

## Licensing Sub-Committee

A meeting of the Licensing Sub-Committee was held on Monday, 9<sup>th</sup> January 2006.

**Present:** Councillors Coombs, Leckonby and Johnson.

**Officers:** M Vaines, C Llewellyn, A Austin, K Cormack (DNS), J Nertney (LD).

### 937 Appointment of Chairman

RESOLVED that Councillor Johnson be appointed Chairman for this meeting only.

### 938 Wynyard Golf Club, Wellington Drive, Wynyard, Billingham Application under Schedule 8 of the Licensing Act 2003 - Application for a premise licence

The Committee were informed that Dr Tayal, a person living within the vicinity of the premises who had made a relevant representation, had requested that the matter be adjourned to a date in the future so that he could attend. The Committee were given copies of Dr Tayal's letters dated 28<sup>th</sup> December 2005 and 3<sup>rd</sup> January 2006 and a response from the Democratic Services Officer dated 4<sup>th</sup> January 2006. Dr Tayal requested in his letter dated 28<sup>th</sup> December 2005 that the date be re-arranged. Dr Tayal was informed that the agenda, application and supporting documents had been sent to himself and the 55 persons whose names appeared on the petition which Dr Tayal had submitted. Dr Tayal had been informed that it would be difficult for the date to be re-arranged. Dr Tayal had responded by letter dated 3<sup>rd</sup> January 2006 again requesting that the matter be re-arranged as he had unavoidable work commitments. It was noted that it was a matter for the Licensing Sub Committee whether they would agree to the date been re-arranged. Members had regard to the correspondence and the submission made by Mr Catterall (Solicitor acting on behalf of the applicant) in relation to the adjournment request. Mr Catterall objected on the grounds that the statutory date for consideration of the application was very close and that although 55 persons had been informed of the date none of these were in attendance. Mr Catterall submitted that the matter should proceed.

The Committee gave due consideration to the documents, submissions and decided that the matter should proceed in the absence of Dr Tayal. The Committee noted that they had copies of Dr Tayal's representation and recent correspondence whereby he had noted three instances of noise nuisance.

The Licensing Officer presented the report to the Committee. Consideration was given to the application as outlined in the report by the Licensing Officer. Members noted and gave consideration to the representations that had been received from responsible authorities, namely the Council's Environmental Health Section. It was noted that there was no representation from Cleveland Police and there was therefore no evidence before the Committee of any crime and disorder connected with the premise. Representations had not been received from any other statutory consultees. Representations had been received from one person living within the vicinity of the premises, Dr Tayal. Dr Tayal had indicated that he was unable to attend the meeting as detailed above. Dr Tayal had submitted a petition containing 55 names, each of these persons had been written to and invited to attend the meeting, and none were in attendance. Members also heard oral submissions from Mrs Claire Llewellyn on behalf of the Environmental Health Section.

In considering their decision members were mindful that they needed evidence on which to base their decision.

It was noted that Environmental Health had little evidence concerning problems associated with noise nuisance from Wynyard Golf Club. The issues that Dr Tayal had raised since the premises had been granted a licence in September 2005 had been addressed by two further conditions proposed by the EHO and agreed to by the Applicant. Furthermore it was noted that none of the persons named on the petition had raised any issues or concerns with the EHO. There was little evidence before the Committee that the Club was causing their neighbours problems associated with noise nuisance or other public nuisance. The Committee noted that the Objectors concerns were mainly concerned with what could happen rather than what is happening. It was noted that the Environmental Health Officer had suggested a

number of conditions that could be attached to the Licence to address the possibility of public nuisance associated with the application before the Committee.

When considering their decision the Committee had regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Councils Licensing Policy. The Committee noted that there were no specific incidents of crime and disorder connected with the premise. The Committee also had no evidence before them concerning public safety issues. The main concern of residents was over the potential for public nuisance. The Committee were of the view that the conditions as suggested by the Environmental Health Officer and agreed by the Applicant would address the potential for public nuisance in particular, but not restricted to, nuisance caused by noise from regulated entertainment.

The Committee had regard to the up to date Statutory Guidance issued under Section 182 of the Licensing Act 2003.

