

LICENSING ACT SUB-COMMITTEE AGENDA



Monday, 20 December 2010

At 10.00 am

in the Council Chamber, Civic Centre, Hartlepool

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Barclay, Fleet and Lawton

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Application for the review of premises licence – Shades Hotel, Church Street, Hartlepool – *Assistant Director (Community Safety and Protection)*

LICENSING ACT 2003

Procedure for Review Hearings



Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. Assistant Director, Community Safety and Protection outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director, Community Safety and Protection'.
4. Applicant for Review presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Licence/Club Certificate holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
9. Parties may question and clarify issues raised with the consent of the Chair.
- 10.If required, applicant/responsible bodies/interested parties to be given opportunity to sum up.
- 11.If required, the Licence /Club Certificate holder to be given opportunity to sum up.
- 12.Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
- 13.Members to go into closed session to deliberate.
- 14.Chair informs parties of their decision, with reasons.

Report of: Assistant Director, Community Safety & Protection

Subject: APPLICATION FOR THE REVIEW OF PREMISES
LICENCE – SHADES HOTEL, CHURCH STREET,
HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of Shades, Church Street, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Cleveland Police
- Premises to which the review relates: Shades Hotel
Church Street
Hartlepool
- 2.2 The current licence authorises the following activities between 1000 and 0400 hours on Monday to Sunday inclusive: -
1. Supply of alcohol (on and off premises)
 2. Live Music
 3. Recorded Music
 4. Performance of Dance
 5. Anything similar to 2, 3 or 4 above
 6. Provision of facilities for making music
 7. Provision of facilities for dancing
 8. Provision of facilities similar to 6 or 7 above
- 2.3 A copy of the premises licence is attached as **Appendix I**.

3. BACKGROUND

- 3.1 Cleveland Police has requested a review of the premises licence on the grounds that there have been numerous incidents, including violence within the premises, that have undermined the licensing objectives.
- 3.2 The application for review has been advertised in the prescribed manner and no additional representations have been received.
- 3.3 The Shades Hotel premises licence was first reviewed in 2006 following an application by Cleveland Police. At that time the licence holder was Mr

Raymond Lancaster and the licensing sub-committee determined that the licence be suspended for a period of three months and that additional conditions relating to CCTV and door supervisors be added to the licence.

- 3.4 At the same time the licence was transferred from Mr Lancaster to Mr Gary Wilkinson and then, in 2008, into the name of the current licence holder – Mark Scott.

4. **ISSUES**

- 4.1 An application for the review of a licence is made under Section 51 of the Licensing Act 2003. The application must be made by either a Responsible Authority or Interested Party as defined by the Act. Cleveland Police are a Responsible Authority.

- 4.2 The application must also relate to at least one of the Act's 'licensing objectives'. These are: -

- i) The prevention of crime and disorder;
- ii) Public safety;
- iii) The prevention of public nuisance; and
- iv) The protection of children from harm

- 4.3 Following consideration of the application, relevant representations and any comments of the licence holder, Members may take such steps as they consider necessary for the promotion of the licensing objectives.

- 4.4 The steps are: -

- To take no action;
- To modify the conditions on the licence (this may include altering or omitting an existing condition or adding a new condition);
- To exclude a licensable activity from the scope of the licence;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

5. **RECOMMENDATIONS**

- 5.1 That Members consider the representations made by the Cleveland Police and the licence holder and determine what action, if any, should be taken.



Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY

THE LICENSING ACT 2003**PREMISES LICENCE (PART A)****Premises licence number**

HART/PS/171

Part 1 - Premises details**Postal address of premises or, if none, ordnance survey map reference, or description**Shades Hotel
Church Street**Post Town**

Hartlepool

Post code

TS24 7DJ

Telephone number

01429 869204

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence (*indoors unless otherwise stated*)

1. Supply of Alcohol (On and Off Supplies)
2. Live music
3. Recorded music
4. Performances of dance
5. Anything similar to 2, 3 or 4 above
6. Provision of facilities for making music
7. Provision of facilities for dancing
8. Provision of facilities for entertainment similar to 6 and 7 above

The time the licence authorises the carrying out of licensable activities

- | | | |
|---|-----------|-------------|
| 1. Supply of Alcohol (On and Off Supplies) | Mon – Sun | 1000 – 0400 |
| 2. Live music | Mon – Sun | 1000 – 0400 |
| 3. Recorded music | Mon – Sun | 1000 – 0400 |
| 4. Performances of dance | Mon – Sun | 1000 – 0400 |
| 5. Anything similar to 2, 3 or 4 above | Mon – Sun | 1000 – 0400 |
| 6. Provision of facilities for making music | Mon – Sun | 1000 – 0400 |
| 7. Provision of facilities for dancing | Mon – Sun | 1000 – 0400 |
| 8. Provision of facilities for entertainment similar to 6 and 7 above | Mon – Sun | 1000 – 0400 |

The opening hours of the premises

Monday – Sunday 1000 – 0430

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On and Off Supplies

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Mark Scott
45 Masefield Road
Hartlepool
TS25 4PE Tel: 01429 268342

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Mark Scott
45 Masefield Road
Hartlepool
TS25 4PE Tel: 01429 268342

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

HART/PL/166
Hartlepool Borough Council

Date licence granted: 23rd January 2008

ANNEX 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. Each individual employed or otherwise engaged at the premises to carry out a security activity must be licensed by the Security Industry Authority.

ANNEX 2 – Conditions consistent with the Operating Schedule

None

ANNEX 3 – Conditions attached after a hearing by the Licensing Authority

1. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours includes:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Permitted hours under this licence do not prohibit:

- (a) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - (b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) The sale or supply of alcohol, to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's navel, military or air forces;
 - (e) The taking of alcohol from the premises by a person residing there; or
 - (f) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - (g) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. No person under sixteen shall be in the bar of the licensed premises during the permitted hours after 20:00pm unless one of the following applies:
 - (i) He is the child of the holder of the premises licence
 - (ii) He resides in the premises, but is not employed there
 - (iii) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from where there is no other convenient means of access or egress.
 - (iv) The bar is in the railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

No child under 16 years of age shall be admitted to any other part of the licensed premises unless accompanied by an adult.

3. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the Children and Young Persons Act 1933.
4. Bottles, glasses and cans will not be allowed to be removed from the curtilage of the premises.
5. Registered door supervisors will be provided for all late night openings past 22:00 and will remain present until the premises close to the public, including the drinking up period requested in the application.
6. The DPS shall ensure that staff, including door supervisors are briefed to offer every assistance to the police in the lawful execution of their duties.
7. The premises should have a CCTV system that complies to a minimum approved standard set in partnership with Cleveland Police. The system will also be maintained at regular service intervals and always record when the premises is open for business. Any recordings will immediately be made available to the responsible authorities if requested and maintained for a minimum period of 28 days.
8. The premises shall ensure that the digital CCTV system covers areas to be determined in liaison with Cleveland Police
9. A written record shall be kept every time images are recorded by CCTV and shall include details for the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. Where recording is on a removable medium, (i.e. videotape, compact disc, flash card etc.) a secure storage system to store those recording mediums shall be provided.

The records and recordings shall be made available for inspection or viewing on demand by an authorized officer of Hartlepool Borough Council, a Fire Officer or a Police Constable. That person can either take a copy of it, view it, on or off the premises and if considered appropriate, can retain it, only after a note is made in the records to that effect.

10. The premises should adopt and implement a drugs policy and incorporate a secured drugs seizure box of the type approved by Cleveland Police.
11. Persons who appear to be under the age of 21 years shall be required to produce proof of age by way of recognized proof of age card, accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport.
12. The DPS shall ensure that a refusals register is maintained at the premises and made available to the police immediately when required for inspection during opening hours.
13. The DPS ensures staff training is conducted regularly, properly and legibly recorded and made available to police for inspection.

