

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 4th May, 2006.

Present: Cllr R Rix, Cllr J M Roberts, Cllr B Woodhead

Officers: M Vaines, C Snowdon, C Asadi, (DNS) J Nertney (LD)

Also in attendance:

Apologies:

115 Appointment of Chairman for this meeting

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

116 The Roseworth, Redhill Road, Stockton on Tees - Application For A Review Of A Premise Licence Or Club Premises Certificate Under The Licensing Act 2003

Members were informed that the Licencee was out of the country on holiday. After taking legal advice Members decided that the item should be deferred.

RESOLVED that the application be deferred.

117 The Keys, High Street, Yarm - Application To Vary Premise Licence Under The Licensing Act 2003

Members considered an application to vary a Premise Licence at The Keys, High Street, Yarm.

A copy of the application detailing the hours and entertainment applied for was circulated to all persons who had made a representation prior to the meeting. The Committee had regard to the application and the two representations that had been made by persons living within the vicinity of the premises. The Committee also had regard to the representation made by the Environmental Health Officer and additional evidence which had been obtained by them and circulated to all parties. Members also heard oral submissions from Mr Colin Snowdon and Mr Cirous Asadi on behalf of the Environmental Health Section.

Mr Reay was in attendance at the meeting to represent his mother, a resident of High Church Wynd, who had made a representation. Councillor Beaumont, the Ward Councillor was also in attendance and represented one of the persons who had made a representation.

Cleveland Police had raised objections to the application and were represented by Miss Smith, Barrister, who called evidence from PC Mark Hodgson. PC Hodgson produced a large bundle of statistics showing incidents specifically connected with the Keys and details of incidents within 100 metres of the premise.

PC Hodgson stated that the Police had statistics showing that in the period 1st January 2005 – 23rd March 2006 there had been 51 incidents specifically linked to the Keys. PC Hodgson accepted that some of the incidents were not particularly serious but he noted that 22 of the incidents can be classed as 'drunkenness and violence' which equates to 40% of the recorded incidents at the Keys.

PC Hodgson gave a summary of the relevant incidents and noted that the times of the incidents were mainly recorded as taking place between after 23:00 when persons may well be the worse for alcohol. In summary of the relevant incidents of drunkenness and violence 3 took place between 10:30 and 00:00, 3 took place between 00:00 and 01:00, 8 took place between 01:00 and 02:00 and 2 took place between 02:00 and 03:00.

PC Hodgson stated that in his view longer opening hours is likely to lead to more crime and disorder within the locality. The statistics showed that there were a large number of incidents of drunkenness and violence for what is a residential area. PC Hodgson stated that in his experience there would be a lot of others crimes or nuisance issues which go unreported such as urinating in doorways, damage to flower pots or phone boxes etc. There was public nuisance caused in the area as large gangs of drunken youths take time to disperse and noise travels further in the early hours of the morning. If the premises are allowed to stay open till 03:00 then this will mean more disturbance and anti social behaviour for local residents. It would be inevitable that there would be more disturbance as taxis would be required to work later in the High Street with the added problems of nuisance caused by the slamming of car doors and sounding of horns.

PC Hodgson stated that the Police did not have concerns over the running and management of this premise and that the Applicant had done everything in their power to address any issues or concerns that had arisen. However, notwithstanding this, the Police were of the view that if this application be granted it would be to the detriment of local residents as it was highly likely that there would be additional crime and disorder and public nuisance caused at a later hour.

Mr Scourfield was invited to ask any questions he may have of PC Hodgson. Mr Scourfield indicated that he did not have any questions.

Miss Smith summarised the Polices objection and stated that they do not have any issues over the running and management of the premise, their only concern was over the additional hour that has been requested in this variation application.

Miss Smith referred the Committee to their obligations under Section 17 of the Crime and Disorder Act, to the Statutory Guidance issued under Section 182 of the Licensing Act and to the Councils own Licensing Policy.

Miss Smith stated that the majority of the specific incidents of drunkenness and violence connected with the Keys had occurred in the early hours. Police experience had shown that incidents of drunkenness and violence tend to stop when licensed premises close.

The EHO then presented their 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. The EHO stated that the noise issues relating to this premise were complicated

The Location of the Premises – there were a number of residential properties very close by which is unusual for a nightclub premise. The main residential properties were located in High Church Wynd and most of the complaints about the premise had been received from residents in this area. To the South of the premise there were two residential flats which were at present unoccupied but the owner is making efforts to let them. The EHO confirmed that he had recently carried out noise monitoring in the two flats and that the noise from the Keys was clearly audible in these residential flats and would be unacceptable if they were occupied. The EHO confirmed that the management of the Keys had co-operated fully in their efforts to address noise nuisance and had undertaken extensive works to soundproof the premises.

