

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Monday, 20th July, 2009.

Present: Cllr Miss Tina Large, Cllr Roy Rix and Cllr Fred Salt.

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

Also in attendance: Fairfield Centre for Young People (Mr Mott attended on behalf of the Applicant).

Apologies: None

**LSC
7/09** **Appointment of Chairman**

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

**LSC
8/09** **Declarations of Interest**

There were no interests declared.

**LSC
9/09** **Fairfield Centre for Young People, 45 Limbrick Avenue, Fairfield, Stockton on Tees - Application for Variation of a Premise Licence under the Licensing Act 2003.**

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received from responsible authorities, namely the Council's Environmental Health Section, and noted that this had been withdrawn following agreement of conditions with the Applicant. Representations had not been received from any other statutory consultees. Representations had been received from three persons living within the vicinity of the premises. It was noted that two of these persons were in attendance at the Committee meeting.

Mr Mott, Senior Youth Worker at the Centre, stated that the Centre had been there for 20 years. Mr Mott stated that they were not proposing to do anything different to their current activities and they provided a copy of their current timetable. A lot of the activities which they provided at the Centre were not licensable under the legislation. Mr Mott stated that the application had been made for such long hours so that this allowed flexibility in the organisation of the events which they provided. Mr Mott stated that the Centre had no intention of increasing activity at the centre or causing disturbance to their neighbours.

Mr Mott stated that they did not hire the Centre out for birthday parties and had no intention of doing so.

The residents were welcome to raise any complaints they may have had with the Management of the Centre so that their concerns and/or complaints could be addressed. The Centre took residents concerns seriously and wanted to be good neighbours.

The persons in attendance who had made a relevant representation were given the opportunity to ask questions of Mr Mott.

It was noted that the Applicant had indicated agreement to the following conditions been placed on the licence, namely:-

1. 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.
 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 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.
 3. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises. This should include placing at all exits 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).
 4. All hirers of the premises shall be made fully aware of the terms and conditions of the licence.
- Submission from Interested Parties (persons within the vicinity of the premise)

Mr Stephenson and Mr Farthing were given the opportunity to address the Committee. Mr Stephenson read his objection to the Committee, a copy of which was included in the Committee papers. Mr Farthing confirmed that he agreed with everything that Mr Stephenson had said. The objectors were concerned that the activities at the Centre could attract more young persons and that their peace and quiet would be effected.

In considering their decision members were mindful that they needed evidence on which to base their decision.

It was noted that the conditions as agreed by the Applicant with the Environmental Health Officer would address the concerns of public nuisance held by residents in their representations.

The Committee noted that two of the persons who had made a representation were in attendance at the Committee meeting and they noted their concerns but felt that the conditions attached to the licence addressed these. It was also noted that taking into consideration relevant case law, including the decision in the Daniel Thwaites case, the Committee needed hard evidence on which to base their decision. It was noted that the Police had made no objection and there were no statistics or other evidence showing crime and disorder connected with the premise.

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 main concern of residents was over the potential for

disorder and 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 these concerns.

RESOLVED that the application be granted for a premises licence as detailed in the application form which can be summarised as follows:-

- Provision of regulated entertainment including plays, films, indoor sporting events, boxing or wrestling entertainment, live and recorded music, performance of dance and provision of facilities for dancing between the following hours:-

Monday to Sunday: 09:00 to 22:30 (with the premises been closed to the public 30 minutes after the end of the permitted hours)

The Committee noted that the steps set out in the Applicants operating schedule at Section P of the application will be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted into conditions.