RESOLVED that the application for a premises licence be granted as detailed in the application form and which can be summarised as follows:-

- Supply of alcohol between the following hours including Christmas Day and Bank Holidays  
Sunday – Wednesday: 10.30 – 00:00  
Thursday – Saturday 10:30 – 01:30  
(with the premises been open to the public for a further 30 minutes as drinking up time/wind down period)
- Provision of regulated entertainment including live and recorded music, a performance of dance and anything of a similar nature to these activities, films and facilities for dancing between the following hours including Christmas Day and Bank Holidays  
Sunday – Wednesday: 10:30 – 00:30  
Thursday – Saturday: 10:30 – 02:00
- Provision of late night refreshment between the following hours including Christmas Day and Bank Holidays  
Sunday – Wednesday: 23:00 – 00:00  
Thursday – Saturday: 23:00 – 01:30
- The Committee imposed the conditions as detailed below, namely:-
  1. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency. Any music played within the premises shall not cause a disturbance at the nearest residential premises. Any music shall be played indoors only.
  2. The licence holder or his representative shall conduct periodic assessments of the noise coming from the premises when used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments and shall include, the time and date of the checks, the person making them and the results including any remedial action. All records shall be retained for one year.
  3. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises and using the beer garden and passageway. This should include placing throughout the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note this may also include a reference to vehicles)
  4. Any odours created from cooking on the premises shall be adequately vented and/or provided with odour control so that they do not cause a nuisance to nearby premises.

5. Have appropriate systems in place to control pest infestations, such as a pest control contract.
6. A noise limiting device should be provided covering all sound systems which at all times shall operate at the decibel level set by the Environmental Health Unit and shall be maintained in good working order.
7. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
8. Refuse such as bottles shall be disposed of from the premises between the hours of 09:00 and 20:00 only so as not to cause a disturbance to the nearest residential premises.

As well as the conditions placed on the licence by Committee it was noted that mandatory conditions would also be placed on the Licence as detailed under the Licensing Act 2003. In addition the steps set out in the Applicants operating schedule at Section P of his application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted into conditions.

**939 High Street, Stockton on Tees  
Application under Schedule 8 of the Licensing Act 2003 - Application for grant of a licence**

Members were informed that as conditions had been agreed with Environmental Health the person living within the vicinity of the premises had withdrawn their representation and the application had been withdrawn from the agenda.

**940 Super Pizza, 28 Norton Road, Stockton on Tees  
Application under Schedule 8 of the Licensing Act 2003 - Application for a premise licence**

The Sub Committee considered representations relating to the above application.

The Committee gave consideration to the report, the application and all the representations which had been received. The Committee noted that a representation had not been received from any persons 'living within the vicinity of the premises'. The Planning Officer had also made a representation as there was currently a planning restriction at the premises which restricted the hours of opening. A representation had also been made by the Environmental Health Officer.

The Committee noted that the Planning Officer had made a representation as the premise currently had their hours of operation restricted so that they do not open outside the hours of 11 a.m. to 1 a.m. the following day Monday to Saturday inclusive and 11 a.m. to 11 p.m. on Sundays". The Applicant had requested hours till 01:00 a.m. Sunday to Thursday and till 03: a.m. on a Friday and Saturday which if granted would mean that the Applicant would be in breach of her planning consent.

The Environmental Health Officer had initially submitted a representation and had agreed a number of conditions with the Applicant which would be placed on the premises licence if granted.

Mrs. Llewellyn confirmed that these conditions would address the concerns that had been expressed in the representation.

RESOLVED that the application be granted for the hours requested and attached the conditions as agreed by the Environmental Health Officer and the Applicant.

The provision of Late Night Refreshment for the following hours:-

- Sunday to Thursday: from 23:00 to 01:00
- Friday to Saturday: from 23:00 to 03:00

(with the premises to be closed to the public at the terminal hour)

The Committee also attached the following conditions to the grant of the licence, namely:-

1. Any odours created from cooking on the premises shall be adequately vented and/or provided with odour control so that they do not cause a nuisance to nearby premises.
2. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
3. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
4. Have appropriate systems in place to control pest infestations, such as a pest control contract.
5. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using the premises.
6. The use of the rear yard of the premises should be limited to 23:00 to prevent noise nuisance affecting nearby premises.