14. Plastic glasses or toughened glass will be used.
15. No irresponsible drinks promotion will be used, advertised or promoted.
16. Thirty minutes drinking up time will follow the conclusion of the sale of alcohol.
17. There shall be maintained on the premises at all times adequate and appropriate supply of First Aid Equipment and materials for use by patrons.
18. That the DPS is readily available to the police for consultation during its opening period, except during reasonable holidays.
19. The DPS shall attend the Hartlepool Licensing Association meetings held bi-monthly.
20. The DPS shall ensure that all music speakers are situated within the building and not in the beer garden and that the access doors to the beer garden from within the building are kept closed to prevent noise pollution for other residents.
21. The DPS and District Licensing Unit shall ensure that regular liaison is maintained In order to professionally and properly deal with issues expeditiously.
22. There shall be no change to the standard closing times during the two nights of the year when GMT and BST commence.
23. Except with the prior written approval of the licensing authority, and subject to any conditions which may be attached to such approval: -
 - (a) No special effects, naked flames, smoke production or other process creating a risk of fire or the illusion of smoke or fire shall be used in the premises.
 - (b) No explosive or highly flammable substances shall be brought into or used on the premises.

Except with the prior written approval of the licensing authority and subject to any condition which may be attached to such approval, no special effects shall be used or displayed given on the premises which consists of or includes the use of lasers. Applications for consent, giving detailed descriptions of the equipment to be used and details of the event, including dates and times shall be made not less than 28 days before the date of the event.
24. The licensee shall ensure that the electrical socket outlets in the licensed premises to be used with electrical equipment provided for the purposes of entertainment shall be protected by a residual current device being 30mA tripping unit.
25. In the event of a fire alarm being activated a suitable relay should be provided so that the electrical power supply to all sound amplification systems in the licensed premises shall be immediately intercepted so that the alarm can be heard in all parts of the licensed premises.

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))

URN	17			
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Statement of **Philip James Henderson**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **T/PS 822**

This statement (consisting of _____ 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 _____

Date: **30/11/2010**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a temporary Police Sergeant in the Alcohol Licensing Unit based in Hartlepool Police Office.

Part of my role is to monitor licensed premises within Hartlepool and ensure that they are not undermining the licensing objectives and abiding by the licensing conditions which have been attached to their licence. If premises are not abiding by the conditions imposed then it my duty to collate evidence of the breaches and inform the licence holder of the relevant issues and how to address them.

This statement is further evidence in relation to Shades nightclub, 16 Church Street, Hartlepool. The following incident / offences are all related to Shades nightclub;

On Saturday the 30th October 2010 at 0320 hours a 24 year old male was out socialising with a group of friends who were all in fancy dress.

At this time the male was stood in the beer garden with a female friend when for no apparent reason he was punched to face and knocked unconscious by an unknown male.

At this time door staff immediately attended and spoke to the suspect and the victim. The victim was tended to but no medical attention was sought. The suspect was eventually

Signature _____

Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **Philip James Henderson**

ejected from the premises and despite there being a police vehicle parked directly outside none of the door staff informed the officers. Door staff are also in possession of a radio that is linked directly to the CCTV centre at Hartlepool Borough Council so that they can request Police and record incidents. This incident was never reported to police by staff.

The victim eventually managed to pull himself round and walk out of the bar in company with a female friend.

The victim attended hospital and was found have a broken jaw as a result of the assault. CCTV was requested on the 3rd November a day after the victim was able to report the offence and although it stipulates that it should be made immediately available, Police were not handed the footage until 7 days later.

On Saturday the 20th November 2010 at 0400 hours a 28 year old drunken male left Shades as the premises was closing. The male then loitered outside of the premises and was clearly intoxicated through either alcohol or drugs or both. He then made his way into the middle of the road where a passing Police vehicle had to stop and ask him to move onto the footpath at which point he became abusive and obstructive. The officers then got out of their vehicle and spoke to male outside of Shades. He was uncooperative and swaying unsteadily on his feet and the officers give him several opportunities to leave the area peacefully but he continued to be abusive and was eventually arrested for being drunk and disorderly. The male was so drunk he had to be helped into the rear of the Police van by two officers. Upon searching the male he was found to be in possession of three types of drugs, class A, B & C. When the male was fit to be dealt with he was eventually charged with drunk and disorderly and possession of class A, B & C.

