

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 19th July, 2007.

Present: Cllr Paul Kirton, Cllr Colin Leckonby, Cllr William Woodhead.

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

Also in attendance: Applicant: Marstons Plc (represented by Mrs Hazlewood, Solicitor from John Gaunt & Partners), Mr Bassett (Designated Premises Supervisor).

Apologies: None.

LSC Appointment of Chairman

11/07

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

LSC Declarations of Interest

12/07

There were no interests declared.

LSC Eagle Inn, Durham Lane, Eaglescliffe, Stockton on Tees - Application for a Variation of a Premise Licence under the Licensing Act 2003

13/07

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 one person living within the vicinity of the premises. Members also heard oral submissions from Mr Snowdon on behalf of the Environmental Health Section.

Mr Snowdon then presented his submission to the Committee and explained that he had submitted a representation as they initially had concerns over the variation application.

Mr Snowdon confirmed that he had held constructive discussions with the Applicant. The Applicant had been informed of conditions which Mr Snowdon felt would address both his concerns and those that had been expressed in the representation. The Applicant had indicated his agreement to conditions that could be attached to the variation of the licence, which, if granted, would address concerns over the likelihood of public nuisance. Mr Snowdon confirmed that the Applicant had agreed to conditions which were detailed within the report.

Mr Snowdon stated that this meant that smoking would be allowed in the all weather garden but no smoking would be allowed in the drinks garden. The consumption of food and drink in the all weather garden would be restricted after 23:20.

Mr Snowden confirmed that he had not received any complaints about noise nuisance from the premises since the licence was granted under the Licensing Act 2003.

The Committee had regard to the written representation that had been received.

Mrs Hazlewood, the Applicants representative, stated that her clients could not do anything in relation to the no smoking legislation and are therefore been proactive in trying to minimise any potential nuisance to neighbours. As they were identifying a specific smoking area this will go some way to preventing customers wandering out of any door at the premise and smoking where they see fit. The proposal tried to control how smokers use the premises. The manager would be responsible for controlling his customers' behaviour. The all weather garden would have CCTV cameras installed and regular glass collections would be undertaken.

The doors identified on the plan and which had caused some concern to the neighbour who had made a representation were emergency exit doors and would not be used for access to and from the premises unless in the event of an emergency.

Mrs Hazlewood asked Members to note that the premises already had a patio area which had operated without complaint.

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

It was noted that Environmental Health had not received any complaints regarding noise from the premises. Furthermore 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 by resident in their representation. The Committee noted that the person who had made a representation was not in attendance at the Committee.

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 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 variation be granted as detailed in the application form namely:-

- To construct all weather garden area to the side of the property
- Such area to have a paving stone base and seating
- To extend licensable activities of retail sale of alcohol and late night refreshment to external area
- For such activities to operate to the existing hours of the premises
- To also include within the licensed area the pre existing patio to the side of the property, currently used for the provision of food and alcohol (with the benefit of waitress service), for the licensable activities of retail sale of alcohol and late night refreshment.

The grant of this variation was subject to the restrictions as agreed with the EHO and which are detailed in the conditions agreed below

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

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 or using the external areas of 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) and/or use of CCTV surveillance to the All Weather garden.
4. A noise limiting device should be provided covering all sound systems which at all times shall operate at the decibel level set by the Environmental Health Unit and shall be maintained in good working order, should amplified recorded or live music be provided after 23:00.
5. Any odours created from cooking on the premises shall be adequately vented and/or provided with odour control so that they do not cause a nuisance to nearby premises.
6. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
7. Have appropriate systems in place to control pest infestations, such as a pest control contract.
8. The Drinks Garden shall be closed by 23:00, all customers shall have vacated the Drinks Garden by 23:20. There shall be no music played in the external areas.
9. Without a noise limiting device installed, there shall be no live music provided after 23:00 and any other regulated entertainment shall be at background level only after 23:00.

10. Any entertainment provided by way of a TV broadcast shall be at background level after 23:00.

11. Food and drink shall not be consumed in the All Weather Garden after 23.00. There shall be no use of external floodlighting likely to cause a nuisance to local residential properties.

12. The doors to the All Weather Garden shall be fitted with self-closing devices to control the ingress of smoke and egress of noise.