

Licensing Act Sub Committee Hearing

Friday 6th January 2012

Members of the Panel:	Councillors Fleet, Fleming and Hall
Application Premises:	The Loft, 56 Church Street, Hartlepool
Officers present:	Sylvia Pinkney, Public Protection Manager Tony Macnab, Solicitor Vicky Bosley, Democratic Services Officer
Applicant:	Cleveland Police: Paul Currer, Barrister Yasmeen Hussain Jonathan Wrigley Paul Haytack
Respondent:	Linda Baker, Licensee Emma Baker, Bar Staff Varsani, Business Associate Paul Williams, Door Supervisor Stuart Tarran, Staff
Decision:	
<p>The Licensing Sub-Committee considered an application from Cleveland Police as a responsible authority for the review of the premises license The Loft 56 Church Street relating to the licensing objectives for the prevention of the crime and disorder and public safety.</p> <p>The police gave evidence of numerous incidents of crime and disorder which has occurred either on or immediately outside the premises from 1 May 2011.</p> <p>Events which took place on the 30 October 2011 both inside and outside the premises where considered so serious by the Police that the Police asked the License holder to voluntarily close early, which she agree to do.</p> <p>The police gave evidence that they had a meeting with the license holder on 21 September 2011 in order to discuss problems with the running of the premises and how they could be addressed. The license holder agreed to an action plan, which included the installation of CCTV, the deployment of two door supervisors at core times and the adoption of a challenge 21 policy.</p> <p>Despite agreeing to the action plan CCTV was not installed and further incidents occurred when only one door supervisor was deployed.</p> <p>The Police gave evidence that further incidents had occurred following the</p>	

application for a review. There had been disturbances on 24 December 2011 and 27 December 2011, the Police had also seen and spoken to an underage female who had been served on the premises and had not been asked for any identification.

Ms Baker the license holder gave evidence stating that most of the incidents had not occurred on the premises and that a number of incidents described by the Police did not happen in the way that the Police outlined.

Ms Baker explained that she had CCTV installed on 31 October 2011 as she was unable to have it installed earlier due to financial reasons. She stated that she had employed one door supervisor from midnight and then an additional one from 2am. She also stated that she operates a challenge 25 policy and maintains a refusal register and a barred book.

The Licensing Sub-Committee considered all of the evidence submitted to it by the Police and accepted that the licensing objectives relating to the prevention of crime and disorder and public safety had been undermined.

The Licensing Sub-Committee also considered Ms Bakers explanation of the various incidents and the steps that she had taken to reduce such incidents occurring including the installation of CCTV and the employment of door supervisors.

The Licensing Sub-Committee decided that the licensing objectives relating to crime and disorder and public safety would be promoted by modifying the conditions of the premises license by imposing the following conditions:

1. The premises should employ two SIA accredited door staff on their entrance from midnight until the premises are closed.
2. CCTV should be installed inside the premises and will be provided in the form of a recordable system providing pictures of evidential quality in all lighting conditions particularly facial recognition.

Cameras shall cover all ingress and egress to the premises, fire exits and all areas where the sale/supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in date order, numbers sequentially and kept for a period of 31 days and handed to Police and/or Licensing Authority on demand.

The premises license holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CTV footage in a recordable format either disc or VHS to the police and/or Licensing Authority on demand.

The recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational daily log report must be maintained and endorsed

by signature, indicating the system has been checked and is compliant. In the event of any failings actions taken must be recorded.

3. A "Challenge 21" policy shall be operated at the premises at all times. Customers attempting to purchase alcohol who appear to be less than 21 shall be challenged by staff to produce a passport, photo driving licence or a PASS approved Proof-of-Age card. No other form of identification shall be accepted. The policy shall be documented and all staff must have received sufficient training to ensure they understand it and can comply with it. A written record shall be maintained detailing when the Challenge 21 training was provided and shall be signed as confirmation by the member of staff to whom the record relates. The policy and training records shall be made available for inspection by Police Officers or other authorised officers. A Challenge 21 Notice or Poster shall be visible at the entrance to the premises and at each point of sale to both inform the public and remind staff of the policy.
4. A refusal register shall be maintained readily available and staff shall record all refusals of alcohol sales (including the relevant details) in the register.

The Licensing Sub-Committee considered that this decision is necessary and proportionate for the promotion of the licensing objectives.

CHAIR