

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Friday, 11th December, 2009.

Present: Cllr Dick Cains, Cllr Alan Lewis and Cllr Bill Woodhead.

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

Also in attendance: Mr Easter (Scott Leisure Group), Mr Cooke (General Manager, Scott Leisure Group), Mr Maisie (Solicitor)

Apologies: None.

**LSC
28/09** **Appointment of Chairman**

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

**LSC
29/09** **Declarations of Interest**

No interests were declared.

**LSC
30/09** **Thornaby Sports and Leisure Club, 5 Tedder Avenue, Thornaby -
Application for the Grant of a Premise Licence**

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

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 representation that had been received from a person living within the vicinity of the premises. It was noted that Environmental Health had withdrawn their representations after agreeing conditions with the Applicant.

Mr Maisie (Solicitor) on behalf of the Applicant explained that the premise had previously been licensed for the same hours. The applicant had shown a completely responsible attitude and had liaised and co operated with all parties in making the application. The one outstanding objection was not relevant to how the premise will operate.

It was noted that two representations had initially been received but one of these had been withdrawn after discussions with the Applicant.

The Committee therefore had regard to the one outstanding representation from St Martins Care Limited who operate a care home next door to the applicants premise.

When considering their decision the Committee had regard to the Statutory guidance issued under Section 182 of the Licensing Act 2003, the Councils Licensing Policy and relevant case law.

Members had regard to the report and supporting appendices including the

representation from a person living within the vicinity of the premises. It was noted that the objectors concerns were over potential noise nuisance and disturbance. There was no evidence before the Committee that the premises when previously operating had done anything to undermine the licensing objectives.

The Committee noted that the Objectors concerns were general in nature and were concerned about what may happen if the application was granted. The Committee were mindful of relevant case law which indicated that resident's fears over an application were not sufficient grounds for refusal. It was noted that the Police had no objection to the application and there were no statistics before the Committee of crime and disorder in the immediate area.

The Committee were therefore minded to grant the application for the hours sought but attach the conditions which had been agreed with Environmental Health and which would address the potential for any noise nuisance.

RESOLVED that the application be granted for the hours sought by the Applicant, namely:-

- To grant the application for the supply of alcohol:-
Sunday to Thursday: 11:00 to 23:30

Friday and Saturday: 11:00 to 24:00

With the premises been open to the public for a further 30 minutes as drinking up time/wind down period.

- To grant the application for plays, films, indoor sporting events, live and recorded music, performance of dance and provision of facilities for making music and dancing:-

Monday to Sunday: 11:00 to 23:00

- To attach the conditions to the licence as agreed with Environmental Health.
- To attach conditions to the licence in accordance with the operating schedule.