

REPORT TO THE
STATUTORY LICENSING
COMMITTEE

7th September 2023

LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
THE DOG HOUSE 3 MACMILLAN CHAMBERS, PRINCE REGENT STREET, STOCKTON-ON-TEES, TS18 1DB.

ADDITIONAL EVIDENCE

1. A further Statement has been provided by Cleveland Police in support of the review application. This relates to potential unlicensed activity at the premises on 1 September 2023 from 02:55 – 04:10. A copy of this statement is attached as Appendix 1.
2. A further statement has been provided by Licensing Service in support of the review applications. This relates to further requests for internal CCTV at the premises made to Mr Hayes, and his refusal to provide the CCTV unless officers complete a subject access request.

ASSOCIATED PAPERS

The following appendices are attached for information:

- Appendix 1 Police Additional Evidence
- Appendix 2 Licensing Service Additional Evidence

**Assistant Director Community
Safety and Regulated Services:**

Contact Officer:

Telephone No.

Email Address:

Financial Implications:

Marc Stephenson

Polly Edwards

07584 342513

polly.edwards@stockton.gov.uk

None

Community Safety Implications:

The Licensing Act 2003 requires the licensing authority to have regard to:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Legal implications

Any decision made in respect of the review application can be appealed to the magistrate's court within 21 days by: -

1. The applicant
2. The premises licence holder
3. Any other person who made relevant representations

Any decision made in respect of the review does not have effect until:-

- a. the end of the period given for appealing against the decision, or
- b. If the decision is appealed against, the time the appeal is disposed of.

Human Rights

Members should have regard to the Human Rights Act when conducting this hearing.

Background Papers:

Stockton Borough Council Licensing Policy Statement
and Section 182 Guidance.

Ward(s) and Ward Councillors:

Stockton Town Centre
Councillor Pauline Beall
Councillor Paul Rowling

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

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Statement of **Andrew THORPE**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable**

This statement (consisting of **4** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature **A.Thorpe**Date: **05/09/2023**Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable in Cleveland Police presently stationed at Middlesbrough Police station in the Licensing Support Unit.

This is an additional statement to my original statement of 15th August 2023 regarding the application submitted by Cleveland Police to review the premise licence of The Dog House, MacMillan House, Prince Regent Street, Stockton.

On Friday 1st September 2023 I received the daily reports via e-mail that I receive from Stockton Council regarding CCTV incidents which could impact licensed premises or the Night Time Economy. I noticed that there had been a CCTV entry for The Dog House at 03:10 hours on 01/09/2023, stating that a male was "...returning to the Dog House on Prince Regent Street. It appeared that the premises was still trading with people sat in the bar."

As a result of this information I requested CCTV footage from Stockton Borough Council which I will submit as an exhibit (AJT4) for this hearing. What follow is a precis of events that

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **Andrew THORPE**

happen in this footage, which was from a camera on Prince regent Street, Stockton on 1st September 2023 from 02:55 hours to 04:10 hours.

At 02:55:54 hours on the footage a male is seen approaching the door of the Dog House, he is wearing smart pale coloured shirt and smart dark trousers. He knocks on the door and the door is opened. The lights are on in the premise and when the door opens you can clearly see there is a person seated at a table behind the door.

At 03:09:51 hours the same male opens the front door, and another male can be clearly seen behind the door. The male stands in the doorway and looks around as though looking for someone. He then closes the door behind him and walks off.

At 03:11:48 hours a female in pale coloured blouse and dark smart trousers opens the door and walks out with a phone in her hand. She turns round to talk to someone inside the premise then goes back in closing the door behind her.

At 03:13:20 hours a male in a white t-shirt and dark bottoms with one leg rolled up approaches the door of The Dog House. After knocking a few times and walking away and then back, a male answers the door he is taller than the other male with a beard and slim build. He talks to the male at length showing each other their phones, and there are obviously other people inside. They talk until 03:17:22 hours when the male in the white T-shirt leaves the other male goes back inside closing the door behind him.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **3**Continuation of Statement of **Andrew THORPE**

At 03:19:13 hours a female in pale clothing emerges from The Dog House and approaches a taxi parked outside the premise. She opens the passenger door and speaks to the driver. The female then goes back in to The Dog House and the taxi leaves.

At 03:48:27 hours the male in the pale shirt reappears on the street, he finishes his cigarette and lets himself in to the Dog House. No one else has left the premises at this point. The CCTV footage finishes at 04:10:00 hour and no one else has left.

