

## Licensing Sub-Committee

A meeting of the Licensing Sub-Committee was held on Monday, 12<sup>th</sup> December 2005.

**Present:** Councillors Leonard, Leckonby and Woodhead.

**Officers:** C Snowdon, M Vaines, G Jardine (DNS), J Nertney (LD).

### 923 Appointment of Chairman

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

### 924 Albany Resource Centre, Surry Road, Norton Application under Schedule 8 of the Licensing Act 2003 - Application for a premise licence under Schedule 8 of the Licensing Act 2003

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. Representations had not been received from any other statutory consultees. Representations had been received from thirteen persons living within the vicinity of the premises. It was noted that five of these persons was in attendance at the Committee meeting. Members heard oral submissions from Mr Snowdon on behalf of the Environmental Health Section and Mr Jardine from the Planning 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 no evidence concerning any problems associated with noise nuisance from the premises. A lot of the residents concerns were about general anti social behaviour which had nothing to do with this premise. In any event it was noted that the conditions as agreed with the Environmental Health Officer would address the concerns of public nuisance held by the officer and some of the concerns expressed by residents in their representations.

The Committee noted that the Objectors concerns were general in nature and some of them could not be specifically linked to the premise. 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.

The Committee noted that five of the persons who had made a representation were in attendance at the Committee meeting and they noted their concerns but felt that the conditions attached to the licence addressed these.

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 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.

RESOLVED that the application for conversion and variation be granted as detailed in the application form which can be summarised as follows:-

- Provision of regulated entertainment including plays, films, indoor sporting events, live and recorded music, performance of dance and provision of facilities for making music and dancing between the following hours:-  
Monday to Sunday: 08:00 to 23:00
- 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. 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. The use of the outdoor area to the rear of shall be limited from 09:00 to 21:00. There shall be no music played outdoors, and no use of flood lighting likely to cause a nuisance to local residential properties.
5. Any music played within the premises shall be at background level only and shall not cause a nuisance to the adjacent residential properties.

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 and embedded restrictions that continue from the previous legislative provisions. In addition 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 into conditions.

**925 The Falcon, Harrowgate Lane, Hardwick, Stockton on Tees  
Application under Schedule 8 of the Licensing Act 2003 - Application to convert an existing licence to a premise licence under Schedule 8 of the Licensing Act 2003 and application to vary the Premises Licence simultaneously**

The Sub Committee considered representations relating to the above application. 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 Cleveland Police and the Council's Environmental Health Section. Representations had not been received from any other statutory consultees. Representations had been received from five persons living within the vicinity of the premises. It was noted that none of these persons was in attendance at the Committee meeting. Members heard oral submissions from Mrs Marie Nevison on behalf of Cleveland Police and Mr Colin Snowdon on behalf of the Environmental Health Section.

Mrs Nevison on behalf of Cleveland Police indicated that discussions had taken place with Mr Jackson, the representative of Punch Taverns. They had indicated that they now wished to reduce the hours applied for on a Thursday and Friday to 23:00 with 30 minutes drinking up time/wind down period.

In addition to the reduction in hours the Applicant had also agreed to conditions that could be placed on the licence.

Mrs Nevison indicated that these amendments and conditions addressed the concerns that the Police had over the application.

Mr Snowdon, then presented his submission to the Committee and explained that they had submitted a representation as they had concerns over the potential for

public nuisance associated with entertainment noise and noise from clients leaving the premises.

Mr Snowdon stated that they have no record of any complaints connected with the premise.

Mr Snowdon confirmed that he had held constructive discussions with the Applicant. The Applicant had been informed of conditions which Mr Snowdon felt would address both his concerns and those that had been expressed in some of the other representations. The Applicant had indicated agreement to conditions that could be attached to the licence, which, if granted, would address concerns over the likelihood of public nuisance. Mr Snowdon confirmed that the Applicant had agreed to the conditions.

The Committee had regard to the five written representations that had been received from persons living within the vicinity of the premises.

The Committee had regard to the Application as detailed in the report and noted the amendments.

Mr Jackson, on behalf of Punch Taverns, explained that they have recently purchased the premises from Avebury Inns. Punch Taverns are acting in good faith by reducing the hours applied for. The proposed licence holder will be Mrs Julie Maude who is currently undertaking the appropriate licensing qualifications.

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

It was noted that Environmental Health had no evidence concerning any problems associated with noise nuisance from the premises. In any event it was noted that the conditions as agreed with the Environmental Health Officer would address the concerns of public nuisance held by the officer and some of the concerns expressed by residents in their representations.

The Committee noted that the Objectors concerns were general in nature and some of them could not be specifically linked to the premise. 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.

The Committee noted that the Applicant had agreed to reduce the hours requested and that the main requested increase was an additional hour on Saturday evening. The Committee did not feel on balance that this was an unreasonable request and did not undermine the Licensing objectives.

The Committee noted that none of the persons who had made a representation was in attendance at the Committee meeting and they noted their concerns but felt that the conditions attached to the licence addressed these.

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 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 Cleveland Police and the Environmental Health Officer and agreed by the Applicant would address the potential for public nuisance and crime and disorder.

