

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 21st November, 2017.

Present: Councillor Paul Kirton (Chairman); Councillor Evaline Cunningham; Councillor Bill Woodhead

Officers: Jonathan Nertney(DHR&LC); Simon Mills, Sarah Whaley(DCE)

In relation to the application received from The Keys, Yarm, Stephanie Landles (Environmental Health).

Observing: Margaret Waggott Assistant Director – Administration, Democratic and Electoral Services, Michael Fearman and Bob Cowell Environmental Health.

Also in attendance: Application for The Keys, Yarm
Simon Catterall, Solicitor representing Mistell Limited), Kendra Moffit (Manager of The Keys) and Victoria Ransom (Applicant).

Application, Yarm Fellowship Hall:
Peter Joseph Monck (Applicant)) Mrs Howarth and Mrs Cross (residents of West Street)

Apologies: None

SLS 50/17 Evacuation Procedure

The Evacuation Procedure was noted.

SLS 51/17 Declarations of Interest

There were no declarations of interest.

SLS 52/17 Statutory Licensing Sub Committee Draft Minutes from the meetings which were held on the 14th June and 27th June 2017

Consideration was given to the draft minutes of the Statutory Licensing Sub Committee meetings which were held on the 14th and 27th June 2017 for approval and signature.

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

SLS 53/17 Draft minutes form the Statutory Licensing Sub Committee which was held on the 10th October 2017

Consideration was given to the draft minutes of the Statutory Licensing Sub Committee meeting which were held on the 10th October 2017 for approval and signature.

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

**SLS 54/17 Licensing Act 2003
Application For Variation
The Keys, 65 High Street, Yarm, 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 Keys, 65 High Street, Yarm, Stockton on Tees.

An application for variation had been received from Mistell Limited, in relation to The Keys, 65 High Street, Yarm, Stockton on Tees. The proposed variation was for the following:

- To amend the condition relating to SIA registered door staff under the heading of Crime & Disorder from:

Tuesday – Minimum 5 door staff, 2 starting at 21:00, further 3 door staff starting at 22:00, all working till closing time

Friday – Minimum 8 door staff, 2 starting at 21:00, further 6 door staff starting at 22:00, all working till closing time.

Saturday – Minimum 8 door staff, 2 starting at 21:00, further 6 door staff starting at 22:00, all working till closing time

To:

Tuesday – Minimum 3 door staff required at 22:00 hours ONLY if nightclub is open

Friday – Minimum 6 door staff, 2 starting at 21:00, 2 at 22:00 and 2 at 23:00

Saturday – Minimum 6 door staff, 2 starting at 21:00, 2 at 22:00 and 2 at 23:00

- To amend the condition relating to the outside terrace area under the heading of Public Nuisance from:

The use of the terrace by customers shall be limited to 09.00 to 22.00 Sunday to Thursday and 09.00 to 23.00 Friday and Saturday.

To:

Garden/outside terrace area, Sunday to Thursday to open until 23:00; Friday & Saturday to open until midnight. Door staff to monitor the terrace area after 22:00 to keep noise levels to a minimum and also 2 extra sound checks to be carried out by management at 15 minute intervals during the extra hour.

To add supply of alcohol off the premises during the times of 15:00 to 21:00 hours Monday to Sunday (during restaurant hours).

2 representations had been received from local residents, they did not attend the meeting.

Representation had been received from Environmental Health represented by Mrs Stephanie Landles, (Environmental Health Team Leader) who attended the meeting and was given the opportunity to make representation.

Simon Catterall, Solicitor, representing Mistell Limited, Kendra Moffit, (Manager of The Keys) and Victoria Ransom, (Applicant) were all in attendance at the meeting and given the opportunity to make representation. A copy of the report and supporting documents 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.

Mr Catterall on behalf of the applicant explained the basis of the application to the Committee.

Mr Catterall explained that his client wanted a level playing field as the Black Bull in Yarm currently had a later terminal hour for the use of their beer garden and his client felt they were losing custom.

Mr Catterall explained that the last thing the premise wished to do was to fall out with their neighbours and that they had always acted to address complaints that had been received. Mr Catterall explained that door staff could supervise the terraced area and act to control its use by customers.

Mrs Landles informed the Committee that the basis of her objection was to the variation of the condition which controlled the use of the external terraced area. It was not strictly a seasonal use as the area had outside seating, heating and some of it was covered. Mrs Landles gave evidence that she was satisfied that public nuisance would be caused to local residents if the application to vary the condition was granted. Mrs Landles accepted that the Keys was a responsible operator and had always cooperated in taking proactive steps to address and mitigate complaints that had been received.