I asked for further footage of that night hoping to show if these people left. The footage I received was from 1st September 2023 04:45:00 hours until 05:00:00 hours. Below is a precis of what is shown on the CCTV footage which I exhibit as AJT5.

At 04:50:32 hours a male opens the door of The Dog House from inside and stands in the doorway, he is joined by another male the male in the footage AJT4 with the pale shirt and dark trousers. After a while they are joined by two other males in shorts and then a little later by a female. The five go in and out of the premises, apart from the male in the pale shirt who is smoking and this goes on until 04:59:55 hours when they all go back inside with the male in the pale shirt going in last and closing the door behind himself. The footage finishes at 05:00:00 hours and no one else leaves.

Both of these pieces of CCTV clearly show activity at the premises well passed its licensed hours and by the manner of dress of some of the people in the premise it appears they are

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)

CLEVELAND POLICE

Continuation of Statement of **Andrew THORPE**

there for a night out and no other reason. The footage clearly shows at least six different people in the premise if not more and certainly gives the impression that the premises is open and trading.

Signature _____ Signature Witnessed by _____

Representations On A Current Application For Review Of A Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

Section 1 – Licence Details

Applicant Name (If Known)	Cleveland Police Applicant for Review
Premises Name and Address	The Dog House 3 Macmillan Chambers, Prince Regent Street, Stockton-On-Tees, TS18 1DB.

Section 2 - Responsible Authority

X Licensing Authority

Section 3 – Representation Grounds

The representation is relevant to one or more of the following licensing objectives: Please tick relevant box(es)	X Prevention of Crime and Disorder
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The grounds of the representation is based on the following:

(Please continue on a separate sheet if necessary)

The Licensing Authority as a Responsible Authority would like to submit further evidence in addition to the representation made dated 7 August 2023.

Since the police have made an application to review the premises licence for The Dog House 3 Macmillan Chambers, Prince Regent Street, Stockton-On-Tees, TS18 1DB. There have been further correspondence, potential unlicensed activity and additional breaches of licence conditions.

Further details can be found in Licensing Officers Kirsty Wannops statement which I exhibit as evidence as LMK1.

In addition to his there has been correspondence between myself and Mr Hayes which I exhibit as evidence as LMK2.

Mr Hayes refusal to provide CCTV in line with the licence condition and his obstruction of officers in investigating potential unlicensed activity and breaches of licence conditions is compounding matters. A considerable amount of officer time is being spent dealing with this premises and Mr Hayes as both the licence holder and DPS is undermining the licensing objectives of the prevention of crime and disorder, rather than trying to put things right he is instead trying to undermine officer professionalism and abilities.

Signed: L Maloney-Kelly	Position: Licensing Team Leader	Dated:05/09/23
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When complete this form should be returned to the address above or e-mailed to licensing.administration@stockton.gov.uk

For Office Use Only

Date Received		Checked By	
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**STOCKTON-ON-TEES BOROUGH COUNCIL
STATEMENT OF WITNESS**

**(Criminal Procedure Rules 2010 r. 27;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)**

STATEMENT OF: Miss Kirsty Wannop
AGE (If over 18 enter "over 18") Over 18
OCCUPATION: Licensing Officer
ADDRESS: SEE OVER

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 29 day of August 2023 Signed *K. Wannop*

1. I make this statement in addition to my statement dated 7th August 2023.
2. On 14th August 2023 Stockton Council's Public Space CCTV identified people coming and going from The Dog House premises on 14th August 2023 at 00:45. A request was made for the CCTV to review.
3. The CCTV was received and up on reviewing this it identified a patron leaving the premises at 00:48 with a glass which is a breach of a condition on the premises licence.
4. The CCTV also shows a male enter the premises at 01:10 and then leaves again at 01:24.
5. On The Dog House Public Facebook Page I noticed a post advertising live music within the premises. It was unclear from this post the timings in which this was taking place, and as the licence did not have live music authorised, if this was after 23:00 this would be an unauthorised activity. I now produce in evidence a screen shot of this post which I exhibit as **KWA1**.
6. On 16th August 2023 an email was sent to Mr Hayes on the email address provided to the licensing team requesting CCTV to be provided by 12noon 18th August 2023. The reason for the request was due to potential unauthorised licensable activities as detailed above taking place at the premises. A read receipt was put on the email.
7. On 17th August 2023 the read receipt was not received. A phone call was made to Mr Hayes who stated he was having email difficulties with the email address we had. He gave another email address to send this to and the email was forwarded to this email.