Signature _____

Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **3**Continuation of Statement of **Philip James Henderson**

This is another example of a reveller being so intoxicated that he remained out until 4am, only leaving when the bar closed. The male was clearly intoxicated and this should have been noted long before his arrest by staff in the premises and he should have been ejected and the police informed.

Signature 

Signature Witnessed by _____

Application for Review of Premises
Licence



CLEVELAND
POLICE
Putting People First

Shades
Church Street, Hartlepool

APPLICATION FOR REVIEW OF PREMISES LICENCE

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**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB
PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Marie Nevison

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Shades Church Street	
Post town Hartlepool	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known) Mr Mark Scott 45 Masefield Road Hartlepool TS25 4PE

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Chief Constable of Cleveland Police
c/o Inspector Green
Licensing Unit
Hartlepool Police Office
Avenue Road
Hartlepool
TS24 8AJ

Telephone number (if any)
01642 302567

E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm



Please state the ground(s) for review (please read guidance note 1)

Cleveland Police make an application to review this premises licence for the following reasons:

Historically, Shades has been a problem premises to Cleveland Police and is continuing to cause concern.

In June 2006, following concerns regarding the number of incidents at the premises, an application for review of the premises licence was made by Cleveland Police whereupon the licence was suspended for three months and there was an agreed change to the premises licence holder from Raymond Lancaster to Gary Wilkinson. In addition to this, additional conditions were placed on licence in order to prevent undermining of the licensing objectives.

Following the suspension of the licence, the running of the premises improved and did not cause Cleveland Police any undue concern.

In January 2008, Mark Scott became the Premises Licence Holder and DPS. Initially, Cleveland Police did not have any undue concern. However, there have been numerous incidents involving the premises in the last 12 month period. This is far greater than any other premises in the vicinity and further details can be found in the witness statement of T/Ps Henderson.

In particular, on May 16 2010, there was a violent fight within the premises which resulted in Cleveland Police requesting that the premises close voluntarily in the interests of public safety.

On 18th July 2010, a door supervisor assaulted a customer and was subsequently arrested for ABH. When officers subsequently spoke the victim at the premises he alleged that was dragged from the premises in a head lock receiving numerous injuries. The member of door staff was also found to be in possession of a pair of weighted gloves, over three times the weight of a normal weight of police issues slash proof gloves. The door supervisor was also arrested for possession of an

offensive weapon.

On another occasion, an off duty door supervisor was hit over the head with a bottle. He refused to assist police, as did other door staff from Shades.

In addition to the above, the premises is situated near a residential area. Fights inevitably cause raised voices, and it is the opinion of Cleveland Police that this cannot fail but to disturb the peace and quiet of those residents living in the nearby vicinity.

Cleveland Police believe due to the above concerns they have had no alternative but to make an application to review the premises licence as failure to do so may lead to persons being seriously injured.

Please provide as much information as possible to support the application (please read guidance note 2)

Please tick yes

Have you made an application for review relating to this premises before ☒

If yes please state the date of that application

Day		Month		Year	
2	0	0	6	2	0
0	6	2	0	0	6

If you have made representations before relating to this premises please state what they were and when you made them

Cleveland Police made representations on 12th August, 2005, when conditions were requested to be placed on the licence (these representations were made for the initial application under the Licensing Act 2003).

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

22 October 2010

Capacity

Solicitor

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Copies of this completed application form must be sent to:-

The Licensing Team (HBC),
 Principal Trading Standards Officer (HBC)
 Development Control Manager (HBC)
 Principal Environmental Health Officer (Commercial Services) (HBC)
 Principal Environmental Health Officer (Environmental Protection) (HBC)
 Head of Safeguarding and Review (Licensing) (HBC)
 Cleveland Police,
 Cleveland Fire Brigade

Addresses for the above organisations are attached.

