

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 14th January, 2010.

Present: Cllr Miss Tina Large, Cllr Alan Lewis and Cllr Bill Woodhead.

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

Also in attendance: D Moore (Applicant).

Apologies: None

**LSC
31/09** **Appointment of Chairman**

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

**LSC
32/09** **Declarations of Interest**

There were no interests declared.

**LSC
33/09** **Low Grange Social Club, Low Grange Avenue, Billingham - Application for Grant of a Premise Licence**

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 representations that had been received from responsible authorities, namely the Council's Environmental Health Section and Cleveland Police. The Committee noted that these had been withdrawn following agreement of conditions with the Applicant.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 none of these persons were in attendance at the Committee meeting.

Mr Moore (Applicant) stated that the Private Members Club had gone into liquidation and his company had recently purchased the premise and intended to run it as a commercial business therefore he needed to apply for a premises licence. Mr Moore stated that his company ran another similar club in Billingham and also had another similar premise in the Borough. Mr Moore stated that the intention was to run the premises along similar lines to when it was a Members Club although the application was for regulated entertainment for an additional 30 minutes to bring the hours in line with the licensable hours for the supply of alcohol.

With regard the Statutory Consultee Environmental health it was noted that the Applicant had indicated agreement to the following conditions been placed on the licence, namely:-

1. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
2. A noise limiting device should be provided covering all sound systems which at all times shall operate at the decibel level set by the Environmental Health Unit and shall be maintained in good working order.

3. A interrupt relay system shall be fitted and maintained in good working order to the fire door(s) to all fire doors emanating from the concert room.
4. 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.
5. 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.
6. 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).

With regard the Statutory Consultee Cleveland Police it was noted that the Applicant had indicated agreement to the following conditions been placed on the licence, namely:-

1. The premises must be fitted with C.C.T.V. system. Images must be kept for a minimum of 31 days. The system must be operating at all times and maintained in good working order. Copies must be provided to the police and other responsible authorities upon request.
2. An incident book must be kept on the premises and maintained. It must include date, time and description of incident/person involved. It must be available to police and other responsible authorities upon request.
3. Challenge 21 policy must be implemented and appropriate signage displayed. Staff must request evidence of age of persons appearing under 21. Acceptable forms of identification shall be photocard driving licence or a valid passport.
4. Where adult entertainment is being held at the premises, all doors windows will remain closed throughout. Blinds will be up and closed at all windows to prevent persons outside the building viewing the entertainment. No children under the age of 18 will be allowed into the function and strict checks will be carried out upon entry and during the entertainment.
5. Any person under the age of 18 years entering the premises must be accompanied by a responsible adult.

The Committee had regard to the four written representations which had been received from persons living within the vicinity of the premises.

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 none 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 withdrawn their objection and there were no statistics or other evidence showing crime and disorder connected with the premise. There was also no evidence that the Councils Environmental Health Section had received any complaints regarding 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 agreed with Cleveland Police, the Environmental Health Section and agreed by the Applicant would address these concerns.

RESOLVED that the application be granted for a premises licence as follows:-

- Supply of alcohol and 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: 11:00 to 00:00 (with the premises been closed to the public 60 minutes after the end of the permitted hours)