

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Monday, 17th July, 2006.

Present: Cllr K Leonard, Cllr R Rix, Cllr B Woodhead.

Officers: J Nertney(LD); D Jobson, C Snowdon(DNS).

Also in attendance: R Kench(Applicant for Trinity Gardens), Mrs Harley(Resident of Lightfoot Grove); J Maloney(Applicant for Bede College - Billingham International Folklore Festival).

Apologies: None

370 Appointment of Chairman

RESOLVED that Councillor Leonard be appointed Chairman for this meeting.

371 Thornaby Ex Services Club, 69 Queens Avenue, Thornaby Application under Schedule 8 of the Licensing Act 2003 - Application to vary a club licence under Schedule 8 of the Licensing Act 2003

Members were informed that the applicant was not in attendance. Members therefore decided that the application should be deferred.

RESOLVED that the above application be deferred.

372 Billingham International Folklore Festival Bede College, Hale Road, Billingham, Stockton on Tees Application under Schedule 8 of the Licensing Act 2003 - Application for a premise licence under Schedule 8 of the Licensing Act 2003

Consideration was given to an application for a Premise Licence at Bede College for the Billingham International Folklore Festival.

The Licensing Officer presented the report to the Committee. Consideration was given to the application as outlined in the report by Miss Jobson. Members noted and gave consideration to the representations that had been received from two persons living within the vicinity of the premises. The Committee noted that there were no representations from any of the responsible authorities/statutory consultees.

As these persons were not in attendance at the meeting the Committee had regard to their representations which were summarised as follows:-

- Concern that the premises would be selling alcohol
- Potential for noise and nuisance
- There are enough premises supplying alcohol in the area
- There will be an increase in the amount of people using the street

Mr Maloney stated that he was involved in organising the Billingham International Folklore Festival. During the festival a number of performers stay at Bede College and they hold 'World of Friendship' evenings to allow performers and volunteers to socialise on an evening. The new licensing regime means that they were required to apply for a licence to allow them to supply

alcohol to performers and volunteers. The application had been restricted to one month, namely the first of July to the thirtieth July when the festival takes place. The hours requested were also not excessive and were restricted to 19:30 to 23:00 hours.

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

It was noted that none of the statutory consultees had objected to this application.

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 the application was for restricted hours, namely 19:30 to 23:00 hours and would only be used while the Festival was being held which was normally in the month of July as such the premises licence would be restricted to operate between the 1st July and 30th July. The application made it clear that the supply of alcohol would be to performers and volunteers of the Festival and it would therefore not be operating as a bar in the normal sense of the word i.e. supplying alcohol to members of the public walking in off the street. The Committee appreciated the objectors concerns but did not feel these outweighed the merits of the application and that accordingly the licensing objectives would not be undermined if the application was granted.

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

- Supply of alcohol between the following hours:-

Monday – Sunday 19.30 – 23:00

(with the premises been open to the public for a further 20 minutes as drinking up time/wind down period)

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

1. Non residents must vacate the premise by 23:20.

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 would also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted into conditions.

**373 Trinity Gardens, Yarm Lane, Stockton on Tees
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 five persons living within the vicinity of the premises. The Committee also heard submissions from Mrs Harley, a resident of Lightfoot Grove, who was in attendance to state her objection. The Committee noted that a representation had been received from the Councils Environmental Health section and Mr Colin Snowdon was in attendance to make their submissions. Representations were not received from any other responsible authorities/statutory consultees.

Mr Snowdon confirmed that he had held discussions with the Applicant over his concerns in order to see whether an amicable agreement could be reached on restrictions on the licence and conditions which could be attached to address the potential for nuisance.

Mr Snowdon confirmed that he had reached agreement with the Applicant.

Mr Snowdon stated that the main aim of the application was to cover use of the site during the Stockton International Riverside Festival and there was never any intention that the licence would run for 365 days per year as such the Applicant had agreed to restrict the licensable activities to 12 event days per year.

Mrs Harley stated that she still felt the decibel levels as outlined in the conditions were too high.

Mr Snowdon stated that the levels were taken from a national code of practice for outdoor entertainment/activities.

Mrs Harley asked who would be responsible for monitoring the levels.

Mr Snowdon confirmed that the Applicant would monitor the levels and Environmental Health officers would respond to any complaints. In addition Environmental Health Officers would also undertake their own monitoring.

Councillor Leonard asked whether there was any time limit on fireworks for New Years Eve.