The Licensing Section
 Public Protection and Housing
 Hartlepool Borough Council
 Civic Centre
 Victoria Road
 Hartlepool
 TS24 8AY

Licensing Act 2003 Consultees



The Licensing Team
Public Protection & Housing
Level 3, Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Principal Trading Standards Officer
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Chief Fire Officer
Community Services Group
Fire Engineering Hartlepool
Fire Brigade HQ
Endeavour House
Stockton Road
Hartlepool
TS25 5TB

The Licensing Officer
Hartlepool Police Office
Avenue Road
Hartlepool
TS24 8AB

Development Control Manager
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Head of Safeguarding and Review (Licensing)
Hartlepool Borough Council
Municipal Buildings
Hartlepool
TS24 7EQ

Principal Environmental Health Officer
(Commercial Services)
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Principal Environmental Health Officer
(Environmental Protection)
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

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 Philip James HendersonAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation T/Ps 822

This statement (consisting of 13 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


Date: 13/10/2010Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a temporary Police Sergeant in the Alcohol Licensing Unit based in Hartlepool Police Office.

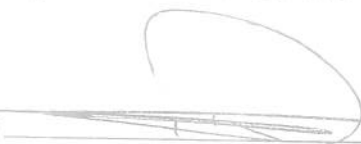
Part of my role is to monitor licensed premises within Hartlepool and ensure that they are not undermining the licensing objectives and abiding by the licensing conditions which have been attached to their licence. If premises are not abiding by the conditions imposed then it my duty to collate evidence of the breaches and inform the licence holder of the relevant issues and how to address them.

This statement is in relation to Shades nightclub, 16 Church Street, Hartlepool. The following incident / offences are all related to Shades nightclub;

On the 18th September 2009 at 0300 hours a male was assaulted whilst on a night out from Durham. He was stood in the door way of the premises when he was approached by an unknown male who began to argue and remonstrate with the victim. The suspect then head butted the victim leaving him with bruising to the left eye and cheek bone.

Police requested CCTV for this offence and on several occasions they were turned away

Signature



Signature Witnessed by

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **Philip James Henderson**

with the DPS stating that their recording equipment wasn't working. The CCTV was never obtained.

This is an example of an offence taking place in the early hours of the morning. It also involved a male who had come from out of town to experience the local night time economy and was left with a negative impression of Hartlepool and its residents.

The suspect was later located and cautioned with Actual Bodily Harm.

On the 11th October 2009 at 0355 hours a male was assaulted inside of Shades whilst enjoying a night out with friends. He was approached from behind and repeatedly punched in the face, knocking him to the floor. The victim received a broken nose, cuts and bruises to the face and two snapped front teeth. Police again tried to obtain CCTV but upon playing the copy provided by staff it did not work. When police re-attended, the footage has been recorded over and was therefore lost. The suspect was never traced and the offence remained undetected.

The further failure to provide CCTV was a clear breach of their licence which states that it should be made immediately available to police upon request.

On the 8th January 2010 at 0300 hours a drunken male was ejected from the premise by door staff. Upon him being ejected police were called due to his refusal to leave. As police have arrived the ejected male has been assaulted by two male door supervisors. Both door supervisors were subsequently arrested and cautioned for common assault.

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Continuation of Statement of **Philip James Henderson**

On the 12th March 2010 at 0230 police were called to a report of an adult male being assaulted inside of Shades. The victim had left his jacket inside the club and upon going to retrieve it he discovered another male was wearing it. The victim approached the suspect and asked for his jacket back to which the suspect refused. The victim then gave the suspect a bottle of lager as a peace keeping and again asked for his jacket. The suspect again refused so the victim went to grab his jacket at which point he was punched by the suspect before being hit over the head with the glass bottle. The bottle didn't break and caused a large cut to the back of the victim's head which required hospital treatment and was described as deep and 3inch in length. There was quite a lot of blood covering the victim's chest and back due to the depth of cut. The suspect was identified and subsequently given a police caution.

