

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Wednesday, 28th March, 2018.

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

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

Also in attendance: Emma Moutrey (Applicant), PC James Johnson (Cleveland Police), Stephen Donaghy, Environmental Health Manager; and Michael Fearman, Environmental Health Officer, Mr Carter, Mrs Carter and Mrs Curtis (members of the public who had made representation).

Apologies: None

**SLS
67/17** **Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS
68/17** **Declarations of Interest**

There were no declarations of interest.

**SLS
69/17** **Minutes from the Statutory Licening Sub Committee Meeting which was held on the 30th January 2018**

Consideration was given to the minutes of the Statutory Licensing Sub Committee Meeting which was held on the 30th January 2018 for signature.

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

**SLS
70/17** **Minutes from the Statutory Licensing Committee Meetings which were held on the 5th February at 10.0am and 11.00am.**

Consideration was given to the minutes of the Statutory Licensing Sub Committee Meetings which were held on the 5th February 2018 for signature.

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

**SLS
71/17** **Licensing Act 2003
Application for Grant of a Premise Licence
Neanderthals Deli, 103-107 High Street, Norton, Stockton on Tees TS20
1AE**

Members of the Statutory Licensing Sub Committee considered an application for Grant of a Premise Licence Neanderthals Deli, 103-107 High Street, Norton, Stockton on Tees TS20 1AE

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

An application for grant of a premise licence has been received from Miss Emma Moutrey (Applicant), in relation to Neanderthals Deli, 103-107 High Street, Norton, Stockton on Tees TS20 1AE

The applicant had applied for a licence for the following:

Live & Recorded Music
Monday to Sunday 09.00 – 22.00

Supply of Alcohol On The Premises
Monday to Sunday 11.00 – 22.00

Opening Hours
Monday to Sunday 09.00 – 22.00

Representation had been received from Environmental Health but after discussions the applicant had agreed to conditions being placed on the licence.

Representation had been received from Cleveland Police. These representations related to crime and disorder and public nuisance objectives.

Representations had been received from Interested Parties. These representations related to crime and disorder and public nuisance objectives.

A copy of the report and supporting documents had been provided to all persons present and to members of the Committee.

Miss Moutrey the applicant explained that the premise had opened in July 2017 and her decision to seek a premises licence authorising the supply of licensable activities was led by requests from her customers. She had operated under a number of Temporary Event Notices which authorised the supply of alcohol and live music and there had been no complaints about these events. The music played in the premise was acoustic only. The building itself was purpose built and offered a good degree of noise insulation.

The Applicant also explained that there were planning conditions which applied to the premise which required that the premise was closed at 10.00 p.m.

The maximum number of people that could fit in the premise was approximately 60.

At the present time the Applicant did not feel that the Polices request for CCTV to be installed was reasonable. Miss Moutrey explained that she could install it in the future but at the present time she did not have the funds necessary to commit to the investment.

The Applicant explained that she had taken the concerns expressed by residents into account and the conditions which she had agreed with Environmental Health addressed most of the residents' concerns. By way of example the outside area would be closed to customers of the premises at 8 p.m.

Environmental Health Service Manager stated that he had diligently considered the representations made by local residents and also considered the application and the licensing objectives. Following discussion with the Applicant a number of conditions had been agreed to be included on the licence should the

application be granted. The Environmental Health Service Manager stated that these conditions would in his opinion address the possibility of public nuisance connected with the premise.

The conditions were:

1. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
2. Any regulated entertainment played within the premises shall be background music only and shall not cause a disturbance at the nearest residential premises. All music shall be played indoors only.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
4. The licence holder or his representative shall conduct periodic assessments of the noise coming from the premises when used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments and shall include, the time and date of the checks, the person making them and the results including any remedial action. All records shall be retained for one year.
5. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises. This should include placing at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles)
6. The use of the outdoor seating area by customers shall be limited from 10:00 to 20:00. There shall be no music played in the outdoor area, and no use of flood lighting likely to cause a nuisance to local residential properties.

PC Johnson of Cleveland Police informed the Committee that the Police did not have an outright objection to the application but that they felt there were a number of conditions which should be attached to the premises licence in order to ensure that the premise did not undermine the licensing objectives.

PC Johnson stated that he believed that a condition requiring the installation of CCTV was appropriate as it acted as a deterrent to crime and assisted in investigation should crime take place in or near the premise. PC Johnson was of the view that CCTV could be installed at a reasonable cost.

The Applicant had confirmed she had no objection to the following conditions being added to the licence, if granted:-

- Alcohol shall not be removed from the designated licensed area in open containers;
- All staff will be fully trained and the training must include the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's

(proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated Challenge 25 policy. Staff will receive refresher training at least every 6 months;

- Training records signed by both the staff member and the Designated Premises Supervisor/Store manager/ Business Owner will be retained for future reference and shall be updated at least every 6 months. All staff training records will be made available to the Licensing authority and/or Responsible Authorities on request;
- The business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated Premises Supervisor/Store manager/ Business Owner will check and sign each page and the refusals book will be made available to the Licensing authority and/or Responsible Authorities on request;
- The business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive, aggressive or have committed criminal acts or have had to call police for such incidents. This shall include the date and time of the incident together with a description of the incident and whether the police were called/attended. The Designated Premises Supervisor/Store manager/ Business Owner will check and sign each page and the incident book will be made available to the Licensing Authority and/or Responsible Authorities on request;
- There will be a minimum of two notices displayed on the premise indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under age the age of 18 are committing an offence;
- