

## Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 11th September, 2008.

**Present:** Councillor Woodhead (Chair); Councillor Rix; Councillor Lewis

**Officers:** S Mills (DNS), J Nertney, A Squires (LD)

**Also in attendance:** Applicant: Stockton Town Football Club, represented by Mr Higgins, Vice-Chairman of Stockton Town Football Club

Persons living within the vicinity of premises: Fourteen representations had been received and six of the persons who made a representation were in attendance at the meeting.

Also present in an advisory role was Mr Snowdon, Stockton Councils Environmental Health Manager

**Apologies:**

**LSC 31/08 Appointment of Chairman**

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

**LSC 32/08 Declarations of Interest**

There were no interests declared.

**LSC 33/08 Stockton Town Football Club, Bishopton Road West, Stockton-on-Tees Application for Grant of a Licence under 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 an application for a grant of a licence under the Licensing Act 2003. Members also noted and gave consideration to the representations that had been received. A representation had been received from Cleveland Police but this had been withdrawn following the applicant agreeing conditions which satisfied the Polices concerns. The applicant had also agreed a set of conditions with the Councils Environmental Health Section. A number of representations, fourteen in total, had been received from persons living within the vicinity of the premises.

Mr Higgins represented Stockton Town Football Club and summarised their application. Mr Higgins stated that the football club was primarily a junior football club who had been benefactors of a brand new pavilion in association with the 6th Form College and the Football Foundation. He further confirmed that the application had been made for the club to be able to maximise the use of its facilities and to help with funding to ensure the clubs success.

Mr Higgins stated that he felt they had more than satisfied the licensing objectives, whilst also confirming they knew all the ages of the children within Stockton Football Club and that the club would be run as a private members club.

Mr Higgins was asked numerous questions by the Sub-Committee on the issues of the running of the football club and its premises. The issues discussed were the venue of football matches, when matches were played, how many persons would the premises accommodate, were children restricted and how the premises would be run. Mr Higgins gave answers to these questions, as well as confirming that the club were trying to attract other users (private / corporate) to their facility.

Residents who were attendance at the meeting had an opportunity to ask questions of Mr Higgins. It was asked why the application had not been made when the planning application was filed. The response given was that the football club had not thought of this, until it had realised that it had 100% management of the premises. Mr Higgins also confirmed that the 'challenge 21' policy would be used and that visiting teams' ages would also be known. Members of the Committee were advised by their legal advisor that if there was any evidence of under age sales a licence could be suspended or revoked should a review application be received.

The location of the football club was questioned and it was suggested that the club was promoting alcohol as a normal part of life. Mr Higgins responded by confirming that Stockton Town Football Club's support was drawn from all over the Borough and highlighted that all coaches at the club had a Criminal Records Bureau check; therefore were responsible people.

Mr Higgins further clarified that the facilities were now fully secured and that Stockton Town Football Club had been responsibly run for many years.

Members considered oral submissions from the residents in attendance at the Meeting. A resident was concerned that the licence would enable parents to drink then drive. Following advice from the legal adviser the chair advised the resident that this was her opinion and there was no evidence to suggest that this would occur.

A resident explained that there was enough anti-social behaviour in the area due to alcohol misuse and that the people present today lived across the road to the applicant's premises. He further stressed that there were too many alcohol licenses and suggested another approval would only cause more strain on the local police force.

It was suggested by a resident that the applicant's premises would be a major attraction which could cause potential problems, such as additional traffic and that this was not acceptable. Mr Higgins responded to this concern by confirming that there were adequate parking facilities available.

Although Mr Snowdon the Councils Environmental Health Manager had not made a representation he addressed the meeting and stated that the applicant's premises were away from other residential buildings and that the applicant had agreed to a number of conditions with Environmental Health, namely:-

1. All external doors and windows shall be kept closed when regulated entertainment was 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 was 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 and be made available to enforcement agencies and Responsible Authorities upon request.

3. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises and using the beer garden and passageway. 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 use the beer garden in a quiet manner.

4. No alcoholic drinks shall be taken or consumed outside the main building.

5. Any music played at the premises should be inaudible at the nearest residential premises.

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. Members had regard to the oral representations made to them and the fourteen individual representations from persons living within the vicinity of the premises.