On the 13th March 2010 at 0300 hours police were called to assist door staff remove a large group of males fighting inside and threatening the staff with table legs. Police attended and the group were made to leave. As they did an officer was approached by a male victim who stated that he had been punched in the face by one of the group. As a result a male suspect was arrested for Actual Bodily Harm. A further male was arrested for a public order offence as he refused to abide by Police instructions. The victim received bruising and swelling to the left side of his face.

The case was later dropped as the victim refused to attend an ID parade and support a Police prosecution.

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On the 27th March 2010 at 0310 police were requested to give assistance to door staff who were having trouble with a female who had just been ejected from the premises. Upon police arrival the female was shouting in the faces of the door staff demanding to be let back inside. Police approached the female and she was subsequently arrested for being drunk and disorderly. Upon searching the female she was found to be in possession of a quantity of Diazepam.

She was interviewed and fully admitted the offence for which she received a caution for possession of a class C drug.

On the 2nd April 2010 at 0245 hours a further offence of assault occurred inside of the premises. A female reveller was inside of the toilets when she was approached by a group of unknown females who proceeded to punch her to the floor where she was kicked unconscious. The victim was then taken to the front of the premises where she was attended to by ambulance staff and police. The injuries received consisted of a heavily swollen face and back and neck pains. Due to the poor quality of the CCTV and the victim being unable to identify the suspects the offence went undetected.

At 0320 hours on the 9th April 2010 an assault occurred inside of the beer garden of Shades where an off duty door supervisor had been assaulted by an unknown person. The off duty door supervisor had been hit over the back of the head with a glass which result in deep lacerations. Police attended and spoke to the victim who declined to tell Police what had happened and stated that he just wanted to go to the hospital and then home. Police

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Continuation of Statement of **Philip James Henderson**

officers conducted a search of the premises for a potential scene but given that staff had allowed revellers to continue to drink and move around the bar there was no visible scene or evidence to be gleaned.

On the 16th May 2010 at about 0200 hours an assault took place outside of Shades where a male had been violently assaulted as a result of being inside of the premises.

It was alleged that the victim had been involved in an altercation which resulted in the victim being stabbed in the head with a glass and knocked unconscious. Upon police arrival police were informed by ambulance staff that the victim was in a critical condition and was to be rushed to hospital. Such were the concerns of Cleveland Police Shades were asked to voluntarily close which they did. The revellers inside were ushered from the premises one at a time and photographs taken in order to identify a suspect. As a result of the actions take by the Police a male was arrested from Shades.

The victim received treatment from hospital and made a full recovery but refused to provide a statement to police. The suspect admitted being involved in the incident and being part of the assault but denied stabbing the victim in the head as suspected. The suspect was subsequently cautioned for assault due to the lack of victim support.

On the 12th June 2010 at 0245 hours a male victim was inside of the premises socialising with friends when he was approached from behind by an unknown male. The male punched the victim as he was drinking from a bottle, knocking him to the floor unconscious.

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Continuation of Statement of **Philip James Henderson**

The suspect was subsequently identified and arrested and admitted the offence and was given a police caution.

This again emphasises the issue around the late licence which Shades currently operates under.

On the 18th July 2010 between 0200-0245 hours the victim was ejected from the premises by door staff for being drunk and disorderly. The victim alleged that he was placed in a head lock by door staff and dragged from the premises unnecessarily, receiving injuries associated with Actual Bodily Harm.

The door supervisor was arrested and found to be in possession of a pair of black leather gloves which had been altered and filled with ball bearings, constituting an offensive weapon. The door supervisor has subsequently been sacked by his employer.

This again brings into question the professionalism of staff associated with Shades and the reasons as to why they need to be in possession of an offensive weapon whilst on duty.