Mr Snowdon stated that they had not set one but it was normally midnight.

Councillor Rix asked for clarification as to what was meant by 'exceptional circumstances' in condition 6.

Mr Snowdon stated that the intention of that condition was to allow a certain degree of flexibility for unavoidable delays. The Applicant would be expected to record exactly what the circumstances were which led to any overrun of entertainment. Such circumstances had to be unavoidable and questions would be asked if the Applicant had a number of such events which overran.

Five representations had been received and copies of these had been provided to members of the Committee prior to the hearing. Mrs Harley, a resident of Lightfoot Grove, was in attendance to state her objection.

It was noted that one of the objections was in relation to the sale of alcohol but that the application did not include the supply of alcohol

Mrs Harley stated that she was happy for the Festival to take place two weeks per year but had objected initially as the application was for 365 days per year. She stated that she had been re-assured that any activities till 23:30 would only be for the occasional overrun in exceptional circumstances.

Mr Kench stated that he appreciated the residents concerns and he had agreed to the conditions as outlined in order to address those concerns. Mr Kench confirmed that he was sensitive to the use of the site given that it was a church yard.

Residents noise concerns were taken seriously and his officers keep and share their records of noise monitoring as required.

The reason they required the 'exceptional circumstance' provision was that the site was mainly used for outdoor theatre which was designed for after dark shows. Some of the shows may not have been performed before and as such there were occasions when technical difficulties may cause slight delay. It would be a shame if they had to end the show before the finale if technical difficulties arose and as such they feel they needed to have the option for an extra half an hour in 'exceptional' circumstances. Mr Kench stated that this provision would not be used to allow bands and/or performers to do an encore.

It was not proposed that the site would be used for fireworks displays but there were occasions when some of the shows use modest pyrotechnics.

Mr Kench confirmed that they are happy to restrict the amount of event days to 12 per year.

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

It was noted that the conditions which had been agreed addressed the concerns of the statutory consultees who had objected to this application.

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 the application was now for a restricted number of events days, namely 12. The initial objections had clearly been concerned at the potential for events to take place on 365 days per year. It was noted that the main intention of the application was to cover the Stockton International Riverside Festival which was supported by some of those who had made objections. The objectors supported the principle of the Festival but wanted assurances with regard to the frequency of activities and potential noise nuisance. It was noted that the application did not include the supply of alcohol.

The Committee appreciated the objectors concerns but did not feel these outweighed the merits of the application and that accordingly the licensing objectives would not be undermined if the application was granted with the

conditions as agreed between the Environmental Health Officer, Cleveland Police and the Applicant.

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

- Provision of regulated entertainment as detailed in the application form
Monday – Sunday 09:00 – 23:30

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

1. For all events the entertainment noise level shall not exceed 65Laeq (15 mins) measured at one metre from the façade of any noise sensitive premises. 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.

2. For any events the sound pressure level in the 63 and 125 Hz frequency bands shall not exceed 70 dB measured one metre from the façade of any noise sensitive properties. 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. Local residents shall be informed of the date of planned events prior to all major events, and an emergency telephone number shall be publicised and made available for the handling of any complaints which may arise. A log of any complaints shall be maintained and be made available for inspection by officers from the Environmental Health Unit.

4. Each event shall have event planning documentation which shall be available upon request to the Environmental Health Unit prior to the event, and for major events shall be provided to the Environmental Health Unit prior to the event.

5. There shall be no more than 6 firework displays per year. All displays shall finish at 23:00 (with the exemption of New Years Eve).

6. All regulated entertainment shall be planned to finish at 23:00, however this may continue until 23:30 due to exceptional circumstances only, the reasons for which must be recorded in writing.

7. There shall be no more than 12 days of events per year.

8. No event to take place unless 21 days notice is given to the Police, unless the Police waive their right to such notice after been informed of the event.

9. Stewards to be provided by the Council for events. The stewarding requirements shall meet the reasonable satisfaction of Cleveland Police

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.

**374 Parish Gardens/Parish Church, Church Road, Stockton on Tees
Application under Schedule 8 of the Licensing Act 2003 - Application for a
premise licence under Schedule 8 of the Licensing Act**

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

**375 High Street, Stockton on Tees
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 the Applicant the representation from Environmental Health had been withdrawn and the above application had been withdrawn from the agenda.

**376 Riverside Park, Stockton on Tees
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 the Applicant the representation from Environmental Health had been withdrawn and the above application had been withdrawn from the agenda.