

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 21st January, 2010.

Present: Cllr Alan Lewis, Cllr Maurice Perry and Cllr Bill Woodhead.

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

Also in attendance: Applicant: Stockton Riverside College - Mr Dart and Mr Hastie attended on behalf of the College.

Apologies: None.

**LSC
34/09** **Appointment of Chairman**

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

**LSC
35/09** **Declarations of Interest**

There were no interests declared.

**LSC
36/09** **Bede Sixth Form College, Marsh House 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 a responsible authority, namely the Council's Environmental Health Section. It was noted that the Environmental Health Officer had agreed conditions with the Applicant. Representations had not been received from any other statutory consultees. Representations had been received from one person living within the vicinity of the premises, this person was not in attendance at the Committee meeting.

The Environmental Health Officer (EHO) presented their submission to the Committee and explained that a representation had been submitted as they had concerns over the potential for public nuisance associated with entertainment noise and noise from clients leaving the premises. The Applicant had been informed of conditions which the EHO felt would address both her concerns and those that had been expressed in the representation. The Applicant had indicated agreement to conditions that could be attached to the licence, which, if granted, would address concerns over the likelihood of public nuisance. The EHO confirmed that the Applicant had agreed to the following conditions been placed on the licence, 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.

3. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using external spaces.

As the person who made the relevant representation was not in attendance at the Committee meeting the members of the Committee had regard to their written representation.

Mr Hastie stated that the college needed to apply for the licence to cover events such as college theatre productions or concerts where members of the public may attend after purchasing tickets. The licence application had been made for the hours sought to allow flexibility.

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

It was noted that Environmental Health had no evidence concerning any problems associated with noise nuisance from the premises. In any event it was noted that the conditions as agreed with the Environmental Health Officer would address the concerns of public nuisance held by the officer and some of the concerns expressed by the resident in their representations.

The Committee noted that the Objectors concerns were general in nature. It was noted that the Environmental Health Officer had suggested a number of conditions that could be attached to the Licence to address the possibility of public nuisance associated with the application before the Committee.

The Committee noted that the person who had made a representation was not in attendance at the Committee meeting and they noted their concerns but felt that the conditions attached to the licence addressed these.

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 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 the potential for public nuisance.

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

- Provision of regulated entertainment including plays, films, live and recorded music, performance of dance and provision of facilities for making music and dancing between the following hours:-

Monday to Sunday: 09:00 to 23:00 (with the premises been open to the public until 23:00)

- The Committee imposed the conditions as detailed below, 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 using external spaces.