The Committee noted that many of the Objectors concerns were general in nature and were concerned about what may happen rather than having any evidence that the premise would cause a problem. Many residents made reference to the fact that there were currently other licensed premises in the area but sufficiency of premises was not a valid ground for refusing an application such as this. Residents concerns were over the activities taking place at other premises. Problems at other premises could not, in the opinion of the Committee, be a valid ground for refusing an application. Each application had to be considered on its merits and a responsible operator should not be prejudiced by problems caused by other premises. The Committee wished to remind residents that if they were experiencing problems that could be linked to a specific premise then they had the option to request a review of that premises licence.

The Committee were satisfied that the likelihood of noise nuisance from the premise was minimal and in addition a number of conditions had been agreed with Environmental Health which would address any potential for nuisance.

The Committee noted that some residents had concern over the parking facilities and that persons attending at the premise may park in adjoining roads. It was noted that this application was for licensable activities when the school/college was closed to students therefore there were adequate parking facilities on the site and there was unlikely to be an impact on local residents.

The Committee noted that six of the persons who had made a representation were in attendance at the Committee meeting and they noted their concerns but felt that there was no evidence that the running of the premises would undermine the licensing objectives. It was noted that no representations had been received from the statutory consultees. In particular the Police had withdrawn their representation following the agreement of conditions with the applicant and it followed that the Police were therefore satisfied that the crime and disorder objective would not be undermined.

The Committee appreciated the concerns of residents but there was no evidence that they would experience problems if the application was granted. The Committee noted the efforts made by the applicant and were satisfied that it would be a well run premise and would not undermine the licensing objectives.

After giving due consideration to all of the evidence the Committee agreed to grant the application for plays, indoor sporting events, live and recorded music, performances of dance and provision of facilities for dancing between the hours stated, and for the supply of alcohol between the hours stated, with conditions attached. It was noted that conditions 1 – 8 had been agreed with Cleveland police, however the Committee resolved to amend and attach further conditions.

RESOLVED that:

- The application be granted for plays, indoor sporting events, live and recorded music, performances of dance and provision of facilities for dancing between the following hours:-

Monday to Friday: 18:00 to 23:00  
Saturday to Sunday: 09:00 to 23:00

- The application be granted for the supply of alcohol between the following hours:-

Monday to Friday: 18:00 to 23:00  
Saturday to Sunday: 09:00 to 23:00  
(with the premises been open for an additional 30 minutes as a wind down period/drinking up time)

- It was noted that on all bank holidays and school/college holidays the hours of use for the licensable activities at the premise would be 09:00 until 23:00 apart from the supply of alcohol which would be from 12:00 to 23:00 hours.

- The following conditions to the licence be attached:

1. All glasses must be made from toughened glass.
2. An incident book must be kept and updated at all times.
3. A 'Challenge 21' policy be implemented with all staff insisting on evidence of age from any person appearing to be under 21 years of age and who was attempting to buy alcohol or other age restricted products.

4. A representative must attend pub watch meetings.
5. Patrons would not be able to leave the premises with any glass, open bottle or other open container.
6. A personal licence holder must be present when supply of alcohol takes place.
7. Digital colour CCTV system must be installed and maintained in good working order at all times which covered both internal and external areas. Discs must be kept for a minimum of 31 days (stored in a secure place) and be made available to enforcement agencies and Responsible Authorities upon request.
8. All staff who supply alcohol be trained with regard to the law relating to the sale of alcohol and age restricted products. Staff will be re-trained at least every 3 months.
9. Training records, signed by both the staff member and the Designated Premise Supervisor / Representative of the Management Committee be retained for future reference and shall be updated at least every 3 months. All staff training records be made available to enforcement agencies and Responsible Authorities upon request.
10. 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 shall not cause a disturbance at the nearest residential premises. Any music shall be played indoors only.
11. The licence holder or his representative shall 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 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 and be made available to enforcement agencies and Responsible Authorities upon request.
12. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises and using the beer garden and passageway. 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 use the beer garden in a quiet manner.
13. No alcoholic drinks shall be taken or consumed outside the main building.
14. Any music played at the premises should be inaudible at the nearest residential premises.

