

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 25th September, 2008.

Present: Councillor Kirton (Chair); Councillor Salt, Councillor Cains

Officers: S. Mills (DNS), J Nertney (LD)

Also in attendance: Applicant: Miss Louise How

Apologies: None

LSC 37/08 Appointment of Chairman

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

LSC 38/08 Declarations of Interest

There were no declaration of interests.

LSC 39/08 Café Sapore, 4 Harper Parade, Hartburn, 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 a report regarding an application for Grant of a Licence under the Licensing Act 2003. Members gave consideration to the representation that had been received. The Applicant informed the Committee that conditions had been agreed with Cleveland Police. The applicant had also agreed a number of conditions with the Councils Environmental Health Section. One representation had been received from a person living within the vicinity of the premises.

Miss How informed the Committee that the application was for a coffee shop selling hot and cold food products. It was intended to supply alcohol with food in a continental café style atmosphere.

It was noted that the applicant informed the Committee that Section M of the application form which related to supply of alcohol should be amended to show that alcohol would only be supplied on the premises.

It was also noted that after discussions with Cleveland Police the terminal hour for the supply of alcohol had been reduced to 21:30.

A representation had been made by Environmental Health. The Applicant had agreed conditions which addressed the concerns of Environmental Health and would ensure that the objector was not disturbed by public nuisance connected with the premise.

The Committee had regard to the representation which had been received from a resident of Hartburn Village.

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 one individual representation from a person living within the vicinity of the premises. The Committee noted that 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.

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 the person who had made a representation was not in attendance at the Committee meeting. The Committee noted the residents concerns but felt that there was no evidence that if the application was granted the resident would suffer any public nuisance. The Committee were satisfied that if the application was granted the licensing objectives would not be undermined. It was noted that no representations had been received from Cleveland Police and therefore it followed that the Police were therefore satisfied that the crime and disorder objective would not be undermined.

After giving due consideration to all of the evidence the Committee agreed to grant the application for recorded music, and the application for the supply of alcohol, with conditions.

RESOLVED that:-

- The application be granted for recorded music between the following hours:-

Monday to Sunday: 10:00 to 22:00

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

Monday to Sunday: 12:00 to 21:30
(with the premises been open for an additional 30 minutes as a wind down period/drinking up time)

- Hours premises are open to the public:-

Monday to Sunday: 09:00 to 22:00

- To attach the following conditions to the licence:-

1. Deliveries to the premises and the disposal of refuse such as bottles shall occur at a time when it was not likely to cause a disturbance to residents in the vicinity of the premises.

2. Any recorded music played within the premises shall be background music only and inaudible at the nearest residential premises. Recorded music shall be played indoors only.
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 and be made available to enforcement agencies and Responsible Authorities upon request.
5. 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.