RESOLVED that the application for conversion and variation as detailed in the application form which can be summarised as follows:-

- Supply of alcohol between the following hours:-

Monday to Friday	11:00 to 23:00
Saturday	11:00 to 00:00
Sunday	12:00 to 23:00

(with the premises been open to the public for a further 30 minutes as drinking up time/wind down period).

- To extend the hours for the supply of alcohol for a further additional hour into the morning on Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank and every August Bank Holiday Weekend. A further additional hour into the morning every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day. To reflect existing New Years Eve/Day hours.
- Provision of regulated entertainment including live and recorded music, and provision of facilities for entertainment similar to making music and dancing between the following hours:-
 

Monday to Friday:	11:00 to 23:00
Saturday:	11:00 to 00:00
Sunday:	12:00 to 23:00
- The Committee imposed the conditions as detailed below, namely:-
  1. There will be no live amplified music after 23:00
  2. 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.
  3. 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.
  4. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises. 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)
  5. The use of the outdoor drinking area by customers shall be limited from 09:00 to 23:00. There shall be no music played in the beer garden, and no use of flood lighting likely to cause a nuisance to local residential properties.
  6. Digital CCTV to be fitted by 31<sup>st</sup> January 2006. Images to be stored for one calendar month and made available to the Police and Local Authority on request.
  7. A member of management to attend Pub Watch four times per year.
  8. No person barred under the Pub Watch scheme to be allowed on the 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 and embedded restrictions that continue from the previous legislative provisions. In addition 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 into conditions.

**926 Monkseaton Residents Community Association, Wolviston Court, Billingham-  
Application under Schedule 8 of the Licensing Act 2003 - Application for a  
premise licence under Schedule 8 of the Licensing Act 2003**

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. Representations had not been received from any other statutory consultees. Representations had been received from three persons living within the vicinity of the premises. It was noted that one of these persons was in attendance at the Committee meeting. Members heard oral submissions from Mr Colin Snowdon 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 no evidence concerning any problems associated with noise nuisance from the premises. In any event it was noted that the conditions as agreed with the Environmental Health Officer would address the concerns of public nuisance held by the officer and some of the concerns expressed by residents in their representations.

The Committee noted that the Objectors concerns were general in nature and some of them could not be specifically linked to the premise. 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.

The Committee noted that one of the persons who had made a representation were in attendance at the Committee meeting and they noted her concerns but felt that the conditions attached to the licence addressed these.

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 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.

RESOLVED that the application for conversion and variation be granted as detailed in the application form which can be summarised as follows:-

- Provision of regulated entertainment including recorded music, performance of dance and provision of facilities for dancing between the following hours:-  
Monday to Sunday: 10:00 to 22:00
- 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. Windows to the East side of the building may be opened for ventilation purposes between 10:00 and 17:00 hours.
  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. 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 hirer of the premises must be fully informed of the conditions of the premises licence prior to hire.

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 and embedded restrictions that continue from the previous legislative provisions. In addition 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 into conditions.

**927 Kirklevington and Castleavington Memorial Hall, Forest Lane, Kirklevington Application under Schedule 8 of the Licensing Act 2003 - Application for a premise licence under Schedule 8 of the Licensing Act 2003**

Members were informed that as conditions had been agreed with Environmental Health the application had been withdrawn from the agenda.

**928 The Express Pizzeria, 30 High Street, Norton Application under Schedule 8 of the Licensing Act 2003 - Application for a premise licence under Schedule 8 of the Licensing Act 2003**

Members were informed that as conditions had been agreed with Cleveland Police and Environmental Health the application had been withdrawn from the agenda.

**929 Beba, 37 Dovecot Street, Stockton on Tees Application under Schedule 8 of the Licensing Act 2003 - Application to convert an existing licence to a premise licence under Schedule 8 of the Licensing Act 2003 and application to vary the Premises Licence simultaneously**

Members were informed that as conditions had been agreed with Environmental Health the application had been withdrawn from the agenda.

**930 Omar Khayyam, 32-34 Norton Road, Stockton on Tees Application under Schedule 8 of the Licensing Act 2003 - Application to convert an existing licence to a premise licence under Schedule 8 of the Licensing Act 2003 and application to vary the Premises Licence simultaneously**

Members were informed that as conditions had been agreed with Environmental Health the application had been withdrawn from the agenda.

**931 Primrose Hill Community Centre, Stockton on Tees Application under Schedule 8 of the Licensing Act 2003 - Application to convert an existing licence to a premise licence under Schedule 8 of the Licensing Act 2003 and application to vary the Premises Licence simultaneously**

Members were informed that as conditions had been agreed with Environmental Health the application had been withdrawn from the agenda.

**932 41 High Street, Norton, Stockton on Tees Application under Schedule 8 of the Licensing Act 2003 - Application to convert an existing licence to a premise licence under Schedule 8 of the Licensing Act 2003 and application to vary the Premises Licence simultaneously**

The Sub Committee gave consideration to the report, the application and all the representations which had been received. The Committee noted that representations had not been received from any persons 'living within the vicinity of the premises'. The Police had not made any objection to the application and there

was therefore no evidence before the Committee of any crime and disorder connected with the premise.

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 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 17:00 to 00:00

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

1. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using the premises.
2. 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.
3. 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.
4. 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.
5. Have appropriate systems in place to control pest infestations, such as a pest control contract.
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 along with any embedded restrictions from existing licensing legislation. 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.