On 25th July 2010 at 0230 hours police again received a call to attend Shades where a male had been assaulted by several males. As the victim was in the beer garden of the premises he became embroiled in an argument with another male who was pestering him for a cigarette. He refused to give the suspect a cigarette and he was then attacked by the suspect, with both parties falling to the floor. The victim was then punched and kicked by the suspect's friends as he lay on the floor. When the victim stood up he noticed that he had a heavy nose bleed and bent over to stop the blood from dripping onto his clothes. At

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Continuation of Statement of **Philip James Henderson**

this point he saw a glass being thrown from the direction of the group he had just had the altercation with which smashed on his head causing a large gash to his forehead.

Enquiries were carried out by police and CCTV was viewed but police were unable to identify the suspect's.

On the 20th August 2010 at 0320 hours a group of males were ejected from the premises. At this time they were stood outside the front of Shades and begin to charge at each other throwing punches through a crowd of people. The door staff then tried to intervene and separate two males but upon pushing them apart, the two males then ran around the outside of the crowd of people and again continued to fight outside of the front of the premises. Police attend and the two males are detained.

This is another clear example that the premises are attracting the wrong type of cliental and then allowing them to drink to the excess until an incident breaks out and the police are called to intervene.

CCTV is available if required and can be produced as exhibit PJH/1.

On the 10th September 2010 at 0325 hours police were stopped by door staff at Shades who were requesting assistances in removing an aggressive male from the premises. As officer entered the bar, they became aware of a male arguing with another member of the door staff, swearing and being abusive. Officer took hold of the male in order to remove him from the busy nightclub. As officers were walking the male out of the premises, he pulled away and adopted a fighting stance on the dance floor and then challenged the

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Continuation of Statement of **Philip James Henderson**

officers to a fight. The officers and door staff then restrained the male on the floor and called for backup. At this time, further officers attended as a large disgruntled crowd gathered inside shouting at officers and door staff. A female was detained and arrested for a public order offence as officers tried to restrain the male. The male was picked up off the floor and led towards the door where he again threw himself on the floor in an attempt to avoid detention. The male was then observed to have a cut to his head where he had been taken to the floor for officer safety. He was picked up and carried outside where officers and door staff attempted to place the male into the Police van. At this point the male turned and spat saliva and blood at both a female Police officer and member of the door staff. The male again locked out and tensed his body refusing to get into the van so he was again taken to the floor and CS sprayed in order to gain his cooperation.

When the male arrived in custody he further assaulted a male Police officer by kicking him repeatedly in the left leg as the officer tried to move out of the way and others officers tried to restrain him. The officer had to receive medical attention for his injuries and was therefore unable to carry out his patrols, restricting the policing abilities of the Police.

There are 2 CCTV discs which shows both incidents and they are produced as PJH/2 & PJH/3. The officer's statements are produced as PJH/4 (Pc CROWE) and PJH/5 (Pc HIND)

On the 1st October 2010 at 0120 hours Police were called to the front of Shades as there was a fight between a female and male who had been ejected.

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Continuation of Statement of **Philip James Henderson**

The CCTV footage shows the male and female leave the front of the premises before the female started to punch the male in the face. The door staff stood in the doorway of the premises observing the fight, only intervening when they moved in front of the main entrance. The female is seen to then remove her shoes in order to steady herself only to proceed to punch the male in the face who tries in vain to defend himself by pushing her away. The police then arrive and the female is arrested for a public order offence.

During this incident four marked police units attend which caused a huge drain on Police resources at that time of the morning.

There is CCTV of the incident and this can produced as PJH/6.

On the 8th October 2010 at 0400 police assistance was requested at Shades due to a male being aggressive towards other revellers and Police. The male had just come out of Shades which was closing and began to shout at other revellers. This resulted in the male standing in the middle of the road with his top off pointing towards another group of males; he appeared to be trying to instigate a fight. The male was spoken to by Police and refused to calm down and was subsequently moved to one side where he was informed that he was going to be arrested. The male then became physically obstructive and began to kick out, pushing the Police officers into the side of the Police van as they attempted to put him into the rear of the Police vehicle. The male was taken to the floor and it took several Police officers to restrain the male who had to be CS sprayed. Officers then had to control the friends of the detained male who were objecting to his arrest. This resulted in further Police units attending and a second male being arrested for a public order offence.

