

## Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Tuesday, 24th April, 2007.

**Present:** Cllr Colin Leckonby, Cllr Keith Leonard, Cllr William Woodhead.

**Officers:** M Vaines, C Llewellyn (DNS); R McKenzie (LD).

**Also in attendance:** For The Roundel item - Mrs Lackenby (Applicant), Mr Holland (Representing the Applicant); For the Elm Tree Social Club item - Applicant, Mr Ross (Representing the Applicant).

**Apologies:** None

### **1317 Appointment of Chairman**

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

### **1318 Declarations of Interest**

There were no interests declared at the meeting.

### **1319 The Roundel, Mitchell Avenue, Thornaby - Application for variation of a Premise Licence under the Licensing Act 2003.**

A copy of the application for variation detailing the hours applied for was circulated to all persons who had made a representation prior to the meeting.

The Committee had regard to all written representations. In addition interested parties and an Environmental Health Officer were in attendance to state their case. The Applicant, Mrs Lackenby, was also in attendance and represented by Mr Charles Holland. The Committee were informed by Mr Holland that they had agreed conditions with Environmental Health which would ensure that no food or alcohol would be consumed outside after 10.30 pm. Mr Holland wished to clarify that the Applicant was not seeking to play any external music or to have any external flood lighting. Furthermore the existing conditions stated use of the outdoor drinking area by customers shall be limited. However the extent of the drinking area had not been defined previously. Mr Holland explained that the Applicant was seeking to relax the conditions to comply with the rules regarding smoking that would come into effect in July 2007. His Clients wanted a solution where smokers would have a designated smoking area and would not simply wander around the car park, smoking and causing a nuisance to local residents. Mr Holland stated that the plans originally showed it was seeking to convert an area by the side of the bar which was close to homes but were no longer proceeding with the application. Instead the Applicant wished to proceed with the application for variation of the patio area at the front of the area and for an application to re-organise the internal area of the pub.

The Committee took into consideration that Claire Llewellyn, Environmental Health Officer, had agreed conditions with the Applicant and was therefore happy for the variation to proceed. Miss Llewellyn informed the Committee that the designated area was the most practical place for a smoking area which would cause the least nuisance to the public.

The Committee were mindful that 12 representations had been received from interested parties and that 5 were in attendance to state their case. The Committee noted that the representations had been made in relation to the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

In summary, the interested parties recognised the outside area, subject to variation, was to enable the public house to designate a smoking area. The residents were anxious for the outside area to be properly defined and managed so the Applicant was fully aware of their obligations. The Committee were informed that the residents suffered nuisance from music from car radios and stereos and the noise from the external drinking area. The residents also expressed concerns regarding the management of children near to the road who may be using this outside area.

The Committee also noted the information provided by the Applicant. Miss Lackenby informed the Committee that she had been managing the public house for the previous five years and that it had been refurbished two years ago. The reason for this refurbishment was that the pub wished to change its image to a family friendly led pub. Miss Lackenby confirmed that staff would be instructed as to the terms of the Licence to ensure compliance and that the outside area would be monitored by staff to ensure no alcohol or food was taken out after 10.30 pm. Furthermore notices would be placed on tables to inform customers and staff would undertake periodic inspections of the area. Miss Lackenby encouraged residents to take an active interest in the pub and that she would welcome any approaches from them regarding any issues.

RESOLVED that the application to vary the layout and design of the premises based on the application presented to Committee be granted subject to the following conditions to ensure the licensing objectors were not undermined:-

Condition 1

Removal of the following condition - The use of the outdoor area by customers shall be limited from 9.00 am until 22.30 pm. There shall be no music played in the outdoor drinking area and the use of floodlighting likely to cause nuisance to local residents or properties.

And be replaced with the following condition - No consumption of alcohol or licensable activities to take place outside after 22.30 pm.

Condition 2

No music or use of floodlighting likely to cause a nuisance to local residential properties within the external curtilage of the building.

Condition 3

No food or alcohol to be consumed after 22.30 within the external curtilage of the building.

The Applicant should note that any necessary planning permission should be obtained and the planning conditions should be complied with.

**1320 Elm Tree Social Club, 130 Bishopton Road West, Stockton on Tees - Application for variation of a Premise Licence under the Licensing Act 2003.**

A copy of the application detailing the variation of the licence was circulated to all persons who had made a representation prior to the meeting. The Committee had regard to all written representations. In addition six interested parties and a representative from Environmental Health were in attendance to state their case. The Applicant attended along with their legal representative, Alistair Ross.

On behalf of the Applicant, Mr Ross informed the Committee that the Applicant had taken consideration of the representations made by Environmental Health and the residents and wished to amend their application. The application for variation was now only to extend Sunday until 11.00 pm only. The application for variation was originally amended to cater for functions which may wish to open later than the licensable hours. However the Applicants had been informed that they could deal with these functions by way of temporary event notices and the Club would use this method and monitor whether this was a suitable method for dealing with such functions. Mr Ross explained to the Committee that Environmental Health had suggested conditions in order to minimise the effect of any public nuisance and the Applicant had no objections to these conditions.

The Licensing Committee took into consideration the information from Environmental Health that subject to the amended application and the conditions agreed with Environmental Health and the Applicant, there should be adequate provision to prevent public nuisance. The Environmental Health Officer further explained to residents that at present there were no conditions on the Club licence as initially this was a straight conversion from the old licence to the new licensing regime. Furthermore the Environmental Health Officer informed the Committee that no complaints had been received from residents regarding public nuisance.

The Committee had regard to the Applicant's explanation that the application for variation had only been amended this morning. Should the TEN be inadequate for the Club's intended use then the matter may come back before Committee. The Applicant encouraged residents to put any complaints in writing and if there were any anti-social behaviour by any of the members then this could be addressed as the Club has security cameras which cover the outside area.

The Committee noted the representations received from interested parties and noted that these related to the prevention of crime and disorder; prevention of public nuisance; public safety and the protection of children from harm. The Committee took into consideration that the written representations had been made prior to the application being amended. The Committee noted that many of the representations related to noise nuisance and took into consideration the Environmental Health Officer's opinion that the conditions suggested by Environmental Health would be adequate to control public nuisance. The Committee also noted the Club's comments that any noise nuisance or anti-social behaviour caused by Members leaving the Club should be reported to them so that they could take appropriate action.

RESOLVED that the amended application for variation be granted subject to the conditions as stated below:-

Conditions agreed with Environmental Health

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 at all exits from 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).  
RCD (residual current device) protection shall be provided to all electricity supplies for entertainers equipment, including microphones, as described in Health & Safety guidance.

**1321 Indigo at the Picture House, Mill Lane, Billingham - Application for grant of a Premise Licence under the Licensing Act 2003.**

Members were informed that as the representations from Environmental Health and Planning had been withdrawn the application had been withdrawn from the agenda. (Roisin is this right??)

**1322 Kings Arms, Wolviston Road, Billingham - Application for variation of a Premise Licence under the Licensing Act 2003.**

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