

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 1st July, 2010.

Present: Cllr Alan Lewis, Cllr Roy Rix and Cllr Bill Woodhead.

Officers: J Nertney (LD); P Edwards (DNS).

Also in attendance: Mistell Limited (represented by Miss Foreman, Solicitor), Miss Victoria Powell (Designated Premises Supervisor), Mr Adam Shepherd (General Manager).

Apologies: None

LSC 19/10 **Appointment of Chairman**

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

LSC 20/10 **Declarations of Interest**

There were no interests declared.

LSC 21/10 **The Keys, 57-65 High Street, Yarm, Stockton on Tees - Application for Variation under the Licensing Act 2003**

A copy of the application detailing the variation application was circulated to all persons who had made a representation prior to the meeting. The application was summarised as:-

- To amend the current condition which limits the use of the terrace/beer garden from 09:00 – 22:00 to allow the area to be used on a Friday and Saturday evening until 23:00 hours.

Members had regard to the application and the four representations that had been made by interested parties. Members also had regard to the representation made by Mr Snowdon on behalf of Environmental Health (EH).

Mr Snowdon on behalf of EH presented his submission to Members and explained that EH had submitted a representation as they initially had concerns. Mr Snowdon indicated that EH received some complaints about the terrace/beer garden in early 2009 but that these were resolved in discussions with the management of the premise. Since that time there had been no further complaints from persons living within the vicinity of the premise. Mr Snowdon stated that in his view the key element to control public nuisance would be the controls exercised by the door staff who patrol the outside area. Mr Snowdon stated that he had agreed a suggested condition with the applicant which allowed them some flexibility in using management controls. Mr Snowdon suggested the following condition which had been agreed with the applicant could be attached to the licence should the application be granted:-

- Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using any external area of the premises. The management controls should be documented and agreed with Stockton Councils Environmental Health Unit.

Mr Snowdon stated that he would also like to see a condition that CCTV cameras should cover the external area.

Miss Foreman was invited to detail the steps which The Keys takes to minimise the risk of public nuisance from the terrace area. Miss Foreman stated that the management of the Keys undertake extensive noise checks. From 21:00 hours a member of staff would undertake noise assessments with the use of a noise meter from different points in the garden area. On a Friday and Saturday evening a door supervisor monitors the garden. Miss Foreman produced a copy of documents extracted from The Keys operational manual which included specific instructions on managing the garden and a 'Daily Garden Checklist'. Miss Foreman stated that the management had not received complaints about the use of the garden.

Mr Snowdon confirmed that they had not received any complaints about the garden area from local residents for over a year and that none of the persons who had submitted a representation had complained to EH.

Miss Foreman, the Applicants representative, was then invited to ask questions of Mr Snowdon, she indicated that she had no questions.

Members had regard to the four written representations that had been received from the interested parties. None of these persons were in attendance at the meeting.

Members were mindful that this was an application to use the terrace for an additional hour and that some of the representation were not wholly relevant to this application as they concerned general comments about the problems allegedly caused by customers of The Keys and other licensed premises.

It was noted that one of the representations stated that they could not open their windows at the back of their property because of the noise from the terrace. From evidence given by Mr Snowdon he confirmed that he had not received any complaints from this resident. Miss Foreman also confirmed that the management of the premise had not received any contact from this resident despite been written to.

Miss Foreman confirmed that the application was for a one hour extension for use of the terrace on a Friday and Saturday until 23:00 hours. Miss Foreman confirmed that no music would be played in the terrace or garden, the maximum occupancy for the terrace would be limited to 62 and the garden areas would not be used as a beer garden.

The terminal hour of 22:00 hours was offered by the management of the premises in 2005. The management were responsible owners who continued to work with the responsible authorities to address any issues. The complaints that were received in 2009 had been addressed by the management. The management had written to the objectors to this application but had not received any reply.

The premises employed door staff and paid for Police Officers under the Tranquility Scheme. The door supervisors patrol the beer garden from 21:00

hours until 22:00 hours at the present time when the terrace is been used by customers. The door supervisors would also intervene if any nuisance or disorder was caused in the premise when been used by customers.

The Police had not objected to the variation application. The Police during the consultation process had requested the applicant to include on their operating schedule a whole host of issues and measures which the applicant uses to ensure that residents and interested parties do not experience disorder or nuisance by customers of the premise.

In considering their decision Members were mindful that they needed evidence on which to base their decision. When considering their decision Members had regard to the statutory guidance issued under Section 182 of the Licensing Act 2003 and the Councils Licensing Policy.

It was a matter of concern to Members that none of the person who made a representation objecting to the variation had attended the meeting. Members and the applicant were therefore not able to seek clarification on the alleged problems the premise was causing. It was noted that most of the representations were not wholly relevant to this application given that Members were considering an extension of one hour for the use of the terrace.

Members had regard to the evidence submitted and detailed by Mr Snowdon, the EH. It was noted that EH had not received any complaints about the use of the terrace since early 2009 and that none of the objectors to this application had complained to EH.

Members were of the view that there were specific conditions which could be placed on the licence which would address the concerns raised by the local residents and the EH. It was noted that the EH had suggested a condition concerning management controls.

RESOLVED that:-

The application for a variation to the premises licence be granted as detailed in the application form in relation to the extension for an extra hour in the beer garden from 22:00 to 23:00 hours on a Friday and Saturday only. To amend the condition as detailed in the application.

The Committee also attached the following conditions to the licence:-

- Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using any external area of the premises. The management controls should be documented and agreed with Stockton Councils Environmental Health Unit.
- CCTV shall cover the terrace area which is used by customers at the rear of the premise and shall be maintained and operated in accordance with the conditions of the licence.
- When the external terrace area is been used by customers after 21:00 hours a door supervisor shall be positioned in the terrace to monitor customers. The door supervisor shall monitor the terrace until it is cleared of customers or at 23:00 hours whichever is earlier.

