

Licensing Act Sub Committee Hearing

Thursday 17th October 2013

Members of the Panel:	Councillors Cook (Chair), Gibbon and Griffiin
Application:	Variation of premises licence- 34 Church Street
Officers present:	Sylvia Pinkney, Public Protection Manager Tony Macnab, Solicitor Jo Stubbs, Democratic Services Officer
Applicant:	Mr Mohammed Hajajj
Objector	Cleveland Police represented by Marie Nevison, Solicitor PC Yasmeen Hussain PC Andrew Thorpe
Decision:	
<p>The Licensing Sub-Committee considered an application by Mr Hajajj premises licence holder for 34 Church Street for a variation of the licence for the provision of late night refreshment from 2:00 am until 4:00 am on Friday and Saturday nights and until 2:00 am for all other nights of the week.</p> <p>Mr Hajajj explained that he wanted to open until 4:00 am as takeaways are busier after 2:30 am and he can make a living. He would be able to pay for the doorman after 2:00 am and would be happy as his staff would be protected.</p> <p>Marie Nevison, representing Cleveland Police detailed their case against the application for variation on the grounds that the crime and disorder and public safety licensing objectives would be undermined. They were not objecting to the increase to 2pm Sunday to Wednesday or the current closing time of 2pm on Thursday but felt that an increase to 4pm on Friday and Saturday would lead to an increase in alcohol related incidents.</p> <p>Marie Nevison led PC Yasmeen Hussain through her statement dated 11th October 2013. Following a number of incidents at the premises there had been a review of the licence in December 2011. These incidents included ones of violence when the premises were open until 3:00 am. As a result of the review, the hours of opening were reduced to 2:00am and a number of conditions were placed on the licence which included the necessity for two door supervisors. Since the reduction in hours there had been a marked reduction in incidents.</p> <p>Details were given of a number of incidents which had taken place at Mr Hajajj's previous premises of 77 Church Street, a notably quieter area than 34 Church Street. Most of these incidents had taken place on a Friday or</p>	

Saturday after 2pm. PC Hussain stated that in her professional opinion, if the application was granted, the number of alcohol related incidents would increase and that Mr Hajajj had not shown how he would prevent such incidents from recurring. There had also been continuing breaches of the conditions at 77 Church Street relating to the provision of a door supervisor and availability of CCTV. Whilst the police acknowledged there had been no incidents at 34 Church Street since Mr Hajajj had taken over the premises they also advised that there had been no door supervisors in place despite the requirement for two at that time. This breach of the conditions meant police had to monitor the premises thereby tying up police resources.

Marie Nevison stated that if the application was granted the licensing objectives would be undermined. Mr Hajajj had failed to comply with licensing conditions and had not demonstrated a willingness or capability to comply with the conditions. Marie Nevison stated that 34 Church Street fell within the Council's 'special policy' area and that the Council's licensing policy stated that applications for material variations would normally be refused if relevant representations to that effect were received. This is a rebuttable presumption referred to in paragraph 13.29 of the Licensing Act Guidance. The applicant would need to demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The Police did not feel that Mr Hajajj had done so.

Mr Hajajj acknowledged he had breached the conditions regarding door supervisors at his previous premises but intended to comply at 34 Church Street as these premises are busier and he would have one there until he closes.

The Licensing Sub-Committee considered the representations put forward by the Police and accepted the evidence given by the officers. The Sub-Committee accepted that the incidents that had occurred in the past had undermined the licensing objectives and that Mr Hajajj had not complied with the conditions relating to number 77 and number 34 Church Street.

The Sub-Committee considered Mr Hajajj's representations but were unable to find that extending the hours on a Friday and Saturday would promote the licensing objectives. The Sub-committee accepted the Police's submission that extending the hours would undermine the licensing objectives.

The Sub-committee took into account the Council's Licensing Policy in relation to the "special policy" together with the relevant paragraphs of the Licensing Act Guidance in particular paragraph 13.29.

The Licensing Sub-Committee decided that it was appropriate to reject the application relating to Friday's and Saturday's but granted it for all the other nights of the week and therefore modified the conditions in that respect.

CHAIR