

## Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Friday, 24th June, 2011.

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

**Officers:** S Mills, C Snowdon, S Landles (DNS); J Nertney (LD).

**Also in attendance:** Stonegate Pub Company Limited (represented by Mr Anderson, Solicitor) – Mr Campbell, Designated Premise Supervisor and Mr Pollock-Gore, Area Manager, Mr and Mrs Patel, residents of Thorington Gardens and Mr Day, resident of Strome Close were in attendance; Mr Bowman from Ingleby Barwick Parish Council attended to represent 8 persons living within the vicinity who had made a representation.

**Apologies:** None.

### **LSC 10/11** Appointment of Chairman

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

### **LSC 11/11** Declarations of Interest

There were no interests declared.

### **LSC 12/11** The Beckfields, Beckfields Avenue, Ingleby Barwick, Stockton on Tees - Application for Variation of a Premise Licence under the Licensing Act 2003

The Chairman introduced all persons present and explained the procedure that would be followed. Members gave consideration to the report, the application and the representations which had been received. Members noted that representations had been received from Environmental Health and seventeen persons "living within the vicinity of the premises".

Mr Snowdon (Environmental Health) stated that discussions had taken place with the applicant and that conditions had been agreed which would, in the opinion of Mr Snowdon, control nuisance that may be connected with the application. Mr Snowdon stated that following discussions the applicant had agreed to reduce the hours sought in the application

No other representations had been received from responsible authorities.

Members had regard to the written representation that had been received from seventeen residents. Members also heard oral evidence from those persons who were in attendance.

Mr Day stated that he noted there was no petition from local residents who actually wanted the licence variation. Mr Day believed the premise was merely paying lip service to their legal responsibilities. If the application was granted this would attract more persons to the area which would cause nuisance for local residents.

Mrs Patel stated that she supported Mr Days comments and felt that the residents well being was the main issue.

Mr Bowman stated that he represented a number of residents and supported their concerns.

It was noted that Mr Anderson had agreed to vary the application by removing the request for all notable days entirely from the application and amending the hours sought to 18:00 to 23:30 Monday to Sunday.

Mr Anderson on behalf of the applicant stated that the application was to include live music and dancing on the licence. The application had been made for seven days per week to allow flexibility. The premises licence holder had no intention of having such entertainment on regularly and it was only intended to be used for duos or karaoke and not large bands. The premise had no intention of upsetting local residents and believed that the conditions as agreed would protect residents.

Mr Anderson stated that the DPS did clear empty glasses from outside the premise but it should be noted that there were a number of other premises in the locality which generate litter including the takeaways.

Mr Anderson stated that there was no evidence before Members that the premise licence holder was breaching any of the conditions of his licence.

Members had regard to the written representations and the oral evidence given. Members also heard oral representations from the applicants representative.

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. It was also noted that the applicant had agreed to amend his application and had reduced the hours sought.

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 Members needed 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 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 variation which was solely concerned with the provision of live music and dancing.

Members had regard to the evidence submitted and detailed by Mr Snowdon, the Environmental Health Officer. It was noted that there was no record of a history of noise complaints before Members. The objectors who attended at Committee accepted that in the past they had not reported their complaints to the Environmental Health department.

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 Environmental Health Officer.

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.

After giving consideration to all of the evidence Members agreed to grant the amended application and vary the licence by permitting live music, provision of facilities for making music and dancing as outlined below.

RESOLVED that the amended application be granted and the licence be varied by permitting live music, provision of facilities for making music and dancing between the following permitted hours:-

Monday – Sunday: 18:00 – 23:30

The conditions attached to the licence shall be varied by removing the current conditions 1-4 under the prevention of public nuisance and replacing them with conditions 1-7 as detailed below:-

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 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)
4. The use of the external spaces by customers consuming alcohol shall be limited from 09:00 to 23:20. There shall be no music played outside, and no use of flood lighting likely to cause a nuisance to local residential properties.
5. Any live music played within the premises after 23:00Hrs shall be background music only. OR A noise limiting device should be provided covering all sound systems which at all times shall operate at the decibel level set by the Environmental Health Unit and shall be maintained in good working order.
6. An interrupt relay system shall be fitted to the fire doors/exits which in the event of a fire door being opened during a regulated entertainment event will

interrupt the power to the electrical supply used to power the music system. The relay system to the fire doors shall be maintained in good working order.

7. The internal doors leading through the front lobby shall be maintained in a closed position to prevent the escape of music from the premises and smoke ingress.