

## Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Friday, 18th April, 2008.

**Present:** Cllr Paul Kirton, Cllr Maurice Perry and Cllr Bill Woodhead.

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

**Also in attendance:** Camerons Brewery Ltd (represented by Mr Foster, Solicitor, from Mincoffs Solicitors), Mrs Spaldin (Camerons Brewery Ltd).

**Apologies:** None.

### **LSC Appointment of Chairman**

**1/08**

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

### **LSC Declarations of Interest**

**2/08**

There were no interests declared.

### **LSC Perry's, 8 Harland Place, Norton, Stockton on Tees - Application for a Variation of a Premise Licence under the Licensing Act 2003.**

**3/08**

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Representations had been received from Cleveland Police but had been withdrawn after conditions were agreed with the Applicant. Representations had been received from three persons living within the vicinity of the premises. Members also heard oral submissions from Mr Snowdon on behalf of the Environmental Health Section who confirmed that he had also agreed conditions with the Applicant which satisfied his concerns over the potential for public nuisance from the premises.

Mr Foster, the Applicants representative, stated that Perrys had opened in December 2007. Mr Foster referred the Committee to section one of the bundle and the summary which he had prepared on behalf of the Applicant. It was noted that conditions had been agreed with both Cleveland Police and the Councils Environmental Health Section. Both the noise limiting device and the CCTV system had already been installed at the premises. Mr Foster stated that the CCTV covers both the inside and outside of the premise. Mr Foster confirmed that he was agreeable to the CCTV condition been amended to reflect the fact that copies of CCTV would be made available on request to officers from responsible authorities and the Council Licensing Enforcement Officers.

Mr Foster addressed the representations which had been received from the three persons living within the vicinity of the premises. Mr Foster stated that two of the complaint referred to an incident on Wednesday 12th March 2008 when

the premises had live music.

Mr Foster stated that there was no history of crime and disorder at the premises. The Police had provided copies of event chronologies which were included at section 9 of the bundle. One of the incidents was not linked to the premise as it was a report of someone acting suspiciously. The remaining incidents all took place before Camerons took over the premise therefore should be disregarded.

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 to be placed on the licence.

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

As the persons that had submitted representations were not in attendance at the meeting the Committee had regard to the three written representations that had been received.

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 three persons who had made a representation were 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.

The Committee noted that the Application was for a terminal hour of 01:00 with 30 minutes drinking up time/wind down period for seven days per week. The Committee had concerns that residents within the vicinity of the premises could be caused nuisance by customers leaving the premise if the application was granted for seven nights per week.

**RESOLVED** that the application be granted for variation as detailed in the application form namely:-

- To vary the hours of all licensable activity (apart from live music and karaoke which shall not take place on the premises after 23:00) to:-  
Monday – Thursday: 10:00 – 00:00 (midnight)  
Friday – Saturday: 10:00 – 01:00  
Sunday: 10:00 – 00:00 (midnight)  
with the premises been open to the public for an additional 30 minutes as a drinking up time/wind down period.

- To add late night refreshment to the above terminal hour i.e. from 23:00 till the premises close to the public

- Remove the embedded restrictions

- All licensable activities shall be extended from the end of permitted hours on any day which is New Years Eve to the beginning of permitted hours the next day

- The removal of restrictions in relation to trading on Christmas Day, Good Friday and New Years Eve

- To add the exhibition of films as a licensable activity

(The grant of this variation was subject to the conditions as agreed with the Environmental Health Officer and Cleveland Police)

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

1. No glass or material or bottles shall be deposited in any skip, bin or other container of a like nature, located in the open air outside of the premises, between the hours of 22:00 hours and 08:00 hours and any such skip, bin or container shall not be removed from the premises between those hours.

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 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.

4. 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.

5. Management shall place at all exits from the premises, in a place where they can be seen and easily read by the public, clear, legible notices requiring customers to leave the premises and the area quietly, having regards to the

needs of local residents.

6. Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement of any filters.

7. 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.

8. Ensure appropriate systems are in place to control pest infestations, such as a pest control contract.

9. No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to nearby premises.

10. There shall be no live groups or karaoke entertainment in the premises after 23:00 each evening.

It was also noted that conditions had been agreed with the Police and would be placed on the Licence, the Committee amended the condition relating to the CCTV to note that:-

- CCTV tapes should be made available to officers from responsible authorities and Council Licensing Enforcement Officers on request.