

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 22nd April, 2010.

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

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

Also in attendance: Applicant:- Mr McKenzie (Premise Licence Holder).

Apologies: None

**LSC
10/10** **Appointment of Chairman**

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

**LSC
11/10** **Declarations of Interest**

There were no interests declared.

**LSC
12/10** **The Jolly Farmers, 412 Thornaby Road, Stockton on Tees - Application for Grant of Variation of a Premise Licence**

The Licensing Officer presented the report to Members.

Members had regard to the application and the seven 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 were in attendance at the meeting.

Members noted that there was no evidence of Environmental Health receiving noise and/or public nuisance complaints. Environmental Health had not lodged a representation in relation to the variation.

Members noted that Cleveland Police had initially made a representation but that this had been withdrawn after the applicant agreed to a number of conditions to be placed on the licence, namely:-

1. 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.

2. A Challenge 21 policy must be implemented and appropriate signage displayed. Staff must request evidence of age of persons appearing to be under 21. Acceptable forms of identification shall be photo card driving licences and a valid passport.

Mr McKenzie (Applicant) stated that the application was been made as the customers of the premise did not wish to go anywhere else and wished to stay for longer. Mr McKenzie informed Members that he complied with all conditions on his licence which had been requested by Environmental Health and Cleveland Police. He noted that there had been very few incidents at the premise and in his view the premise were well run and he wished to keep it that way. He did not believe that residents would experience nuisance and disorder if the application was granted.

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 meeting and therefore Members were unable to seek clarification of the alleged problems which The Jolly Farmers was causing to persons within the vicinity of the premises. It was noted that the residents concerns were based on the fear that there could be an increase in nuisance and disorder if the application was granted. Members were mindful of relevant case law on this issue and in particular the case of Daniel Thwaites which in summary stated that residents concerns or fears could not be used as a prima facie case to refuse an application. If an application was to be refused it had to be based on firm evidence and as the residents were not in attendance to explain any problems which they claimed were been caused by the premise Members had no evidence on which to consider refusing the application.

Although not a condition of the licence Members advised the applicant that they would recommend he considers the issues raised by local residents and in particular closely monitors the use of the beer garden by his customers to ensure that it does not cause a nuisance to local residents.

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

- To increase the hours for the supply of alcohol (on the premises) on Friday and Saturday by half an hour to 00:30 hours and on Sunday for one hour to 23:30 hours.
- To increase the hours for live music on Friday and Saturday by one hour to 24:00 hours and on Sunday by half an hour to 23:00 hours.
- To increase the hours for recorded music on a Sunday by half an hour to 23:00 hours.
- With the premises been open to the public for a further 30 minutes after the terminal hour as drinking up time/wind down period.