As the two persons who had made a representation were not in attendance the Committee read and considered the written representations which had been received. The Committee noted that the representations were from persons who lived in relatively close proximity to the premise on High Church Wynd.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, and to the oral submissions made.

Having carefully considered those matters brought before them and in reaching their decision, 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 also considered the oral submission made by Mrs Landles from Environmental Health.

The Committee were mindful that this was not a review of the premises licence. Some of the issues raised in the two representations received from local residents were matters that may be relevant if the licence was subject to review but were not wholly relevant to the application before the Committee.

The Committee considered each of the elements of the variation application in turn.

The Committee initially considered the aspect of the application which was clearly the most controversial, namely to vary the condition which operated to control the use of the external terrace area. It was clear to the Committee that

this was of most concern to the residents and Environmental Health. The Committee gave careful consideration to that issue and considered whether the extension as sought would undermine the licensing objectives and in particular public nuisance.

The Committee noted that the Councils current licensing policy restricted external drinking/seating areas at licensed premises within a residential area to 22:00 hours. It was noted that the external terrace area of the Keys was very closely bordered by residential properties. It had been suggested to the Committee that they should be treated in the same way as other licensed premises in Yarm who had beer gardens with a later terminal hour. The Committee were advised that the Black Bull had a beer garden with a terminal hour of twelve midnight. The Committee were mindful that each case had to be considered on its own individual merits. The Black Bull was on the opposite side of the High Street to the Keys and different considerations would apply to different premises. The Committee were clear that they had to consider the specific circumstances that applied to the Keys and consider those issues not what other premises within Yarm may or may not have.

It was noted that both persons which had made objections had previously made complaints to Environmental Health about noise and other nuisance caused by the Premise. The Committee were mindful that their consideration of the issues relating to the variation application had to focus on relevant considerations and as such had to focus on the history of complaints relating to the external terrace area and not general concerns relating to noise from within the nightclub. The Committee also gave careful consideration to the evidence from Mrs Landles who was a qualified Environmental Health Officer. Mrs Landles confirmed that she had personally witnessed the use of the external terrace area by customers and was basing her views on that. The Committee noted that this area could hold in excess of 60 customers. The Committee also noted that the applicant had not introduced or called any evidence of their own to challenge the evidence given by Mrs Landles.

Environmental Health had confirmed that there was a lengthy history of complaints relating to the premise however there were no outstanding complaints. Mrs Landles accepted that the premise did co-operate and had taken action to address issues which had been raised with them. It was noted that the premises was a responsible operator and worked closely with the relevant authorities in order to seek to address issues which were raised with them. However the main issue which the Committee had to focus was considering the location of the premise and its very close proximity to residential premises and would the licensing objectives be undermined if the application was granted?

The Committee gave consideration as to whether the applicant's suggestion that door staff would be able to control the noise levels of 60 customers and concluded that this was not workable. It was reasonable to determine that the use of the external terrace area after 23:00 with the potential for 60 plus customers whom were likely to have consumed alcohol would lead to the public nuisance objective being undermined. The Committee considered whether any additional conditions could be attached to the licence but noted that Mrs Landles as the Environmental Health Officer had concluded that there were no additional conditions which could be attached to control the potential for

customers to cause disturbance to local residents.

After considering all of the evidence the Committee decided to refuse the application to amend the condition relating to the terrace area. The Committee were satisfied from the evidence of Mrs Landles from Environmental Health that to extend the terminal hour in the terrace area would undermine the licensing objectives and that public nuisance would be caused to local residents if the use of that area was extended past 23:00.

The application to vary the numbers of door staff and the application for off sales from the restaurant had not been subject to objection from any of the responsible authorities and in particular Cleveland Police had raised no concerns about that aspect of the application.

RESOLVED that the application for a variation of a premise licence, The Keys, 65 High Street Yarm be granted to those parts of the application namely:-

To amend the condition relating to SIA registered door staff from;

Tuesday – minimum 5 door staff, 2 starting at 21:00, further 3 door staff starting at 22:00, all working till closing time

Friday – Minimum 8 door staff, 2 starting at 21:00, further 6 door staff starting at 22:00, all working till closing time

Saturday – Minimum 8 door staff, 2 starting at 21:00, further 6 door staff starting at 22:00, all working till closing time

To:

Tuesday – minimum 3 door staff required at 22:00 hours only if nightclub is open and all working till closing time

Friday – Minimum 6 door staff, 2 starting at 21:00, 2 starting at 22:00 and 2 starting at 23:00 all working till closing time

Saturday – Minimum 6 door staff, 2 starting at 21:00, 2 starting at 22:00 and 2 starting at 23:00 all working till closing time

(Note: the Committee felt it appropriate to also include the wording detailed above requiring the door staff to all work at the premise till closing time. That had not been included as part of the application but was deemed by the Committee to be appropriate).

