

## Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Monday, 2nd April, 2007.

**Present:** Cllr C Leckonby, Cllr K Leonard and Cllr B Woodhead.

**Officers:** M Vaines, C Snowdon, Mrs M Thompson (DNS); J Nertney (LD).

**Also in attendance:** For the Old Billingham Community Centre:-  
Mrs Scollen (Chair of Committee), Mr Scollen (Committee Member), Mrs Bardgett (Resident of East Avenue).

**Apologies:** None.

### **1223 Appointment of Chairman**

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

### **1224 Declarations of Interest**

No interests were declared.

### **1225 Old Billingham Community Centre, East Avenue, 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. 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 seven 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 the Environmental Health Officer.

None of the persons present had any questions of the Licensing Officer.

Members also noted that additional evidence had been submitted by Mrs Bardgett in relation to an incident at the premises on March 2007 and photos of parking problems had been forwarded by Mrs Stamp. Both of these persons had made a relevant representation within the statutory time limits. Members decided to accept this late evidence and copies of the documents were provided to the Applicant for their consideration.

The Environmental Health Officer then presented his submission to Members 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 had no record of any complaints connected with the premise.

The Environmental Health Officer confirmed that he had held constructive

discussions with the Applicant. The Applicant had been informed of conditions which the Environmental Health Officer 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 Environmental Health Officer confirmed that the Applicant had indicated agreement to the following conditions been placed on the licence, namely:-

1. Any music played within the premises after 21:00 shall be background music only. Music above background level may be played within the premises between 21:00 and 23:00 for a maximum of six events a year. Any music played shall be inaudible at the nearest residential premises.
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 the area quietly (Note, this may also include a reference to vehicles).

Mrs Bardgett(Resident) explained that she has complained in the past to persons using the hall. She expressed concern that she would be disturbed by noise and that persons using the facility would open the doors and windows thus causing disturbance to her in her own home.

The Applicant stated that they were not proposing to do anything different to their current activities and they provided a copy of their current timetable which indicated that the latest activity currently ceased at 10.30 p.m. They had applied for longer hours to allow flexibility in the events which they provided and have no intention of increasing activity at the centre or causing disturbance to their neighbours. The only time they hold children's parties on a Saturday afternoon or Sunday.

They were happy to provide further contact telephone numbers for persons to contact should there be any disturbance.

The residents were welcome to raise any complaints they may have with the management Committee. The centre takes residents concerns seriously and wants to be good neighbours.

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 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. However the Committee felt that condition 1 as suggested was too onerous a condition as it referred to noise been inaudible. This was deemed to be unreasonable and the Committee were minded to change that condition to the music played "shall not cause a nuisance".

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

- Provision of regulated entertainment including plays, films, indoor sporting events, live and recorded music, performance of dance and provision of facilities for 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 within the premises after 21:00 shall be background music only. Music above background level may be played within the premises between 21:00 and 23:00 for a maximum of six events a year. Any music played shall not cause a nuisance at the nearest residential premises.

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 the area quietly (Note, this will also include a reference to vehicles).

5. Any hirer of the premises must be fully informed of the conditions of the premises licence prior to hire.

6. A written schedule of the events detailed in condition 1 should be maintained and be made immediately available at the request of any officer acting in accordance with the provisions of the Licensing legislation.

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 the 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.

**1226 Georgian Theatre, Calvin House, Green Dragon Yard, Stockton on Tees - Application for Variation of a Premise Licence Licence under the Licensing Act 2003**

Members were informed that as the representation from Environmental Health had been withdrawn the item had been withdrawn from the agenda.