Background Noise Levels – owing to the traffic and numbers of people on the High Street the background noise levels were relatively high in this area. However there was a dramatic decrease between 01:00 and 02:00 as the majority of businesses and licensed premises on the High Street had closed by that time. At present that were no premises on the High Street that open between 02:00 and 03:00. To allow premises to open later would inevitably lead to more public nuisance for local residents.

The EHO confirmed that the Applicant had carried out extensive insulation works to the premise but that the EHO still had some concerns over noise escaping. It would be difficult to undertake further noise insulation works at the premise as the EHO felt that they had almost reached the limit of been able to insulate the premise. The premises had a very sophisticated noise system and the EHO confirmed that they had attempted to address noise issues by the use of a noise limiter in the premise. The noise limiter was set by the company who installed the sound system on 7th April 2006. The noise level was set during the day as it would have been impractical to set it while the premise was open for business. At the time the level was set officers were satisfied that the level was appropriate as it should not, in theory, make any difference whether the premise was open for business. However officers visited on 21st April 2006 and noise levels could be heard much more clearly than they had perceived it at the time of setting and therefore this issue needed further investigation.

At the present time the level of noise was basically acceptable but if the premise were too open later then the EHO would have concerns as the background noise level would be lower and therefore any increase in noise nuisance would be more intrusive.

The EHO stated that they felt this application was premature as there had not been an opportunity to monitor noise during the summer months when there was more likelihood of residents been disturbed as they may have their windows open.

A Member asked whether the EHO believed there was a problem with the noise limiter.

Colin Snowdon stated that they could request that it be turned down further if the application was granted but that this would conflict with the fact that the premise was a nightclub. In Mr Snowdon's view the noise limiting device was set at the borderline limit down and it may be unacceptable from the business point of view for it to be reduced further. Mr Snowdon's concern was that it may be impossible to reach an agreement as to the appropriate level to be set at 03:00.

Mr Reay stated that he represented his mother who had submitted a representation. He lived at the rear of the premises and the main problem was noise which could be heard at present up till 02:00. He was the father of two children who had had to move their bedrooms because of the noise. Mr Reay stated that the onus should be on the operator of the premise to control the noise. At 02:00 there were people leaving the premise screaming and shouting. Noise travels much further in the early hours of the morning.

Councillor Beaumont appeared on behalf of a local resident of High Church Wynd and stated that she was appalled by this application. To have an additional hour would cause further nuisance to residents and the Police. The centre of Yarm was of mixed use and the more late night opening that was allowed would tip the balance the wrong way. Councillor Beaumont stated that she felt consideration should be given to local residents such as Mrs Reay who had been a long term resident of Yarm. Councillor Beaumont was also concerned over the statistics supplied by the Police.

Mr Scourfield, on behalf of the Applicant, stated that the Polices statistics were flawed and the picture was not as bleak as had been suggested by the Police. If you analyse the statistics connected with the Keys they average at about 2 incidents per month. The other incidents which had been submitted as taking place within 100 metres of the Keys contained incidents which had no relevance whatsoever to the premise such as a report of a fraud on the internet web site E-Bay.

The vigilance of the door staff had resulted in some of these incidents been brought to the attention of the Police. Some of the incidents recorded as connected with the premise could not be classed as serious.

The premise attracted approximately 600 customers on a busy night and if that was taken in context then this was not a problem premise.

It would be very difficult to imagine any applicant who had been more compliant in doing everything that had been required of them. The management had done everything within their power to minimise any disruption or nuisance to local residents and the Police.

With regard to the concern raised by the EHO over noise escaping from the premise it had recently been discovered that the contractor who undertook the insulation works did not fully comply with the specification and this may be the reason for the escape of some noise. This issue would be addressed with the

Contractor.

It was noted that there had not been any complaint from the owner of the flats near to the Keys and the owner had been in discussion with the Keys management. This issue was being addressed by the management.

Mr Scourfield asked it to be noted that the Application be amended so that the additional hour sought was now only for a Friday and Saturday evening and not for seven days per week

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

The Committee analysed very carefully the statistical evidence provided by the Police. The Committee had some sympathy with some of the arguments put forward on behalf of the Applicant, namely that some of the incidents specifically connected with the Keys were not in their view of such seriousness as to impact on the management and operation of the premise. It was also noted that many of the incidents within 100 metres of the premises were also irrelevant to the issues which they had to consider in regard to the appl

RESOLVED that the application for a variation to the premises licence as detailed in the application form which was amended by the Applicant to a Friday and Saturday only be refused.

118 22 Brinkburn Road, Norton, Stockton on Tees - Application For A Premise Licence Under The Licensing Act 2003

RESOLVED that the application be granted for a licence to supply alcohol in part, namely for the following hours:-

The supply of alcohol between the following hours:-

- Monday to Sunday 08:00 to 19:00 (it was noted that the Applicant had indicated that the premises would be open to the public from 07:00 till 22:00)

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 will be converted into conditions to be placed on the licence.