidence in support of his application. The Police had presented evidence that Mr Bell, his wife Patricia and son Charlie had all been involved in the management of the Pack Horse in Stokesley. Mr Bell did not take the opportunity to invite Mrs Bell as the proposed Designated Premise Supervisor, or his son to give evidence to the Committee;

- The residents who had objected to the application were extremely concerned at the potential for noise nuisance and disorder at the premise. Mr Bell presented little or no evidence to address those concerns. The Committee were mindful that the premise was in relatively proximity to residential premises;

After considering all the evidence the Committee were of the view that if the application was granted it would undermine the licensing objectives and the application was refused for the reasons as detailed above.

RESOLVED that the Application for Grant of a Premise Licence for The Hardwick, 2 High Newham Road, Stockton on Tees, TS19 8RQ be refused for the reasons as detailed above.