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Continuation of Statement of **Philip James Henderson**

In total 6 police vehicles and over 13 Police officers attended in order to detain the male and ensure that there was no further public order incidents.

There is CCTV of the incident and this can be produced as PJH/7.

The majority of the above offences occurred after 2am which means that resources cannot be utilised elsewhere as they are anchored to the town centre. Therefore, the ability of the police to expeditiously deal with other resource intense incidents, i.e. domestic's violence, car crime, anti social behaviour and burglaries is placed under enormous pressure.

The demands that the policing of Shades makes on limited resources is disproportionate to the size of the premises and distorts the ability of the police to attend to other policing priorities.

The majority of these offences eat away at scarce police resources, requiring a concentration of staff on the premises to prevent as far as possible greater crime and disorder and to secure the safety of the public. Some of the incidents mentioned have used a very percentage of the workforce available at that particular time which leaves very tight staffing margins for the supervision of other incidents not connected with the NTE.

It is obvious to Cleveland Police that Shades is failing the four licensing objectives and the management must be aware that this is the case due to the volume and nature of the incidents occurring there. There appears to have been no effort on their part to improve the supervision of the clientele or their door supervisors

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Continuation of Statement of **Philip James Henderson**

The Designated Premises Supervisor closed the premise on the 16th May due to a serious assault. That incident alone must have indicated a need to improve the general operation of the premises, along with the several incidents reported above involving assaults on staff. There have been repeated failings with regards to the production of CCTV when required by Police officers. This has meant that offences have gone undetected due to the lack of supporting evidence which then reflects badly on the police as well as the premise and can hardly, in consequence, reassure people that Hartlepool is a safe place in which to enjoy a night out; endure may be more appropriate.

The premises licence issued to Shades stipulates that they should have a CCTV system in operation at times at which the premises is open and that any recordings should be made immediately available to police upon request. They have failed on several occasions to do this therefore breaching their licence.

There have been at least two notable attempts at early intervention; the first being on the 4th March 2009 when Cleveland police suggested that Mark SCOTT, the licensee and DPS, cease admissions of revellers after 0230am in order to restrict violence and disorder. The second was on the 9th September 2009 when again Mr SCOTT was reminded by Cleveland Police of his duties as the Licence Holder and how to promote the four licensing objectives. They are produced as PJH/8 and PJH/9.

Shades are the only premises in the Hartlepool area who have been subject to second review.

Shades were also involved in a review of their premises licence in August 2006.

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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 **Anthony Joseph Green**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Insp 442**

This statement (consisting of **2** 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 _____

Date: **15.12.10**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Inspector in the Cleveland Police stationed at Hartlepool.

About 02:40 hours on Sunday the 12th of December, 2010, I was engaged on foot patrol in the Church Street area near Station Approach when I was alerted by police radio to a disturbance outside of The Shades Public House, also on Church Street.

I attended the scene of the incident and on arrival saw a group of males milling around the pavement immediately outside of the premises and close to Shearers fast food outlet. They were clearly drunk, excitable and aggressive. One male was gesturing in a clearly antagonistic manner to other males and I forcibly removed him from the main body of revellers in order to try and calm the situation.

The area at this time was busy with patrons, all of whom appeared in varying degrees to be stotious.

No one at the scene would confirm an incident had occurred and in order to reduce the tensions in the vicinity it was necessary to issue Directions to Leave to disperse those remaining in the area.

Subsequent viewing of the CCTV revealed a male leaving The Shades who was clearly

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extremely inebriated and who was subsequently the victim of the assault which initiated police attendance at the above incident. His attire too, gave little indication of the enforcement of a tidy standard of dress commensurate with raising standards at the premises.

I took no further part in the incident.

CCTV of the incident was subsequently recovered which I exhibit as AJG1.

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