

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Wednesday, 17th May, 2006.

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

Officers: Officers: D Jobson, C Llewellyn (DNS) J Nertney (LD)

Also in attendance:

Apologies:

149 Appointment of Chairman

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

150 Stockton Riverside College, Harvard Avenue, Thornaby 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 one person 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 Mrs Claire Llewellyn on behalf of the Environmental Health Section.

The Environmental Health Officer (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 confirmed that they had held constructive discussions with the Applicant. The Applicant had been informed of conditions which the EHO 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. Mrs Nicola Giles, Vice Principal, had signed to confirm agreement with the conditions. The EHO confirmed that the Applicant had agreed to the conditions.

Mrs Sandles stated that he had been made aware of the proposed conditions. However she was already disturbed by noise when the college closes at 21:00 and felt that for entertainment to be permitted till 23:30 is far too late. It was also unacceptable for entertainment to be held on a Sunday, 22:30 hours would be a more appropriate time. Mrs Sandles also stated that she worked near to where the college used to be situated and noted that when productions/events were held a large number of coaches could attend, she was concerned that this could also cause her disturbance.

Mr Grosvenor stated that he was attending as an observer but provided clarification on the application that it was submitted to cover the theatre within the college which may, occasionally, hold a production at which tickets would be sold to members of the public. Such events may be college productions or end of term shows etc. Mr Grosvenor confirmed that this licence would only be needed to cover 3-4 events per year. The events would normally finish at 21:00 but this application had been made for 23:00 with members of the public leaving at 23:30, this allowed for some flexibility.

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. 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 was in attendance at the Committee meeting and they noted her concerns but felt that the conditions attached to the licence addressed these.

The Committee considered whether to attach a condition restricting the permitted activities to a specified number of events per year. However the Committee noted Mr Grosvenor's assurance that there would be only 3-4 events per year. The Committee therefore decided not to specifically restrict the number of events in view of this assurance. However it was noted that should the scale or frequency of the events increase substantially then the Applicant would be expected to make a licence variation application as such an increase would be deemed to be a major variation.

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 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 be granted for a premises licence as detailed in the application form which could be summarised as follows:-

- Provision of regulated entertainment including plays, films, live and recorded music, performance of dance and provision of facilities for making music and dancing between the following hours:-

Monday to Friday: 09:00 to 23:30 (with the premises been open to the public until 23:30)

· 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. 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).

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.

**151 Yarm and District Social Service Centre, Bently Wynd, Yarm
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 five 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 Mrs Claire Llewellyn on behalf of the Environmental Health Section.

The Environmental Health Officer (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 confirmed that they had held constructive discussions with the Applicant. The Applicant had been informed of conditions which the EHO 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. The EHO confirmed that the Applicant had agreed to conditions that would be placed on the licence.

Mrs Thompson stated that she objected to the music been played in the premise as it was not sound proofed and did cause a disturbance to local residents.

The Committee also had regard to the other four written representations that had been received.

Mr Thompson stated that he had been required to make this application to ensure that any groups or persons who use the centre for entertainment or musical activities were acting within the law. Mr Thompson noted that some of the representations had complained and/or objected about alcohol related issues. It was noted that this application was not for a licence to supply alcohol. Although residents had expressed concerns it should be noted that there had only been two late night parties at the premise since the millennium and one of these was for the millennium celebrations.

Mr Thompson confirmed that they were happy to agree to the conditions which had been suggested by the EHO.

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 or 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 most were irrelevant as they were under the impression that the application was for a licence to supply alcohol, this was not the case. 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 was 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 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 be granted for a premises licence as detailed in

the application form which could be summarised as follows:-

- Provision of regulated entertainment including plays, films, indoor sporting events, live music, recorded music, performance of dance and provision of facilities for making music and dancing between the following hours:-

Plays - Monday to Sunday: 19:00 to 22:30

Films – Monday to Sunday: 09:00 to 24:00

Indoor Sporting Events – Wednesday: 18:00 to 20:00

Sunday: 10:00 to 12:00

Live and Recorded Music - Monday to Sunday: 09:00 to 24:00

With the premises been open to the public - Monday to Sunday: 09:00 to 24:00

- The Committee imposed the conditions as detailed below, namely:-

4. Any music played within the premises after 21:00 shall be background music only and inaudible at the nearest residential premises. Music above background level may be played within the premises between 21:00 and 00:00 for a maximum of six events per year.

