

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Monday, 20th September, 2010.

Present: Cllr Jean Kirby, Cllr Paul Kirton and Cllr Bill Woodhead.

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

Also in attendance: Snow College Junior Common Room Club (represented by Professor Summerbell, Mr Fionda (Bursar) and Mr Heslop (Assistant Food and Beverage Manager)

Person living with the vicinity of the premises: Mr Bradley a resident of Harriet House was in attendance to state his objection.

Apologies: None.

LSC 31/10 Appointment of Chairman

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

LSC 32/10 Declarations of Interest

There were no interests declared.

LSC 33/10 Snow College JCR, Durham University, Sorbonne, Thornaby - Application for Grant of a Club Premise Certificate under the Licensing Act 2003

The Chairman introduced all persons who were present and explained the procedure to be followed during the hearing.

The Licensing Officer presented the report to Members. 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. Representations had not been received from any other statutory consultees. Representations had been received from five persons living within the vicinity of the premises. It was noted that one of these persons was in attendance at the Committee meeting.

Members had regard to the application as detailed in the report.

Professor Summerbell stated that there were approximately 230 students who resided at Snow College but that the College had approximately 1000 students in total. At the present time the only areas that students could drink alcohol and socialise was in their bedrooms or the kitchens. The proposal was to create a junior common room at the College where a bar would supply soft drinks, bottled beers and wines. It was not intended to supply spirits. The application had been made for such long hours so that this allowed flexibility in the organisation of the events although it was not intended that the full hours of operation would be utilised. Professor Summerbell stated that the College had no intention of causing disturbance to their neighbours.

The residents were welcome to raise any complaints they may have with the Bursar or Manager so that their concerns and/or complaints could be

addressed. The College took residents concerns seriously and want to be good neighbours.

Mr Snowdon advised that the Environmental Health unit had concerns over the application as it was very close to residential premises including the actual residential premises of the students. Mr Snowdon stated that he was also obliged to consider the effect the application may have on student residents and whether they would be caused public nuisance by the activities requested under the application.

It was noted that the applicant had been unable to have any discussions with the Officers to clarify their intentions and seek to put measures in place to address the concerns of Environmental Health. The Chairman indicated that he was willing to give the parties some time to discuss their concerns in order to see whether there was any agreement that could be reached to address their concerns.

Following a short adjournment it was noted that the applicant had indicated agreement to the following conditions been placed on the licence should the licence be granted, namely:-

1. During the hours of 21:00 and 11:00 no regulated entertainment or consumption of alcohol will be permitted in licensed external areas.
2. Any music played in the premises after 23:00 shall be background music only and inaudible at the nearest residential premises. All external doors and windows shall be kept closed except in the event of an emergency. No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.
3. 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 record of each check and incident 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.
4. 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 from 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)
5. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
6. Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to

enable the disposal of waste food, food containers, wrappings etc.

7. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

8. Have appropriate systems in place to control pest infestations, such as a pest control contract.

9. The college will notify local residents of any major events and of a complaints contact telephone number

Mr Snowdon confirmed that these conditions would address the concerns which he had expressed and put measures in place to reduce the likelihood of any public nuisance.

Mr Bradley (Objector) was given the opportunity to address Members. Mr Bradley made it clear that his concern was mainly over the potential for noise nuisance and not over the supply of alcohol. A copy of Mr Bradleys representation was included in the papers that had been previously circulated. Mr Bradley indicated that he was reassured that the proposed conditions would address his concerns.

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.

Members noted that one of the persons who had made a representation was in attendance at the meeting. Members noted the objectors concerns but felt that the conditions proposed to be attached to the licence would address these. It was also noted that taking into consideration relevant case law, including the decision in the Daniel Thwaites case, Members needed hard evidence on which to base their decision. It was noted that the Police had made no objection and there were no statistics or other evidence showing crime and disorder connected with the premise. Given the suggested conditions the Members were of the opinion that they could not assume that there would be public nuisance and/or crime and disorder connected with the proposed activities.

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. The main concern of residents was over the potential for disorder and public nuisance. Members were of the view that the conditions as suggested by the Environmental Health Officer and agreed by the Applicant would address these concerns.

RESOLVED that the application be granted for a club premises certificate 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 dancing between the following hours:-

Monday to Thursday: 08:00 to 24:00

Friday and Saturday: 08:00 to 02:00

Sunday: 09:00 to 23:00

- Supply of alcohol between the following hours:-

Monday to Thursday: 11:00 to 24:00

Friday and Saturday: 11:00 to 02:00

Sunday: 11:00 to 23:00

The conditions as proposed by Mr Snowdon on behalf of Environmental Health (and as set out above) were attached to the licence.

The steps set out in the applicants operating schedule at Section P of the application be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted into conditions.