Signed *K. Wannop*

**STOCKTON-ON-TEES BOROUGH COUNCIL
STATEMENT OF WITNESS**

**(Criminal Procedure Rules 2010 r. 27;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)**

Continuation of Statement of: Miss Kirsty Wannop

8. On 17th August 2023 Mr Hayes responded to the email stating a subject access request was needed and any request for CCTV under 48 hours was not reasonable. A response was sent to Mr Hayes reminding him of the CCTV condition attached to the premises licence. I now produce in evidence this email trail which I exhibit as **KWA2**.
9. Enquiries were also made with the Information Governance team who confirmed that no subject access request was needed for this request of CCTV.
10. To date Mr Hayes has not supplied CCTV from the premises, for incidents which is a breach of licence conditions.
11. This statement is made from the notes on my action diary.

Signed *K. Wannop*

Home - SBC Intranet x Facebook x Dog Housepdf x | +

facebook.com/profile.php?id=100090021895288

Search Facebook

The Dog House Stockton

19 July at 18:23

Page · Pub/Bar

3 Macmillan Chambers, Prince Regent Street

stockton@thedoghouspubuk

thedoghouspubuk/stockton

Not yet rated (2 reviews)


Photos See All Photos

A-LEVEL RESULTS

The Dog House Stockton is at The Dog House Stockton.

4 d · Stockton-on-Tees

Thank you very much Chris Don for tonight. We can't wait to bring more live acts to The Dog House. Don't forget we are open through until 1am!



1

16:40 15/08/2023

From: [Kirsty Wannop](#)
To: [Edward Hayes; edward.hayes@leadwiseleisure.uk](#)
Cc: [THORPE, Andrew \(P0894\)](#)
Subject: RE: CCTV Request
Date: 18 August 2023 12:54:00
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Dear Mr Hayes

Also to confirm I have taken advice from our Governance team and there is no need for a Subject Access Request for a request for CCTV as per your licence condition.

I have not heard from your with regards to supplying the CCTV requested. Can you confirm you will be supplying this and whether it will be dropped at Municipal Buildings, Church Road or you would like me to collect it?

Kind regards

Kirsty Wannop

Licensing Officer

Stockton-on-Tees Borough Council

Telephone: 01642 524990 | Mobile: [07384797297](tel:07384797297) | Email: kirsty.wannop@stockton.gov.uk | Web: www.stockton.gov.uk

From: Kirsty Wannop <Kirsty.Wannop@stockton.gov.uk>
Sent: 17 August 2023 19:10
To: Edward Hayes <edwardhayes1987@outlook.com>
Cc: THORPE, Andrew (P0894) <andrew.thorpe@cleveland.police.uk>
Subject: Re: CCTV Request

Dear Mr Hayes

Please can I draw your attention to the condition attached to your licence which states:

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, whilst complying with the Data Protection legislation.

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 and all areas where the sale/supply of alcohol occurs.

There will be a minimum of 14 days recording.

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 have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images. There will be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or immediately if urgently required for investigation of serious crime.

This says it will be provided upon request to Cleveland police or any responsible authority within 24hrs routine or urgently if required. I will await receipt of the requested CCTV by tomorrow lunch.

Kind regards

Kirsty

Sent from [Outlook for iOS](#)

From: Edward Hayes <edwardhayes1987@outlook.com>
Sent: Thursday, August 17, 2023 6:04:29 PM
To: Kirsty Wannop <Kirsty.Wannop@stockton.gov.uk>
Subject: Re: CCTV Request

Hi Kirsty

I've had this discussion with you before regarding data protection legislation / GDPR and CCTV. You MUST at all times supply us with an individual subject access request for EACH period you are requesting footage for.

A subject access request MUST contain the following:

- Your name
- Your contact details
- The responsible authority you represent
- Your role within the responsible authority
- Your staff / police number (whichever is applicable)
- A legitimate reason for your request
- A reasonable timeframe for your request to be processed (note: anything under 48 hours is NOT reasonable)

You must remember that anyone associated with Leadwise Leisure Ltd or any other company that operates any licensed premises has both a moral AND legal right to time off and a personal life.

Edward Hayes

From: Kirsty Wannop <Kirsty.Wannop@stockton.gov.uk>
Sent: 17 August 2023 12:29
To: edwardhayes1987@outlook.com <edwardhayes1987@outlook.com>
Subject: FW: CCTV Request

This document was classified as: OFFICIAL

This document was classified as: OFFICIAL

Dear My Hayes

Please see below email with request for CCTV.

