

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Tuesday, 13th April, 2010.

Present: Cllr Dick Cains, Cllr Maurice Perry and Cllr Bill Woodhead.

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

Also in attendance: Camerons Brewery (represented by Mr Harvard, Forth & Co. Solicitors), Mr Irwin, Camerons Brewery, Mr Marriott, Designated Premises Supervisor, Mr Arroll (director of Osbournes Leisure), Councillor Beaumont was in attendance and represented one of the persons who had made a relevant representation.

Apologies: None.

LSC 4/10 Appointment of Chairman

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

LSC 5/10 Declarations of Interest

There were no interests declared.

LSC 6/10 Osbournes, 24 High Street, Yarm, Stocton on Tees - Application for the Variation of a Premise Licence under the Licensing Act 2003

The Licensing Officer presented the report to Members. The Licensing Officer informed Members that one of the persons who had made a representation had since written to him withdrawing her objection.

Mr Harvard provided clarification that the application had been amended to reduce the number of days for which a variation was sought. The application was now only for Friday and Saturday and that conditions had been agreed with Cleveland Police to be attached to the licence should the application be granted.

Members had regard to the application and the eighteen existing representations that had been made by persons living within the vicinity of the premises. It was noted that none of the persons who had made a representation was in attendance at the meeting. However Members heard oral representation from Councillor Beaumont who attended to represent one of the residents.

Members noted that Cleveland Police had initially made a representation but that this had been withdrawn after the applicant agreed to amend their application reducing the number of days for which they had applied and also agreeing a number of conditions to be placed on the licence should the application be granted.

Mr Harvard indicated that he acted for Camerons Brewery who owned the premises. Mr Harvard stated that the applicant had taken on board the concerns of local residents and for that reason had amended the application to request an extra hour for the supply of alcohol, recorded music and facilities for dancing on a Friday and Saturday evening. The recorded music shall be played indoors

only.

Mr Harvard stated that in the view of the applicant the extended hour if granted would mean that customers of Osbournes would not leave and go to other premises and this would reduce the migration of customers on the High Street.

Mr Harvard asked Members to note that a number of the objections were from the operator of or linked to the owner of the Keys Public House and therefore these should be deemed as commercial objections.

Members considered all of the evidence and noted that there was no evidence of noise complaints connected with the premise. No representation had been received from Environmental Health. It was also noted that the Police had withdrawn their objection after agreeing conditions which indicated they felt the crime and disorder objective was not undermined. Although there had been a number of representations from persons living within the vicinity of the premise none of those persons was in attendance at the Committee and therefore Members were unable to seek clarification of the alleged problems which Osbournes was causing.

RESOLVED that the application be granted for the hours as detailed in the amended application which are summarised as follows:-

- To extend the hours for the provision of recorded music and facilities for dancing on the premises for Friday and Saturday from the current permitted hour of 23:15 hours to 01:00 hours (i.e. the permitted hours on a Friday and Saturday are now from 09:30 hours to 01:00 hours)
- To extend the hours for the supply of alcohol on the premises for Friday and Saturday from the current permitted hour of 24:00 to 01:00 hours. With the premises been open to the public for a further 30 minutes as drinking up time/wind down period. (i.e. the permitted hours on a Friday and Saturday are now from 09:30 hours to 01:00 hours)

The grant of the licence was made subject to the following conditions which had been requested by Cleveland Police, namely:-

1. Premises will open from 9.30 am until 01.00 am (with 30 minutes drinking up time) every Tuesday, Friday and Saturday and from 9.30 am until 12.00 am (with 30 minutes drinking up time) every Wednesday and Thursday;
2. A digital Closed Circuit Television System (CCTV) must be installed and maintained. The system must incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with Data Protection Legislation. A minimum of 14 days recording is required. The system must have a minimum of a simplex multiplexing facility and be recording for 24 hours a day. The system must incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer. The digital recorder must have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images. There must be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a

reasonable time, e.g. 24 hours routine or less if urgently for investigation of serious crime;

3. The premises licence holder and/or the Designated Premises Supervisor or a person nominated by them shall actively participate and be a member of a Pubwatch scheme for the area within which the premises is located;
4. An incident book shall be maintained at all times and must be shown to police or any responsible authority upon request;
5. No time led or all inclusive drinks promotions;
6. The smoking area will be supervised with CCTV cameras;
7. All staff must be trained with regard to the law concerning the sale of alcohol. Training records must be signed by both the member of staff and the Designated Premises Supervisor. Records will be retained for a minimum of 12 months and shall be updated at least every three months. All staff training records will be made available to Police and other Responsible Authorities on request;
8. All staff must be trained with regard to Challenge 21 which must be implemented at the premises. There shall be sufficient public notices displayed at the premises to inform customers and remind staff that the premises are operating a "Challenge 21" policy. A current driving licence and a passport are the only forms of proof which must be recognised by the premises;
9. No glasses, bottles or open containers must be taken outside of the premises onto Yarm High Street;
10. When the premises remain open to the public for licensable activities after midnight, there shall be a minimum of 2 SIA registered door supervisors on duty until closing time.

An additional condition was also attached to the Licence, namely:-

- After closing time at the premises the Designated Premises Supervisor shall ensure that the immediate vicinity of the premise and the adjoining alleyway shall be cleared of any litter including but not restricted to bottles, glasses and cigarette butts.

Although not a condition the Committee advised the applicant that they would recommend he erects a notice in the alleyway asking patrons to respect local residents and keep noise levels to a minimum.