5. 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.

6. 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.

7. 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).

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 the steps set out in the operating schedule be converted into conditions.

Dil-Raj Stores, 23 Holbeck Walk, Thornaby
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. Representations had not been received from any statutory consultees. Representations had been received from three persons living within the vicinity of the premises. It was noted that four of these persons were in attendance at the Committee meeting to state their objection.

Mr Featherstone indicated that he was the spokesperson on behalf of the objectors. Mr Featherstone indicated that when this premise was under previous ownership the licence had been refused/revoked as the Police had objected owing to the anti social behaviour problems in the area. Mr Featherstone stated that the objectors were worried about the effects of anti social behaviour of the premises selling alcohol and becoming a meeting point for youths. There were a lot of elderly and vulnerable persons who live in the vicinity who may be effected if this licence was granted.

Mr Featherstone stated that they had no issues with the current management of the premises and knew they would be diligent but there may be other persons who would buy alcohol for youths.

Mr Atwal stated that when they took over the business it was on the verge of closing. They had listened to the needs of the community and introduced lots of improvements to the business. They had invested a lot of money installing CCTV, shutters and other improvements to the premise. They had traded there for almost three years.

Mr Atwal as trying to promote a general convenience store for customers to use and buy alcohol during reasonable hours, they did not want to promote it as an off licence.

Mr Atwal stated that he was aware that consultation letters were sent to properties within 100 metres but only 8 letters of objection were received. Mr Atwal had made a conscious effort to speak to each of the objectors to try and address and allay their concerns. He felt he had put a lot of their concerns to rest.

Mr Atwal noted that no objections had been received from the Police or Trading Standards. Mr Atwal stated that they take their responsibilities very seriously and had never sold to under age persons. Mr Atwal produced documentary evidence from Darlington Police with regard to good this record.

Mr Atwal stated that if granted he would endeavour to uphold the Committees trust in him.

In considering their decision members were mindful that they needed evidence

Mrs Claire Llewellyn on behalf of the Environmental Health Section.

The Environmental Health Officer (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 confirmed that they had held constructive discussions with the Applicant. The Applicant had been informed of conditions which the EHO 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. The EHO confirmed that the Applicant had agreed to the conditions.

Mr Henry had attended at the Committee meeting but after discussing the issue with the EHO and been informed of the conditions he was satisfied that this addressed his concerns and he left the meeting.

The Committee also had regard to the other two written representations that had been received.

It was noted that a letter had been received from Sintons solicitors who acted on behalf of the Applicant. The Applicant was unable to attend the meeting as he was on holiday but it was noted that the Applicant had agreed to the conditions as requested by the EHO.

The Committee had regard to the application and considered it on its merits.

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 any problems associated with noise nuisance from the premises. It was noted that they had received one complaint regarding noise nuisance in 2004. 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. 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 was in attendance at the Committee meeting and they noted his 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 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 be granted for a premises licence as detailed in the application form which can be summarised as follows:-

· Provision of regulated entertainment including recorded music between the following hours:-

Monday to Thursday: 11:00 to 23:00
Friday to Sunday: 11:00 to 24:00

· Late night refreshment between the following hours:-

Monday to Thursday: 11:00 to 23:00
Friday to Sunday: 11:00 to 24:00

· Supply of alcohol between the following hours (including Christmas Eve):-

Monday to Thursday: 11:00 to 23:00
Friday to Sunday: 11:00 to 24:00

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

· The Committee imposed the conditions as detailed below, namely:-

8. There shall be no live music played within the premises.

9. Recorded music played within the premises shall be background music only and inaudible at the nearest residential premises. Recorded music may be played above background level between the hours of 11:00 and 22:00 for a maximum of twelve events per year.

10. 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.

11. 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.

12. 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).

13. 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.

14. 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.

15. Have appropriate systems in place to control pest infestations, such as a pest control contract.

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 the steps set out in the operating schedule be converted into conditions.