

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 15th August, 2017.

Present: Councillor Eileen Johnson (Chair), Councillor Kathryn Nelson, Councillor Bill Woodhead MBE

Officers: J Nertney (D of HRL&C), P Edwards (DCE).

Also in attendance: Fiona McLain who is also proposed as the Premises Supervisor (in attendance along with Sarah McLain and Andrea Asciamprena). Local residents Mrs. Earl and Mr. Montgomery.

Apologies: none

SLS 17/17 Appointment of Chair

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

SLS 18/17 Evacuation Procedure

The Evacuation Procedure was noted.

SLS 19/17 Declarations of Interest

There were no declarations of interest.

SLS 20/17 Licensing Act 2003 Application For Grant of a Premise Licence ABFS Wines Limited, Trading As 14 Drops 77A High Street, Yarm, Stockton on Tees TS15 9BG

Members were required to determine an application for grant of a Premise Licence for the premise ABFS Wines Limited, Trading As 14 Drops 77A High Street, Yarm, Stockton on Tees TS15 9BG

An Application for grant of a premise licence had been received from ABFS Wines Limited, in relation to 14 Drops, 77A High Street, Yarm, Stockton on Tees. TS15 9BG

The applicant had applied for a licence for the following:

Supply Of Alcohol On & Off The Premises
Monday to Thursday 10.00 – 21.00
Friday & Saturday 10.00 – 23.00
Sunday 11.00 – 19.00

Opening Hours
Monday to Thursday 09.00 – 22.00
Friday & Saturday 09.00 – 00.00
Sunday 10.00 – 20.00

Four representations had been received from Interested Parties wishing to object to the application. The representations related to the prevention of

public nuisance, prevention of crime and disorder. Protection of children from harm and public safety objectives. Mrs Earl and Mr Montgomery were in attendance at the meeting and given the opportunity to make representation.

The Applicant Fiona McLain who was also proposed as the Premises Supervisor was in attendance along with Sarah McLain and Andrea Asciamprena and were given the opportunity to make representation.

The Chair introduced all persons who were present and explained the procedure that would be followed.

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

The applicant stated that the premise was currently trading as Coffee at Elliotts but the intention was to launch craft and artisan products serving alcohol mainly wine in a small friendly environment with approximately 25 covers.

The applicant stated that they had taken on board some of the concerns expressed in the objections and would agree to fit the fire exit with a fire exit push bar to prevent unauthorised use. The courtyard area would not be used by customers and the two tables to the front of the premise would be vacated and removed by 21:00 hours.

The applicant confirmed that the application had been discussed with Environmental Health in order to ensure that waste collections and in particular disposal of bottles did not cause disturbance to neighbouring residents. The applicant confirmed that disposal of glass bottles would only take place between 7 a.m. and 7 p.m.

Mrs Earl and Mr Montgomery who were both residing close to the premise addressed the Committee.

Mrs Earl stated that she could see the rear of the premise from her property and she currently experienced some nuisance when the rear door was opened and noise escaped from the premise. Mrs Earl stated that she had lived in Yarm for 50 years and the night time economy was having a detrimental effect on local residents. Mrs Earl felt that commercial and residential did not mix and she objected to the application for a premises licence.

Mr Montgomery stated that he lived in a residential property on High Church Wynd which was very close to the premise and he was concerned that he would be caused nuisance if the premise opened later on an evening.

The Committee was 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 not been received from any of the Responsible Authorities including Environmental Health, Planning and Cleveland Police.

This was an application for the grant of a premises licence to supply alcohol on and off the premises. The premise was currently trading as a café but did not have a licence to supply alcohol. The premise was situated on Yarm High Street and it was also close to residential premises. Yarm High Street had a busy and vibrant economy both during the day time and on an evening. It was clear that there were therefore some strains between the needs of business and occupiers of residential premises.

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 had to consider the application that was before them and the submissions on how the applicant intended to operate the business. The applicant was proposing to operate a premise where customers could buy wine by the glass and pair those wines with small platters of food. The premise was not going to operate as a vertical drinking establishment. The Committee was of the view that the operation of the premise would not undermine the licensing objectives. The objector's fears and concerns as expressed in their representations were not supported by any evidence linked to the premise. The Committee did remind the objectors who were present that each of the Responsible Authorities and them as individuals had the legal right to seek a review of the premises licence if the operation of the premises licence undermined the licensing objectives.

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.

After giving due consideration to all relevant information the Committee decided to approve the application with conditions and an amendment to the licence to allow for 30 minutes drinking up time which were appropriate in line with the operating schedule as detailed on the application as follows:

Supply of alcohol on and off the premises:-

Monday to Thursday 10.00 - 21.00 closes 21.30

Friday & Saturday 10.00 – 23.00 closes 23.30

Sunday 11.00-19.00 closes at 19.30

Opening Hours of the premise:-

Monday to Thursday 09.00 – 21.30

Friday & Saturday 09.00 – 23.30

Sunday 10.00 – 19.30

The Committee also attached the following conditions:-

- Customers of the premise shall not be allowed into the rear yard unless in the event of an emergency.

- Disposal of glass bottles and other similar refuse at the premise should only occur between the hours of 7 a.m. to 7 p.m.

RESOLVED that the application for grant of a Premise Licence for the premise ABFS Wines Limited, Trading As 14 Drops 77A High Street, Yarm, Stockton on Tees TS15 9BG be granted with additional conditions as detailed above.