

Licensing Act Sub Committee Hearing

6th February 2013

Members of the Panel:	Councillors Dawkins, Griffin and Jackson (Chair)
Application Premises:	42 nd Street Nightclub, Lucan Street
Officers present:	Ian Harrison, Principal Trading Standards & Licensing Officer Tony Macnab, Solicitor Rachael White, Democratic Services Officer
Applicant:	Red Sugar Limited
Objectors:	Cleveland Police Mrs Galloway
Decision:	
<p>The Licensing Sub-Committee considered an application by Red Sugar Limited for a premises licence in respect of the former nightclub 42nd Street.</p> <p>The Licensing Authority received an objection from the police on the basis that the premises are situated within the Special Policy area as declared in the Council's Licensing Policy.</p> <p>The Police's objection related to the prevention of crime and disorder and public safety licensing objectives.</p> <p>In addition to the police, the licensing authority had received eight letters of objection from members of the public.</p> <p>Ian Harrison, the Principal Trading Standards and Licensing Officer informed the Licensing Sub-Committee that 40% of licensed premises had closed in this area since the Licensing Act came into force. Mr Harrison provided the Licensing Sub-Committee with details of the hours other premises in the area are licensed to.</p> <p>There are a total of ten premises in the area although one of which is closed. Six of the premises are licensed to 4am, one is licensed to 2.30am, one until 1am and one till midnight.</p> <p>Mr Ellwood, Solicitor for the applicant, stated that he understood why the Special Policy had been introduced but that the applicant's premises had a licence at that time and was licensed to 4am. He explained that the premises licence had expired and that this application amounted to a reinstatement of a licence which would have a lesser impact as the previous licence was to 4am and that this application is for a 2am licence. He stated that the surrounding circumstances are better now as the nearby alleyway had been closed off.</p>	

Mr Ellwood, invited Mr Gilbert, the proposed Designated Premises Supervisor to give evidence in accordance with his statement. Mr Gilbert explained that he manages Loons, Bar Paris and Skyy bar on behalf of the applicant; he explained how the premises were run and the procedures in place concerning door staff and internal door staff walking the premises.

Mr Gilbert explained that Skyy bar is the busiest of the applicant's premises and is open till 4am. He explained that there is a cover charge to get in and there will also be a cover charge into 42nd Street.

Mrs Nevison, Solicitor for the Police, invited PC Thorpe to give evidence in accordance with his statement. The representations put forward were that if the application was granted it would add to the problems already associated with the area which had been declared saturated by Hartlepool Borough Council.

PC Thorpe's statement detailed 18 incidents of violence which had occurred in the Victoria Road area between the 28th July 2012 and the 13th January 2013.

PC Thorpe's statement highlighted the concerns if the licence was granted. He stated that the problems already encountered would move to another location which is less accessible than Victoria Road or York Road. He stated that there are always cars parked in Lucan Street and there is a likelihood that this would result in damage being caused to them.

PC Thorpe stated that his concerns are not how the premises were to be run but that if the licence was granted it would add to the cumulative impact in the area. He stated that a new premises licence would draw more people into the area. He stated that the area is saturated with 11 premises in quite a small space.

Mrs Galloway, a local resident, had submitted a written objection and also presented her objection in person.

In her letter she stated that there were problems with noise, antisocial behaviour, litter, vomit and people urinating outside of doors to houses. She stated that if the premises were given a licence that she would be subject to these problems on a larger scale.

Mrs Galloway ascertained that the premises held 1000 people and questioned how the police can deal with this. She stated that there are not enough taxis to cover this extra amount of people. She gave evidence of antisocial behaviour in the area and of couples having sex outside of houses in the summer before the alley gates were installed.

The Licensing Authority had received a further seven letters of objection which detailed incidents of noise, nuisance and general antisocial behaviour.

The Licensing Sub-Committee considered the application very carefully together with the arguments and evidence against the application.

The premises are within the Special Policy area however the Licensing Sub-Committee considered that there would be no negative cumulative impact on

the licensing objectives if the application was granted.

The Licensing Sub-Committee considered and agreed that the incidents described by Mrs Galloway and the incidents described in the other residents' letters did occur but that if the application was granted, the situation would not worsen.

The Licensing Sub-Committee did not consider that the evidence provided by the Police was strong enough to refuse the application but considered that the licensing objectives relating to the prevention of crime and disorder and public safety would be promoted by the imposition of the following condition relating to the provision of door supervisors. The condition reads as follows. There shall be five SIA licensed door supervisors when both floors of the premises are open to the public and three SIA licensed door supervisors when only one floor is open to the public. The door supervisors shall be present from midnight until the premises close.

The Licensing Sub-Committee therefore grants the application with the above condition as it considers this condition to be appropriate for the promotion of the licensing objectives.

CHAIR