

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Friday, 15th August, 2008.

Present: Cllr Bill Woodhead (Chairman), Cllr Maurice Perry, Cllr Fred Salt

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

Also in attendance: Challoner Community Centre (3 representatives of the management Committee were in attendance along with Mr Featherstone from Stockton Council)

Persons living with the vicinity of the premises: Five representations received along with a petition containing 25 names from residents of Conyers Close, Challoner Road and Sheepfoote Hill. Councillor Beaumont was also in attendance to represent the residents.

Apologies:

LSC 25/08 Appointment of Chairman

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

LSC 26/08 Declarations of Interest

No Interests were declared.

LSC 27/08 Challoner Community Centre, Challoner Road, Yarm, Stockton-on-Tees Application for Grant of a Licence under the Licensing Act 2003.

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

Members of the Committee gave consideration to a report regarding and application for a grant of a licence for the provision of regulated entertainment under the term of the act, each day of the week from 08.00 hours until 23.00 hours. Members also noted and gave consideration to the representation that had been received from responsible authorities, namely the Council's Environmental Health Section. Representations had not been received from any other statutory consultees.

Members gave consideration to representation that had been received from five persons living within the vicinity of the premises. Members agreed to accept a late representation that had been submitted by Councillor Sherris, Ward Councillor, which had been made at the request of residents in Challoner Road. The Applicant confirmed that they had no objection to the late representation been accepted by the Members of the Sub Committee.

Mr Snowdon explained that Environmental Health had submitted a representation but that conditions had been agreed with the Applicant which addressed his concerns and the representation had been withdrawn. Mr Snowdon stated that Environmental Health had no record of any complaints connected with the premise.

Mr Snowdon confirmed that proposed conditions to be attached to the licence if granted, had been agreed with the Applicant, namely:-

1. The Applicant had agreed to amend the application so that the start and finish times for regulated entertainment were now 10 a.m to 9 p.m.
2. Any live music played within the premises shall not be amplified or include drums.
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. 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).
6. A Member of the Management Committee shall be present on the premises at all times when the premises has been let for a private hiring.
7. The Conditions attached to the licence shall be brought to the attention of any private hirer of the premises.
8. No teenage parties shall be permitted at the premises.
9. No disposal of rubbish shall take place at the premises between the hours of 21:00 and 07:30 the following morning.

Members considered oral submissions from the residents in attendance at the Meeting and from Councillor Beaumont, ward Councillor.

The Committee had regard to the written representations that had been received from the residents who had not attended the meeting.

The Committee had regard to the Application and noted that the Applicant had agreed to reduce the hours for live music, recorded music and facilities for making music which were amended to 10 a.m. to 9 p.m.

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. Members 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 the resident in their representation.

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.

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.

After giving due consideration to all of the evidence the Committee agreed to grant the the application as amended by the Environmental Health Officer.

Members were mindful that those persons who had made representations may be disappointed with the granting of this application. It was hoped that the conditions placed on the licence addressed the concerns of those who made representations. Should there be any nuisance or other relevant issues in the future then these should be raised with the Council's Environmental Health and/or Licensing Section. Furthermore the Licensing Act 2003 also provided legal routes for responsible authorities or local residents to ask for a review of the premises licence should the premise cause problems linked to the four licensing objectives. Applications for a review would need to be supported by evidence.

RESOLVED that

* The application be granted as amended and detailed in the application form summarised as follows:-

Provision of live music, recorded music and facilities for making music and dancing between the following hours:-

Monday to Sunday: 10:00 to 21:00

All other hours as detailed on the application form shall remain the same.

* That the conditions be imposed as detailed below, namely:-

1. Any live music played within the premises not be amplified or include drums.
2. All external doors and windows be kept closed when regulated entertainment was being provided except in the event of an emergency. Any music played within the premises should not cause a disturbance at the nearest residential premises. Any music be played indoors only.
3. The licence holder or his representative would conduct periodic

assessments of the noise coming from the premises when used for regulated entertainment and take steps to reduce the level of noise where it was likely to cause a disturbance to local residents. A written record be made of those assessments and include the time and date of the checks, the person making them and the results including any remedial action. All records 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 and to park their vehicles in a considerate manner so as not to cause a nuisance to local residents.
5. A Member of the Management Committee be present on the premises at all times when the premises were let for a private hiring.
6. The Conditions attached to the licence be brought to the attention of any private hirer of the premises.
7. No teenage parties be permitted at the premises.
8. No disposal of rubbish should take place at the premises between the hours of 21:00 and 07:30 the following morning.