

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Tuesday, 6th November, 2007.

Present: Cllr Mrs Tina Large, Cllr Mrs Kath Nelson, Cllr William Woodhead.

Officers: Mr C Barnes (DNS); Mr J Nertney (LD).

Also in attendance: Mr K Manning (Applicant); Mr Harker, Mrs Jones, Mrs Nevison (Persons living within the vicinity of the premise).

Apologies: None.

LSC 20/07 Appointment of Chairman

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

LSC 21/07 Declarations of Interest

No interests were declared.

LSC 22/07 The Centenary, Fulthorpe Road, Glebe Estate, Norton, Stockton on Tees - Application for Variation of a Premise Licence under the Licensing Act 2003

Members were informed that a communication had been received from Poppleston Allen, Solicitors who represent the Centenary Public House in respect of the above application. They advised that they wished to vary their application and reduce the hours applied for considerably. They advised that the application would now be for one extra hour to 1.am. on 1st January plus a half hour drinking up time. The people living in the vicinity of the premise that had submitted a representation had been contacted and they had all withdrawn their representations.

The application had therefore been withdrawn from the agenda.

LSC 23/07 The Reindeer, 3 Ramsgate, Stockton on Tees - Application for a Variation of a Premise Licence under the Licensing Act 2003

The Chairman introduced all persons who were present and explained the procedure to be followed during the hearing.

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 persons living within the vicinity of the premises. The Committee noted that the Council's Environmental Health Officer had agreed conditions with the Applicants to address potential public nuisance.

All persons present were advised of the conditions as agreed with the Environmental Health Officer which would be attached to the licence:-

1. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
2. 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.
3. All sound systems shall pass through the noise limiting device which at all times shall operate at the decibel level set by the Environmental Health Unit and shall be maintained in good working order.
4. 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/business premises. Any music shall be played indoors only.
5. 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/businesses. 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.
6. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local premises 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).
7. There shall be no use of the rear alleyway by customers at any time, and no use of flood lighting likely to cause a nuisance to local residential properties. The side door leading to the rear alleyway shall not be used by customers save for use for emergency evacuation of the premises.

The Applicant indicated that he would do everything in his power to stop customers using the alleyway to the side of the premises. Mr Manning said he bought the premise about three months ago and had been open for about six weeks. Prior to that the premise had been shut for about a year and a half.

The Committee heard submissions from the objectors who lived close to the premises in residential flats on Ramsgate. The main problem the residents had was with customers using the alleyway at the side of the premises. Mrs Jones indicated that she experienced more nuisance as her flat fronted onto Ramsgate.

In considering their decision members were mindful that Environmental Health had agreed conditions to address public nuisance at the premise. It was noted that one of the main problems was the use of the alley way. The Committee were also conscious of the fact that there were a number of residential flats in close proximity to the premise which stood directly opposite to another licensed

premise. It was reasonable to assume that residents could be disturbed by the customers of the premise.

However it was also noted that residents indicated they appreciated the need for the owner of the premise to make a living. However it was unreasonable in the opinion of the Committee to grant the hours sought by the applicant. The Applicant had to demonstrate that his running of the premise would not cause additional nuisance to local residents.

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.

RESOLVED that the application be granted for the following hours:-

Sunday to Thursday: 09:00 to 23:00

Friday to Saturday: 09:00 to 23:30

With the premises having a 30 minute drinking up time/wind down period and the premises to shut to customers 30 minutes after the terminal hours referred to above.

- To attach the following condition to the licence:-

A Notice shall be erected and maintained on the gate to the alley way stating that the alleyway is not for the use of customers of the premise.

The Committee asked it to be noted that they expected the Applicant to ensure that the tenants of neighbouring residential properties were not unreasonably disturbed by the customers of his premise.