

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 26th November, 2019.

Present: Cllr Paul Kirton (Chairman), Cllr Ken Dixon, Cllr Bill Woodhead MBE

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

Also in attendance: The Clock Tower represented by Andrew McAllister (Premise Licence Holder) and Hannah Railton (Designated Premise Supervisor), Sergeant Higgins & PC Thorpe (Cleveland Police)

Apologies: None

SLS 12/19 Evacuation Procedure

The Evacuation Procedure was noted.

SLS 13/19 Declarations of Interest

There were no declarations of interest.

**SLS 14/19 LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISE LICENCE
THE CLOCK TOWER, 96-96A HIGH STREET, STOCKTON-ON-TEES TS18
1UB**

Members were asked to consider an application for a review of a premise licence from Cleveland Police for The Clock Tower, 96-96A High Street, Stockton on Tees, TS18 1UB on the grounds of the prevention of crime and disorder.

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 noted that the review of the premises licence was made at the request of Cleveland Police. Representations had not been received from any of the other responsible authorities.

Sergeant Higgins made submissions on behalf of Cleveland Police.

It was noted that negotiations had been taking place for the premise to be sold. The Police had been kept informed of progress and the proposed purchaser, who was an experienced operator of licensed premises. It was noted that the review had previously been listed for a hearing before the Committee but all parties concerned had requested an adjournment in order to allow the sale of the premise to progress. The sale had not concluded and it was therefore appropriate for the Committee to consider the review and make a decision based on all of the facts. It was apparent that the fact that the review process

had not been concluded was causing uncertainty which could be delaying the sale of the premise.

Sergeant Higgins informed the Committee that the review was commenced following an assault of a customer by a member of the door staff. The customer fell back and hit his head on the pavement which was very similar to an incident in 2018 when a member of the public had suffered a fractured skull. The Police were extremely concerned about the incident involving the member of door staff as the premises had reverted back to using a previous door supervision firm without notifying the Police. The premise had been the subject of a previous review which was considered by the Licensing Sub Committee in January 2019. At that hearing the premise licence holder had given assurances to the Committee and informed them that he had changed his door supervision firm. At that review discussions had taken place between the parties and a number of additional conditions had been proposed to be added to the licence.

When the Police challenged the premise licence holder about reverting to the previous door supervision firm he ended the relationship and engaged a new company. Since that time there had been no further incidents of violence, disorder or anti-social behaviour that were of such a nature that they would be a cause of concern to the Police.

Sergeant Higgins informed the Committee that this was an unusual set of circumstances as the Police were not seeking modification of the hours or removal of the DPS as the premise had been managed well since the incident which led to this review. The Committee were in a position if they saw fit, to consider attaching further conditions to the licence.

Mr McAllister the Premise Licence Holder introduced Hannah Railton to the Committee who was the Designated Premises Supervisor. Mr McAllister was given the opportunity to make representation. Mr McAllister's submission / questions were detailed as follows:

Mr McAllister stated that with the benefit of hindsight he should have informed the Police before reverting back to employing the previous door supervision company. Mr McAllister stated that even if he had not changed the company, the door supervisor who assaulted the member of the public may well have been present at the premise as he was employed by both door supervision companies. Mr McAllister stressed that the issue was a result of one person's actions and that since that time and the employment of the new company there had been no issues of concern.

Members of the Committee were given the opportunity to ask questions of Mr McAllister.

The member of door staff who allegedly assaulted a customer was wearing a bodycam at the time of the incident but this had not been activated. Bodycams did not continuously record and must be activated by the individual.

Sergeant Higgins stated that the door supervisor had been arrested on the night and claimed that he had made a pre-emptive strike. A referral had been made

to the Security Industry Authority (SIA) who could make a decision to take action even if the door supervisor was not charged with a criminal offence.

All parties present were given an opportunity to sum up their case with Mr McAllister 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 McAllister and Hannah Railton.

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 noted that the review resulted from the Premise Licence Holder making a commercial decision to revert to using a door security company which had previously overseen a rise in incidents of violence and disorder. A further incident of violence involving a member of the door security firm led to the review. The Committee took a very dim view and felt that this was one incident too many. However the Committee was satisfied that the review could be dealt with by issuing the Premise Licence Holder with a written warning and reminding him that further incidents which lead to a review could well result in the revocation of the premises licence.

The Committee resolved that the conditions also be amended to ensure that should the premise intend to change the door supervision company then they must give the Police 28 day's written notice of their intention. That would ensure the Police were aware and also allow dialogue to take place between the parties if the Police had any legitimate concerns about the change.

The following condition was attached to the licence:-

The Premise Licence Holder must notify the Police in writing of the door supervision firm contracted to provide services at the premise. Should the Premise Licence Holder intend to change the firm with which he contracts then he must notify the Police in writing a minimum of 28 days before the change is to take effect.

The Committee informed the parties that they hoped the sale of the premise proceeded and that the premise continued to operate in a manner which did not undermine the licensing objectives.

RESOLVED that the following condition be added to the Premise Licence of the Clock Tower, 96-96A High Street, Stockton-On-Tees, TS18 1UB as follows:

The Premise Licence Holder must notify the Police in writing of the door supervision firm contracted to provide services at the premise. Should the Premise Licence Holder intend to change the firm with which he contracts then

he must notify the Police in writing a minimum of 28 days before the change is to take effect.