To add the supply of alcohol off the premises during the times of 15:00 to 21:00 hours Monday to Sunday (during restaurant hours).

**SLS
55/17**

**Licensing Act 2003
Application For Variation
Yarm Fellowship Hall, 44 West Street, Yarm, 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 Yarm Fellowship Hall, 44 West Street, Yarm, Stockton on Tees.

An application for variation had been received from Yarm Fellowship Committee, in relation to Yarm Fellowship Hall, 44 West Street, Yarm, Stockton on Tees. The proposed variation was for the following:

To amend the hours for Live Music & Recorded Music

From: Friday to Sunday 17.00 – 23.00

To: Monday to Thursday 08.00 – 23.00 & Friday to Sunday 08.00 – 01.00
New Year's Eve until 02.00

To amend the opening hours

From: Friday to Sunday 17.00 – 23.00

To: Monday to Thursday 08.00 – 23.00 & Friday to Sunday 08.00 – 01.00
New Year's Eve until 02.00

There were no representations received from Responsible Authorities.

Ten representations had been received from residents of West Street and High Church Wynd.

Applicant Mr Monck attended the meeting and was 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 Howarth and Mrs Cross who 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.

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

The Applicant outlined the basis of the application to the Committee.

The Committee heard that the premise held a number of events which required Temporary Event Notices. In order to reduce the administrative burden Members of the Fellowship Hall Committee had decided to apply to vary the premises licence. There was no intention to substantially increase activity at the Hall but the hours sought would allow flexibility for community and other groups to use the hall during the day.

Mr Monck stated that as the hall was in a residential area they were very conscious of the events that they allowed to be held there. They did not, for example, allow teenage birthday parties.

Mr Monck stated that he had been surprised by some of the comments made by objectors as he was unaware that there were issues with events at the hall. Many of the issues had not been brought to the attention of Mr Monck or the committee.

Mr Monck stated that any hirers of the hall were expected to abide by the terms and conditions of hire which required doors and windows to be kept closed.

The Committee had regard to the submissions made by Mrs Howarth and Mrs Cross.

Mrs Howarth informed the Committee of the licensed hours of other parish or village halls in the Borough, in particular Egglecliffe, Worsall and Kirklevington. There licensable hours were less than those currently sought in the variation to the Fellowship Hall application.

Mrs Howarth stated that the music from the hall could often be very loud and made it difficult to sleep. Visitors to the hall leaving late at night caused disturbance. Users of the premise also did not appear to always adhere to the booking requirements as doors could be left open causing noise nuisance.

Mrs Cross reiterated and supported the comments made by Mrs Howarth. Mrs Cross appreciated that the hall was a community venue and she wished it to be a success but with limits on the hours of operation and with the amenity of residents in mind.

The Committee read and considered the written representations which had been received and which were appended to the Committee papers. The Committee noted that the representations were from persons who lived in relatively close proximity to the premise, the majority of whom resided on West Street.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the 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 considered the written submissions made by the ten local residents and also had regard to the oral submission made by Mrs Howarth and Mrs Cross. The Committee were mindful that this was not a review of the premises licence. Some of the issues raised in the representations from local residents were matters that may be relevant if the licence was subject to review but were not wholly relevant to the application before the Committee.

The Committee did have some concerns that Mr Monck was relying solely on the users of the hall to comply with the terms of hire. Mr Monck was reminded that as premises licence holder he had responsibility for ensuring the premises operated correctly and did not undermine the licensing objectives. The Committee hoped that the assurances Mr Monck had given to them would be followed through and that he would ensure steps were taken to adequately monitor the use of the hall and ensure that users of the hall did not cause nuisance to local residents.

After considering all of the evidence the Committee resolved to grant the application as follows:-

RESOLVED that that the application for a variation of a premise licence, Yarm Fellowship Hall, 44 West Street, Yarm, Stockton on Tees be granted as follows:

The hours for live and recorded music will be amended to;

Monday to Sunday – 08:00 to 23:00

New Years Eve until 01:00

The opening hours of the premises will be amended to;

Monday to Sunday – 08:00 to 23:30

New Years Eve until 01:30

The Committee resolved to attach the following condition to the licence:-

All door and windows must be kept closed when regulated entertainment is taking place except in the event of an emergency.