The Committee noted that mandatory conditions under the Licensing Act 2003 would be attached to the licence. It was also noted that the steps set out in the Applicants Operating Schedule at Section P of the application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted.

It was noted that the Applicant would be in breach of her existing planning consent if she opened till the terminal hour that has been granted under the licence i.e. 01:00 hours Sunday to Thursday and 03:00 hours on a Friday and Saturday. The Applicant was advised that she should obtain the appropriate variation to her planning consent before she opens after 01:00 on a Friday or Saturday or after 23:00 hours on a Sunday.

**941 Pizza Pan, 122 Queensway, Billingham  
Application under Schedule 8 of the Licensing Act 2003 - Application for a  
premise licence**

The Committee gave consideration to the report, the application and all the representations which had been received. The Committee noted that a representation had been received from one person 'living within the vicinity of the premises', this person was not in attendance. The Police had initially made a representation but this had been withdrawn after the Applicant confirmed that he had working CCTV camera and recording equipment at the premise. The Planning Officer had also made a representation as there was currently a planning restriction at the premises which restricted the hours of opening. A representation had also been made by the Environmental Health Officer.

The Committee noted that a representation had been received from a person living within the vicinity of the premises, a resident of Malvern Road, Billingham. The Committee had regard to the written representation.

The Committee noted that the Planning Officer had made a representation as the premise currently had their hours of operation restricted so that they do not open outside the following times 11:00 a.m. and 11:00 p.m. Monday to Saturday and not on a Sunday. The Applicant has requested hours till 01:00 a.m. seven days per week

which if granted would mean that the Applicant would be in breach of his planning consent.

The Environmental Health Officer had initially submitted a representation and had agreed a number of conditions with the Applicant which would be placed on the premises licence if granted by the Committee.

Mrs. Llewellyn confirmed that these conditions would address the concerns that had been expressed in the representation.

RESOLVED that the application be granted for the hours requested and attached the conditions as agreed by the Environmental Health Officer and the Applicant.

The provision of Late Night Refreshment for the following hours:-

- Monday to Sunday 23:00 to 01:00 with the premises to be closed to the public at 01:00

The Committee noted that the requirements for late night refreshment only applied after 23:00 hours. It was noted from the application that the premises intended to open for business on the following days and times:-

Monday to Sunday: from 15:00 to 01:00

The Committee also attached the following conditions to the grant of the licence, namely:-

1. Any odours created from cooking on the premises shall be adequately vented and/or provided with odour control so that they do not cause a nuisance to nearby premises.
2. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
3. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
4. Have appropriate systems in place to control pest infestations, such as a pest control contract.
5. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using the premises.

The Committee noted that mandatory conditions under the Licensing Act 2003 would be attached to the licence. It was also noted that the steps set out in the Applicants Operating Schedule at Section P of the application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted.

It was noted that the Applicant would be in breach of his existing planning consent if he opened till the terminal hour that has been granted under the licence i.e. 01:00 hours. The Applicant was advised that he should obtain the appropriate variation to his planning consent before he opens after 23:00 hours or at any time on a Sunday.

**942 Wolviston Court Community Centre, Clifton Avenue, Billingham  
Application under Schedule 8 of the Licensing Act 2003 - Application for a  
premise licence**

Members were informed that as the representation from Environmental Health had been withdrawn the above application had been withdrawn from the agenda.

**943 Bengal Tiger, 327 Norton Road, Stockton on Tees  
Application under Schedule 8 of the Licensing Act 2003 - Application for a  
premise licence**

The Committee gave consideration to the report, the application and all the representations which had been received. The Committee noted that one representation had been received from a person 'living within the vicinity of the premises'. A representation had also been made by the Environmental Health Officer.

The Committee noted and had regard to the representation received from a person 'living within the vicinity of the premises'. The representation concerned general anti social behaviour. There was no evidence before the Committee linking this anti social behaviour with the premise. The representation also made reference to unpleasant odours from the premise. The Committee noted that this was addressed by a condition requested by the Environmental Health Officer.

