

Licensing Act Sub Committee Hearing

Monday 20th February 2006

Members of the Panel:	Councillors Griffin (chair), Flintoff and Jackson
Application Premises:	Goldmine – review of premises licence
Applicant and Applicants representative(s):	Paul Hanson and James Ross, Cleveland Police Marie Nevison, Cleveland Police Solicitor
Respondent Premises Licence Holder:	Lesley Ann McPartlin (not present)
Officers present:	Ralph Harrison, Head of Public Protection & Housing Ian Harrison, Principal Licensing Officer Tony MacNab, Solicitor Jo Wilson, Democratic Services Officer
Decision:	
<p>The respondent premises licence holder was not in attendance and therefore the Licensing Authority considered whether the hearing could proceed in her absence. The Licensing Authority heard from the Head of Public Protection and Housing that the application for a review and the notice of the hearing had been posted to the licence holder on two separate occasions at the address she provided to the Licensing Authority. The Police also advised that they had sent the notice of application to her.</p> <p>The Licensing Authority was satisfied that the licence holder should have received notification of the hearing and decided that the hearing should proceed in her absence.</p> <p>The Licensing Authority considered that in the application for a review of the premises licence the Police, responsible authority, made relevant representations in respect of the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance.</p>	

The relevant representations related to an incident which occurred during the early hours of Monday morning on 19th December 2005. The Police had received an anonymous call reporting after hours drinking taking place at the premises. The Police attended and found 23 people in the bar with fresh drinks. The respondent who was also the designated premises supervisor was present behind the bar of the premises at the time. The till roll from the bar was seized by the Police Licensing Officer and some 13 transactions of in the region of 23 alcoholic drinks had been made since the authorisation to sell the alcohol to the public had ceased at midnight. The premises licence contained a condition that the premises should close at 00.30 hours on Sunday night/Monday morning.

The Police stated that as the premises are in a residential area disorder would be caused by persons leaving the premises during the early hours of Monday morning. There would be noise and disturbance caused to residents by patrons making their way home.

The Police advised that the respondent did not hold a personal licence. A new designated premises supervisor has been appointed, however the respondent remains in effect in charge of the premises on a day to day basis

The Licensing Authority was satisfied that the facts outlined by the Police demonstrated that there was a problem in the management of the premises.

The Licensing Authority considered that it was necessary for the promotion of the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance to take the following action : -

- That all licensed activities will be excluded from the scope of the licence from 7pm to 00.30 hours for a period of four consecutive Sundays to commence upon the expiration of the period allowed for appealing against this decision.

The Licensing Authority considered that this decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for a review.

S GRIFFIN

CHAIR