

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Wednesday, 8th November, 2017.

Present: Cllr Paul Kirton(Chairman), Cllr Chris Clough, Cllr Eileen Johnson

Officers: Jonathan Nertney(DHR&LC); Polly Edwards, Sarah Whaley(DCE)

Also in attendance: Applicant, Mr Peter Smith, Designated Premises Supervisor, Mr Jordan Smith; Objector, Mrs Lorraine Johnson

Apologies: None

**SLS
45/17 Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS
46/17 Declarations of Interest**

There were no declarations of interest.

**SLS
47/17 Draft Minutes from the Statutory Licensing Sub Committee which were held on the 26th July and 15th August 2017.**

Consideration was given to the draft minutes of the Statutory Licensing Sub Committee meetings which were held on the 26th July and 15th August 2017 for approval and signature.

RESOLVED that the minutes be agreed and signed by the Chairman as a correct record.

**SLS
48/17 Draft Minutes from the Statutory Licensing Sub Committee dated the 5th, 8th and 11th September 2017.**

Consideration was given to the draft minutes of the Statutory Licensing Sub Committee meetings which were held on the 5th 8th and 11th September 2017 for approval and signature.

RESOLVED that the minutes be agreed and signed by the Chairman as a correct record.

**SLS
49/17 Licensing Act 2003
Application For Variation Of A Premise Licence
The Astronaut, West Precinct, Billingham, Stockton on Tees**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered an application for variation of a premise Licence for, The Astronaut, West Precinct, Billingham, Stockton on Tees.

An application for variation had been received from Mr Peter Smith. The proposed variation was for the following:

- To amend the hours for supply of alcohol on & off the premises

From: Monday to Saturday 11.00 – 23.00 & Sunday 12.00 – 23.00
To: Monday to Sunday 10.00 – 23.00

•To amend the opening hours

From: Monday to Saturday 11.00 – 23.30 & Sunday 12.00 – 23.30
To: Monday to Sunday 10.00 – 23.30

There had been no representations made by responsible authorities.

Representations had been made by 6 local residents.

Applicant Mr Peter Smith and Designated Premises Supervisor (DPS) Mr Jordan Mulloy attended the meeting and were given the opportunity to make representation. A copy of the report and supporting documents had been provided prior to the meeting.

Representation had been made by Mrs Lorraine Johnson who attended the meeting. A copy of the report and supporting documents and had been provided prior to the meeting.

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

The Applicant Mr Smith informed the Committee that the sole reason for the application was to permit an earlier opening hour as Weatherspoon's in Billingham Town Centre currently opened earlier and he felt he was losing trade to them. Mr Smith stated that he had previously provided contact details to residents of Dawson House but had not received any complaints about the operation of his premise. Mr Smith stated that he had taken steps to reduce the possibility of nuisance to local residents by fitting self-closing devices to the doors to minimise noise nuisance and also installing an external CCTV camera. Mr Smith had also taken action against customers if he felt they were not acting appropriately. Mr Smith advised the Committee that he was more than happy to provide residents with his contact details again to enable him to resolve any issues residents may be experiencing with the premise.

Mrs Johnson who had made representation, stated that if the application was granted it would simply allow customers to drink alcohol an hour earlier. Mrs Johnson stated that she lived on the 11th floor of Dawson House and she was disturbed by customers of the premise who stood outside talking and smoking. Mrs Johnson stated that she had also been disturbed by the karaoke which took place at the premise.

The Committee had regard to all of the written representations which had been received and that which came from residents of Dawson House.

All parties present were given an opportunity to sum up their case.

Members had regard to the Committee papers, which had been circulated prior to the hearing, written and oral submissions made at the meeting. Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance

Issued under Section 182 of the Licensing Act 2003 (as amended) and the Council's Licensing Policy.

The Committee were aware that Dawson House was in close proximity to the premise. The Committee were mindful that this was not a review of the premises licence and that many of the issues raised in the representations were matters that may be relevant if the licence was subject to a review but were not wholly relevant to the application before the Committee to vary which was to permit an earlier hour for supply of alcohol and opening hour for the premise. As this was not a review the Committee had no power to vary the terms of the licence or attach conditions to address the issues which some of the residents had raised. The Committee also noted the complaints raised by residents of Dawson House had not been raised from any of the Responsible Authorities such as Cleveland Police or Environmental Health. There was no evidence before the Committee that Environmental Health had a record of complaints connected with the premise nor had Cleveland Police provided any evidence of crime and disorder. If the Responsible Authorities had evidence or a reasoned justification for objecting to the application then they would have done so.

After considering all of the evidence the Committee decided to grant the application. The Committee advised Mr Smith that they would expect him to fulfil his offer to provide the contact details of both himself and Mr Mulloy (DPS). The Committee noted that Mr Smith stated he would personally attend at Dawson House and place the contact details on the noticeboard.

The Committee wished to remind those residents of Dawson House that if they believed the premise was not taking action to address complaints they may have then they should also report issues to the Responsible Authorities such as the licensing section, Environmental Health or Cleveland Police.

RESOLVED that the application for a variation of a premise licence, The Astronaut, West Precinct, Billingham, Stockton on Tees be granted as follows:

- To amend the hours for supply of alcohol on & off the premises
From: Monday to Saturday 11.00 – 23.00 & Sunday 12.00 – 23.00
To: Monday to Sunday 10.00 – 23.00

- To amend the opening hours
From: Monday to Saturday 11.00 – 23.30 & Sunday 12.00 – 23.30
To: Monday to Sunday 10.00 – 23.30