

## Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 5th September, 2017.

**Present:** Cllr Paul Kirton (Chairman), Cllr Eileen Johnson Cllr Bill Woodhead(MBE),

**Officers:** J Nertney (D of HRL&C), P Edwards (DCE), Mrs Landles and Mr Fearman,(Environmental Health Officers)

**Also in attendance:** Shaun Crake (Premises Licence Holder and Designated Premises Supervisor) in attendance along with Rob Robinson; Ward Councillor Gillian Corr, Three residents

**Apologies:** None

**SLS 21/17 Appointment of Chair**

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

**SLS 22/17 Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS 23/17 Declarations of Interest**

There were no declarations of interest.

**SLS 24/17 Licensing Act 2003  
Application for Variation of a Licence  
The Three Rivers, Unit 9 Sandgate Park Shopping Centre, Bancroft Drive,  
Ingleby Barwick, Stockton on Tees**

Members were required to determine an application for variation of a licence for the premise, The Three Rivers, Unit 9 Sandgate Park Shopping Centre, Bancroft Drive, Ingleby Barwick, Stockton on Tees.

An Application for variation had been received from Shaun Thomas Crake, 437 Acklam Road, Middlesbrough, in relation to The Three Rivers, Unit 9 Sandgate Park Shopping Centre, Bancroft Drive, Ingleby Barwick, Stockton on Tees. The proposed variation was for the following:

To amend the hours for Live Music  
From Monday to Sunday 12.00 – 24.00 to 11.00 – 23.30

To amend the hours for Recorded Music  
From Monday to Sunday 12.00 – 24.00 to 09.00 – 23.30

To amend the hours for Supply of Alcohol On the premises  
From Monday to Sunday 11.00 – 24.00 to 11.00 – 23.30

To amend the hours for Supply of Alcohol Off the premises  
From Monday to Sunday 11.00 – 22.00 to 11.00 – 23.30

To amend the opening hours on Sunday

From 11.00 – 24.00 to 10.00 – 24.00

To add outside drinking/seating area to front and side of premises until 21.00 and rear of the premises until 23.00

To amend the following condition from the licence from “Alcohol shall not be removed from the designated licensed area in open containers”; to “Alcohol in open containers shall not be removed from the licensable area as marked on the premises licence plan”.

Representation has been received from Environmental Health. The representation related to the prevention of public nuisance objective. Two Officers from Environmental Health attended the meeting.

Sixteen representations had been received from Interested Parties. These representations related to the prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety objectives. Ward Councillor Gillian Corr and three residents who had made representation attended the meeting.

Premises Licence Holder and Designated Premises Supervisor Shaun Crake along with Rob Robinson attended the meeting.

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 Applicant, representatives of Environmental Health, local residents and Councillor Corr.

The Applicant Mr Crake acknowledged that when the premise had opened the success had taken them by surprise and this had led to some issues occurring which had caused some nuisance and disturbance to residents. To exercise more control, the application was to include specific external areas on the plan and restrict the hours of use of these areas by their customers Mr Crake stated that he did not wish to cause upset to their neighbours. Mr Crake noted that the Police had not objected to the application and they had received no complaints of incidents at the premises. Mr Crake stated that to engage with residents and address their complaints or concerns he needed to know what those were and with that in mind either he or a representative of the premise would be happy to meet with them to try and resolve any issues.

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 Councils Own Statement of Licensing Policy.

The Committee had regard to the application and noted that representations had been received from Environmental Health which suggested restrictions be placed on the external areas by customers to address nuisance to residents. The Committee were mindful that this was not a review application and the Committee had no power to take enforcement or other action against the premise licence. The Committee had to consider the application before them

which was for a variation. The variation included a reduction in the licensable hours and clearly issues such as that were not controversial and would be granted. However, the Committee were mindful that the controversial aspect to the application was the use of the external area by customers of the premise and its inclusion in the licensable area on the premise licence plan. The Committee had regard to the evidence in the representations from residents and the Ward Councillors as to the nuisance which had been caused to residents. On the balance of probabilities much of that nuisance had been caused by customers of the applicant. The Committee had regard to the submissions given by Environmental Health and agreed that restrictions should be placed on the use of the area by attaching conditions in relation to the external areas marked 1 and 2 on the plan. The Committee agreed that the rear area by customers was unlikely to cause nuisance to residents given its location and the fact that there were currently no residential premises to the rear.

The Committee expressed the view that they hoped the premise and the residents could work together to ensure that any issues which may occur could be resolved amicably. If that was not possible then the residents could raise their concerns and issues with the appropriate authorities including the Councils Environmental Health team and the Licensing team and depending on the nature of the issue perhaps also with Cleveland Police.

After giving due consideration to all relevant information the Committee agreed to approve the application as detailed but with conditions which were deemed to be appropriate under the licensing objectives: -

The Committee attached the following conditions: -

- The use of the external seating area marked as "Area 1" on the plan shall only be used by customer of the premise between the hours of 09:00 to 18:00 hours Monday to Saturday and 10:00 hours to 18:00 hours on a Sunday.
- The use of the external seating area marked as "Area 2" on the plan shall only be used by customer of the premise between the hours of 09:00 to 23:00 hours Monday to Saturday and 10:00 hours to 23:00 hours on a Sunday.
- There shall be no music played externally in Areas 1 and 2 as marked on the plan and no use of flood lighting likely to cause a nuisance to local residential properties.
- Alcohol in open containers shall not be removed from the licensable area as marked on the premises licence plan.

RESOLVED that the application for Variation of a Licence, The Three Rivers, Unit 9 Sandgate Park Shopping Centre, Bancroft Drive, Ingleby Barwick, Stockton on Tees be granted with additional conditions as detailed above.