

## Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Wednesday, 8th November, 2006.

**Present:** Cllr K Leonard, Cllr Mrs K Nelson, Cllr F Salt (Vice Councillor Cllr B Woodhead).

**Officers:** J Nertney (LD), M Vaines, C Llewellyn (DNS).

**Also in attendance:** For item 5 - Reliance Service Station - Mr G Parvin (Applicant), Mr Dickinson (Pannone LLP Solicitors), An objector from Harrowgate Lane.

**Apologies:** Cllr B Woodhead.

### **692 Appointment of Chairman.**

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

### **693 High Grange Community Centre, Casson Way, Billingham - Application for grant of a Premise Licence under 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 representation that had been received from responsible authorities, namely the Council's Environmental Health Section.

Representations had not been received from any other statutory consultees. Representation had been received from one person living within the vicinity of the premises. It was noted that this person was not in attendance at the Committee meeting. Members heard oral submissions from the Environmental Health Officer on behalf the Environmental Health Section.

The Environmental Health Officer then presented her 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 Environmental Health Officer stated that they have no record of any complaints connected with the premise.

The Environmental Health Officer confirmed that she had proposed conditions to be attached to the licence if granted.

With regard the submission from Interested Parties none of these persons were in attendance. The Committee had regard to the written representation that had been received from a resident of Turner Close, Wolviston Grange.

With regard the Applicants submission the Committee had regard to the Application as detailed in the report.

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. 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 the resident in their representation.

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 person who had made a representation was not in attendance at the Committee meeting and the Committee did not have an opportunity to ask them any questions or seek clarification from them.

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

- Provision of regulated entertainment including films, plays, 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. Any music played at 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 23:00 for a maximum of six events a year. Prior to the event taking place a written record shall be maintained in a register, detailing the nature and duration of the event. This register shall be maintained and made available to the Council and Police on request.

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 use the beer garden in a quiet manner.

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

**694 Reliance Service Station, Durham Road, Stockton on Tees - Application for grant of a Premise Licence under 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 that no representations had been received from any of the responsible authorities/statutory consultees. Representation had been received from one person living within the vicinity of the premises.

With regard the submission from Interested Parties, a resident from Harrowgate Lane was in attendance at the meeting. The objector stated that youths congregate in the vicinity causing Anti Social Behaviour and he was concerned that this may increase if the application be granted.

The objector accepted that the Anti Social Behaviour could not be linked to Mr Parvins premise and that Mr Parvin was a responsible man who had a well run premise.

With regard the Applicants submission, Mr Dickinson noted that there were no objections from any of the responsible authorities such as the Police and the Environmental Health Officer.

If the premise did cause any problems for local residents they had the right to request a review of the premises licence.

Mr Dickinson confirmed that the risk assessment attached to the application at paragraph P was intended to be used for conversion into conditions to be attached to the licence.

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

It was noted that none of the responsible authorities had raised an objection to this application.

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

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 detailed in the document attached to section P of the application would address the objectors concerns.

RESOLVED that the application be granted as detailed in the application form which could be summarised as follows:-

- Provision of late night refreshment between the following hours:-

Monday to Sunday: 23:00 to 05:00

- The supply of alcohol:-

Monday to Sunday: 08:00 to 22:30

The Committee noted that mandatory conditions would 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 would also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted into conditions.