

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 27th June, 2017.

Present: Cllr Paul Kirton (Chairman), Cllr Evaline Cunningham, Cllr Bill Woodhead (MBE)

Officers: Jonathan Nertney (HR,L&C), , Simon Mills, Sarah Whaley (A,D&ES)

Also in attendance: Erdal Kuzgun, Paul Rowntree and Liam Percy (Ingleby Estates Ltd), Mr Harner Solicitor representing Ingleby Estates Ltd (Premise Licence Holder)

Apologies: None

**SLS
9/17** **Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS
10/17** **Appointment of Chairman**

RESOLVED that Councillor Kirton be appointed as Chairman for this meeting only.

**SLS
11/17** **Declarations of Interest**

There were no declarations of interest.

**SLS
12/17** **Licensing Act 2003
Application for Grant of a Licence
Al Forno, 11/12 Sandgate Park Shopping Centre, Bancroft Drive, Ingleby Barwick**

Members were required to determine an application for the grant of a premise licence for Al Forno, 11/12 Sandgate Park Shopping Centre, Bancroft Drive, Ingleby Barwick.

The application for grant of a premise licence had been received from Ingleby Estates Limited, in relation to Al Forno, Unit 11/12 Sandgate Park Shopping Centre, Bancroft Drive, Inbleby Barwick.

The applicant had applied for a licence for the following:

Late Night Refreshment Midnight	Monday to Sunday 23:00 until
Supply of Alcohol On & Off the Premises until Midnight	Monday to Sunday 10:00
Live Music Midnight	Monday to Sunday 10:00 until
Recorded Music Midnight	Monday to Sunday 08:00 until

Facilities for Dancing
until Midnight

Monday to Sunday 12:00

A copy of the application was contained within the main report.

Representations had been received from two local residents wishing to object to the application. The representations related to the prevention of public nuisance, prevention of crime and disorder and public safety objectives. The local residents were not in attendance at the meeting.

Although no representation had been received from responsible authorities discussions with Cleveland Police and Environmental Health resulted in the applicant agreeing to conditions being attached to the licence which were detailed within the main report.

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

Members were respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and the Section 182 Revised Guidance issued October 2012 under the Licensing Act 2003 when determining the application.

The Committee gave consideration to the report, the application and the representations which had been received.

Mr Hamer on behalf of the applicant stated that he had attempted to engage with the residents who had made representation via e-mail however had not received a response and stated that he believed their opinion was made up and they would not change their mind.

Mr Hamer stated that the applicant currently operated restaurant premises in Darlington and Middlesbrough. The applicant was taking the matter extremely seriously and had sent three officers representing the company to the meeting in order to provide information to the Committee and answer any questions the Committee may have. Mr Hamer stated that the licensing authorities had no experience of any problems with the Al Forno chain. The applicant had invested a large amount of money in fitting out the premises and was taking steps to ensure that neighbours and local residents would not suffer nuisance. Double glazing had been provided to the front and rear of the premises in order to minimise and address the escape of noise from the premise. The front of the premise had a lobby, and the rear which backed onto open space had an external terrace area. At the rear the door onto the terrace was located in the middle of the building to ensure it was not too close to residential premises.

The Members of the Committee were given the opportunity to ask questions of the applicant and company officers.

The Committee were mindful that any evidence to persuade the Committee to refuse or vary the application had to be linked to the licensing objectives.

The Committee also had regard to the application and noted the applicants operating schedule in relation to the steps being taken to address the licensing

objectives which was very comprehensive. The Committee noted that if they were minded to grant the application those steps would be converted into conditions to be attached to the licence. The Committee were also mindful of the applicants experience in running licensed establishments.

The Committee noted that there were no representations from any of the Responsible Authorities and in particular Cleveland Police or Environmental Health. This was an application for a premises licence in a newly built parade of shop units and therefore there was no statistical or other evidence concerning crime and disorder or public nuisance connected with the premise.

The Committee gave consideration to all of the evidence and representations made both in writing and orally. The Committee also considered the Councils Licensing Policy. The Committee were mindful that this was a new application and the Committee therefore had to consider the applicants previous experience when considering whether he could operate a premise without undermining the licensing objectives.

The Committee were of the view that as drafted the application did not allow for any drinking up time after the terminal hour for the supply of alcohol. In the view of the Committee this approach was not desirable and the Committee felt that a period of 30 minutes after the terminal hour for the supply of alcohol would be appropriate. The Committee were also mindful that the premise was within very close proximity to a residential area and taking into consideration the Councils Policy it was felt appropriate that there should be some reduction in the terminal hour for licensable activities and for the premises to close.

Members resolved to grant the application as follows:

With a terminal hour for licensable activities of:-

23:30 on a Friday and Saturday; and
22:30 between Sunday to Thursday

The closing hours of the premises being:-

00:00 on a Friday and Saturday; and
23:00 between Sunday to Thursday

The licence was therefore granted for the following licensable activities:-

- Supply of late night refreshment between 23:00 and 23:30 hours on a Friday and Saturday
- Supply of alcohol on and off the premises between 10:00 until 23:30 on a Friday and Saturday and 10:00 until 23:00 Sunday to Thursday
- Live music between 10:00 until 23:30 on a Friday and Saturday and 10:00 until 23:00 Sunday to Thursday;
- Recorded music between 08:00 until 23:30 on a Friday and Saturday and 10:00 until 23:00 Sunday to Thursday;
- Facilities for dancing between 12:00 until 23:30 on a Friday and Saturday and 10:00 until 23:00 Sunday to Thursday
- Hours premise re open to the public between 08:00 until 23:30 on a Friday and Saturday and 08:00 until 23:00 Sunday to Thursday;

The Committee was mindful of the statutory requirements that planning and licensing matters were entirely separate and must be each considered on their own individual merits. Just because a premise may have planning restrictions did not automatically follow that such restrictions would also apply under the licensing regime as different considerations applied.

The Committee reminded the applicant that from the evidence given to the Committee there was currently a planning condition applicable to the premises restricting the hours of operation between 09:00 to 22:00 Monday to Thursday, 09:00 to 23:00 Friday and Saturday and 09:00 to 20:00 on a Sunday. Although the Licensing Sub Committee had granted this licensing application as detailed above the applicant would need to resolve the planning restriction if he wished to trade till the hours granted under the premises licence.

RESOLVED that the Application for grant of a premise licence for Al Forno, 11/12 Sandgate Park Shopping Centre, Bancroft Drive, Ingleby Barwick be granted as detailed above and with conditions as agreed with Cleveland Police and Environmental Health and conditions as detailed in the Applicants Operating Schedule.