

## Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Wednesday, 26th July, 2017.

**Present:** Councillor Paul Kirton (Chair), Councillor Derrick Brown, Councillor Bill Woodhead MBE

**Officers:** Jonathan Nertney (D of HRL&C), Leanne Maloney-Kelly (DCE)

**Also in attendance:** Cleveland Police – PC Johnson (represented by Mr Langley, Force Solicitor), Environmental Health – Mrs Landles and Planning – Mr Wilson were all in attendance. Local resident Mrs. Lee.

**Apologies:** None

### **SLS 13/17**      **Appointment of Chair**

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

### **SLS 14/17**      **Evacuation Procedure**

The Evacuation Procedure was noted.

### **SLS 15/17**      **Declarations of Interest**

There were no declarations of interest.

### **SLS 16/17**      **Licensing Act 2003 Application for Variation of a Licence Lost Property, Winpeny House, 135-137 High Street, Yarm (Formally The Dough Box)**

Members were required to determine an application for variation of a licence for the premise, Lost Property, Winpenny House, 135-137 High Street, Yarm.

An Application for variation had been received from Mr Som Emadi in relation to Lost Property, (formally The Dough Box), 135-137 High Street, Yarm, Stockton on Tees. The proposed variation is for the following:

To amend the hours for Recorded Music  
From: Monday to Sunday 09.00 until 23.30  
To: Monday to Sunday 09.00 until 02.00

To amend the hours for Late Night Refreshment  
From: Monday to Sunday 23.00 until 23.30  
To: Monday to Sunday 23.00 until 02.00

To amend the hours for Supply of Alcohol On & Off the premises  
From: Monday to Sunday 09.00 until 23.30  
To: Monday to Sunday 11.00 until 02.00

To amend the opening hours  
From: Monday to Sunday 09.00 until 00.00  
To: Monday to Sunday 11.00 until 02.00

To be able to use the rear yard for restaurant tables up until 9pm on an evening.

To remove the following condition:-

Intoxicating liquor shall not be sold or supplied at the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal. However, an exception is made for a maximum of 20 people allowed to consume alcoholic drinks without a table meal in the front/bar area of the premise at any given time.

Representations had been received from Cleveland Police, Environmental Health and Planning. The representations related to the prevention of crime and disorder, protection of children from harm, prevention of public nuisance and public safety objectives.

Ten representations had been received from Interested Parties. Mrs Lee was in attendance at the meeting and given the opportunity to make representation.

Cleveland Police – PC Johnson (represented by Mr Langley, Force Solicitor), Environmental Health – Mrs Landles and Planning – Mr Wilson were all in attendance at the meeting and given the opportunity to make representation.

Applicant / Premise Licence Holder was not in attendance at the meeting, and confirmed to the Licensing Officer that he was happy for the Committee to proceed with the meeting in his absence.

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

The Committee considered the report, the application and the representations which had been received. The Committee heard oral submissions from the representatives of Cleveland Police, Environmental Health and Planning.

The Committee were unable to seek any clarification from the applicant as to how he would address or mitigate the issues raised by the responsible authorities or matters of concern raised by local residents who had made representations.

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 had regard to the statutory guidance under Section 182 of the Licensing Act and to the Council's own Statement of Licensing Policy.

The Committee had regard to the application and noted that representations had been received from Responsible Authorities including Environmental Health, Planning and Cleveland Police. Officers from the responsible authorities were in attendance at the meeting to explain the basis of their objection and answer questions from the Committee. This was an application for a variation to a premises licence on Yarm High Street. Although the premise was on the High Street it was also very close to residential premises. For that reason planning conditions applied which had been sought to protect the amenity of residents. Environmental Health had given detailed consideration to the application and were firmly of the view that if granted the licensing objectives would be

undermined and local residents would suffer from public nuisance.

The Committee 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 also mindful that the premise was within or very close to a residential area. The Committee noted that the Councils Statement of Licensing Policy made specific reference to what would be deemed acceptable terminal hours in a residential area. The Committee were aware that each case needed to be considered on its own individual merits and there was a balance to be struck between the needs of local residents and the ability of local businesses to operate within the night time economy on Yarm High Street. The Committee were of the view that it was fair to conclude that the premise was at the quieter end of the High Street.

After giving due consideration to all relevant information the Committee decided to refuse the application. The fact that the applicant had failed to attend was not a reason for refusing the application but the Committee did wish to note that as he was not in attendance it had not been possible to ask any questions, seek clarification or hear any evidence from him in response to the representations from Responsible Authorities and local residents.

**RESOLVED** that the application for Variation of a Licence, Lost Property, Winpenny House, 135-1357 High Street, Yarm be refused for the reasons detailed above.