Kind regards

Kirsty Wannop

Licensing Officer

Stockton-on-Tees Borough Council

Telephone: 01642 524990 | Mobile: [07384797297](tel:07384797297) | Email: kirsty.wannop@stockton.gov.uk | Web: www.stockton.gov.uk

From: Kirsty Wannop
Sent: 16 August 2023 12:17
To: edward.hayes@leadwiseleisure.uk
Cc: THORPE, Andrew (P0894) <Andrew.Thorpe@cleveland.police.uk>
Subject: CCTV Request

Dear Mr Hayes

Please can you supply CCTV for the following dates and times by **12noon Friday 18th August 2023**:

- Friday 11th August 2023 22:30 – 24:00
- Saturday 12th August 2023 22:30 – 24:00 and 03:00 – 05:00
- Monday 14th August 2023 00:30 – 01:30

You can either let me know when its available to collect or deliver to Municipal Buildings Church Road for the attention of me.

Kind regards

Kirsty Wannop

Licensing Officer

Stockton-on-Tees Borough Council

Telephone: 01642 524990 | Mobile: [07384797297](tel:07384797297) | Email: kirsty.wannop@stockton.gov.uk | Web: www.stockton.gov.uk



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Although we have endeavoured to ensure that this e mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

From: Leanne Maloney-Kelly <Leanne.Maloney-Kelly@stockton.gov.uk>
Sent: Monday, August 14, 2023 10:04 AM
To: edward.hayes@leadwiseleisure.uk <edward.hayes@leadwiseleisure.uk>
Subject: Re: Representation Dog House

Hello Mr Hayes,

Problem premises is a term used in guidance and by responsible authorities to describe premises causing a problem, having incidents, breaching licence conditions, undermining the licensing objectives etc.

The licence service are not impartial in this, and have decided to support the police in their review application, I think you are misunderstood, the Statutory Licensing Committee made up of elected members remain impartial.

Rather than trying to muddy the water and picking faults with officers, or with me for not responding, concentrate on the reasons for the review and how you may be able to put things right, which is what the committee will be interested in hearing at the hearing in September.

Regards

Leanne Maloney-Kelly
Licensing Team Leader

Sent from [Outlook for iOS](#)

From: edward.hayes@leadwiseleisure.uk <edward.hayes@leadwiseleisure.uk>
Sent: Thursday, August 10, 2023 2:52:52 AM
To: Leanne Maloney-Kelly <Leanne.Maloney-Kelly@stockton.gov.uk>
Subject: Re: Representation Dog House

Also, it is highly unprofessional to refer to a licensed premises as a problem premises when licensing officers should be impartial at all times.

Edward Hayes

On 2023-08-09 06:15, Leanne Maloney-Kelly wrote:

Hello,

I have on note you called admin once and asked for a call back I called you twice and you did not return my call.

Kirsty is lead officer at this problem premises.

Committee Hearing papers will be with you in due course and in any event before the hearing on the 7th September

Regards

Leanne Maloney-Kelly
Team Leader - Licensing
Stockton-on-Tees Borough Council

> -----Original Message-----

From: edward.hayes@leadwiseleisure.uk

Sent: 08 August 2023 14:29

To: Leanne Maloney-Kelly <Leanne.Maloney-Kelly@stockton.gov.uk>

Subject: Re: Representation Dog House

Hi Leanne

I have tried to make complaints about Kirsty and her lack of professionalism multiple times to no avail.

Each time I have stated my reasons.

I cannot understand why she is still assigned to my venue.

Edward Hayes

> On 2023-08-08 11:13, Leanne Maloney-Kelly wrote:

Hello Mr Hayes,

Not sure where you have made those requests to, however unfortunately you don't get to choose which officer investigates incidents or complaints.

Regards

Leanne Maloney-Kelly

Team Leader – Licensing

Stockton-on-Tees Borough Council

>> -----Original Message-----

From: edward.hayes@leadwiseleisure.uk

Sent: 07 August 2023 16:48

To: Leanne Maloney-Kelly <Leanne.Maloney-Kelly@stockton.gov.uk>

Subject: Re: Representation Dog House

Hi Leanne

Can I ask why Kirsty is still involved when I have repeatedly asked or an alternative officer?

Edward Hayes

>> On 2023-08-07 11:16, Leanne Maloney-Kelly wrote:

Hello Mr Hayes,

Please find attached copies of representation and officer statement in support of the police review.

You will receive a full set of papers for the Hearing on 7th September in due course.

thanks

Leanne Maloney-Kelly

Team Leader - Licensing

Stockton-on-Tees Borough Council