

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Wednesday, 13th December, 2006.

Present: Cllr K Leonard, Cllr Mrs K F Nelson, Cllr B Woodhead.

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

Also in attendance: For item 4 - The Merlin - Punch Taverns Ltd (represented by Mr Coen, from Ford Warren Solicitors) Mr Jackson, Business Manager, Punch Taverns Mr Ward, Premises Licence Holder, Mr Smart (Local Resident).

Apologies: None.

810 Appointment of Chairman

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

811 The Merlin, Marsh House Avenue, Billingham - Application for variation 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 representations that had been received from responsible authorities, namely the Council's Environmental Health Section. It was noted that Cleveland Police had submitted a representation but that this had been withdrawn following the Applicants agreeing to amend the application and agree conditions to be placed on the licence. Representations had been received from four persons living within the vicinity of the premises. Mr Smart also attended to make his representation and represented Mr Pitt and Mr Emerson who had submitted representations but could not be in attendance at the meeting owing to holiday commitments. The Committee had regard to the written representations from those persons living within the vicinity of the premises who were not in attendance at the meeting. Members also heard oral submissions from Mrs Llewellyn on behalf of the Environmental Health Section.

Mrs Llewellyn then presented her submission to the Committee and explained that the Environmental Health Section had submitted a representation as they had concerns over the potential for public nuisance associated with noise from entertainment and from clients leaving the premises.

Mrs Llewellyn confirmed that she had informed the Applicant of conditions that could be attached to the licence, if granted, which would address her concerns over the likelihood of public nuisance.

The Applicant had agreed to these conditions been placed on the licence if the application was granted.

Mrs Llewellyn confirmed that the EHO section only had a record of one

complaint connected with the premise which was received in July 2006 when the doors and windows were left open during entertainment which caused disturbance to local residents.

Four representations had been received from persons living within the vicinity of the premises.

Mr Smart a resident of Sherburn Avenue, Billingham, was in attendance and stated that he was also speaking on behalf of Mr Emmerson and Mr Pitt who had submitted representations but were unable to attend the meeting. Mr Smart stated that in his opinion his house was the closest to the premises. Mr Smart stated that he was concerned about noise outside the premises caused by customers leaving. He did not feel that the pub was designed to contain noise. He believed that the premise did not have air conditioning as in the summer months doors and windows had been left open causing disturbance to local residents. He appreciated that there would be some disturbance living so close to a pub but that the extension of hours sought would lead to noise problems occurring later with the added inconvenience of taxis sounding their horns and the slamming of car doors. Mr Smart stated that he believed the extension sought was unreasonable in a residential area.

Mr Coen was given an opportunity to ask questions of Mr Smart.

The Members also had regard to the written representations that had been received from person who were not in attendance at the meeting.

Mr Coen on behalf of the Applicant informed the Committee that the Applicant wished to amend his application and restrict the provision of live and recorded music to cease at 23:30 hours.

Mr Coen stated that in his view the representations had exaggerated the scale of the problem. It should be noted that there were a number of other residential properties that were close to the premises and these had not submitted any objection to the application.

Mr Coen stated that there was no intention on the part of the Applicant to turn the premise into a nightclub.

Mr Coen requested the Committee to note that the Police had withdrawn their objection to the application and there was no evidence from the Police that there was any crime and disorder connected with the running of the premise. The EHO records indicated that there had only been one complaint connected with the premise. One complaint was not indicative of a problem premise.

If there were any problems caused by the operation of the premise then local residents and all statutory consultees had the option of requesting a review of the premises licence.

Mr Coen stated that the premise had air conditioning and secondary glazing.

Mrs Llewellyn and Mr Smart were given an opportunity to ask questions of Mr Coen.

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

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.

It was noted that Environmental Health had only received one complaint about noise from the premise. It was noted that the conditions as suggested by 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.

Although Mr Smart had stated that he and other residents were regularly disturbed by customers of the premise there was no record of complaints to the Environmental Health Section or any evidence of Crime and Disorder from Cleveland Police.

The Committee noted that the Objectors concern was mainly connected with what could happen rather than evidence of what s happening. There was no history of complaints connected with 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 entertainment noise. The Applicant had also agreed to reduce the hours sought and had varied his application to reflect this.

The Committee noted that one of the persons who had made a representation was in attendance at the Committee and spoke on behalf of Mr Pitt and Mr Emmerson.

The Committee had regard to the statutory guidance issued under Section 182 of the Licensing Act 2003.

RESOLVED that the application be granted as detailed namely:-

- The supply of alcohol and provision of films and facilities for dancing inside the premises between the following hours:-
Monday to Wednesday 11:00 to 23:30
Thursday 11:00 to 00:00
Friday to Saturday 10:00 to 00:30
Sunday 10:00 to 23:30
(with the premises been closed to the public 30 minutes after the terminal hour)
- The provision of live and recorded music between the following hours:-
Monday to Sunday 11:00 to 23:30
- A further additional hour every Friday, Saturday, Sunday and Monday for all Bank Holiday weekends.

The Committee attached the following conditions to the Licence:-

1. Any recorded music played within the premises after 23:30 shall be

background music only and shall not cause a disturbance at the nearest residential premises. Recorded music shall be played indoors only.

2. Any live music played within the premises shall cease at 23:30 and shall not cause a disturbance at the nearest residential premises. Live music shall be played indoors only.

812 9 Marske Parade, Bishopsgarth, Stockton on Tees - Application for grant of a Premise Licence under the Licensing Act 2003.

The Applicant indicated that he wished to close at 23:00 and not midnight as he had indicated in his application. He therefore did not need a licence and the application was withdraw.

813 The Wynyard Rooms, Wynyard Park house, Wynyard Avenue, Wynyard - 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 representations that had been received from responsible authorities, namely the Council's Planning Section. Members also heard oral submissions from Mr Jardine on behalf of the Planning Section.

Mr Jardine, then presented his submission to the Committee and explained that the Planning Section had submitted a representation as the Applicant had stated that he wished to use the premises for Weddings, Conferences and other Private functions. This use would require a change in planning consent before such operations could take place.

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

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 had regard to the up to date statutory guidance issued under Section 182 of the Licensing Act 2003.

RESOLVED that the application be granted as detailed namely:-

- The supply of alcohol and provision of live and recorded music, performance of dance and provision of facilities for making music and dancing inside and outside the premises between the following hours:-
Monday to Sunday 10:00 to 02:00 (the following morning)
(with the premises been closed to the public at the terminal hour)
- The provision of late night refreshment between the following hours:-

Monday to Sunday 23:00 to 02:00 (the following morning)

The Committee noted that the Applicant would require the appropriate planning consent before operating under the terms of this application.