The Environmental Health Officer had initially submitted a representation and had agreed a number of conditions with the Applicant which would be placed on the premises licence if granted by the Committee.

Mrs. Llewellyn confirmed that these conditions would address the concerns that had been expressed in the representation.

RESOLVED that the application be granted for the hours requested and attached the conditions as agreed by the Environmental Health Officer and the Applicant.

The provision of Late Night Refreshment for the following hours:-

- Monday to Sunday: from 23:00 to 00:00  
(with the premises to be closed to the public at 00:00)

The Committee noted that the requirements for late night refreshment only applied after 23:00 hours. It was noted from the application that the premises intended to open for business on the following days and times:-

Monday to Sunday: from 18:00 to 00:00

The Committee also attached the following conditions to the grant of the licence, namely:-

1. Any odours created from cooking on the premises shall be adequately vented and/or provided with odour control so that they do not cause a nuisance to nearby premises.
2. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
3. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
4. Have appropriate systems in place to control pest infestations, such as a pest control contract.
5. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using the premises.
6. The use of the rear yard at the premises should be limited to 23:00 to prevent noise nuisance affecting nearby premises.

7. The Committee noted that mandatory conditions under the Licensing Act 2003 would be attached to the licence. It was also noted that the steps set out in the Applicants Operating Schedule at Section P of the application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted.

**944 Norton Fisheries, 74 High Street, Norton, Stockton on Tees  
Application under Schedule 8 of the Licensing Act 2003 - Application for a  
premise licence**

The Committee gave consideration to the report, the application and all the representations which had been received. The Committee noted that a representation had been received from Mr Pearson, a person 'living within the vicinity of the premises'. Mr Pearson was unable to attend the Committee meeting but was represented by his wife. A representation had also been made by the Environmental Health Officer.

The Committee noted and had regard to the representation received from a person 'living within the vicinity of the premises'. Mrs Pearson stated that in her view the premises should close at 23:00. Customers had caused damage by throwing food and waste around the locality. There was an increase in traffic although there are other businesses open in the High Street which could be responsible for this. The shutters at the premise are a nuisance as when they are closed late at night they cause a large noise. Mrs Pearson confirmed that the premises have been opening till 00:00 for many years.

The Environmental Health Officer indicated that they had no record of complaints connected with the premise although they had recently received a complaint about the premise. A technical officer had looked into this complaint and at this time does not feel that there is a statutory nuisance. It was noted that the situation would be monitored.

The Environmental Health Officer had initially submitted a representation and had agreed a number of conditions with the Applicant which would be placed on the premises licence if granted by the Committee.

Mrs. Llewellyn confirmed that these conditions would address the concerns that had been expressed in the representation.

RESOLVED that the application be granted for the hours requested and attached the conditions as agreed by the Environmental Health Officer and the Applicant. The Committee noted that there was no history of complaints at the premise in recent years. The hours granted may actually be less than the hours that the premises have opened in the past.

The provision of Late Night Refreshment for the following hours:-

- Sunday to Thursday: from 23:00 to 23:30  
(with the premises to be closed to the public at 23:30)
- Friday to Saturday: from 23:00 to 23:59  
(with the premises to be closed to the public at 23:59)

The Committee noted that the requirements for late night refreshment only applied after 23:00 hours. It was noted from the application that the premises intended to open for business on the following days and times:-

Sunday to Thursday: from 11:30 to 23:30  
Friday to Saturday: from 11:30 to 23:59

The Committee also attached the following conditions to the grant of the licence, namely:-

1. Any odours created from cooking on the premises shall be adequately vented and/or provided with odour control so that they do not cause a nuisance to nearby premises.
2. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
3. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
4. Have appropriate systems in place to control pest infestations, such as a pest control contract.
5. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using the premises.
6. The use of the rear yard at the premises should be limited to 23:00 to prevent noise nuisance affecting nearby premises.

The Committee noted that mandatory conditions under the Licensing Act 2003 would be attached to the licence. It was also noted that the steps set out in the Applicants Operating Schedule at Section P of the application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted.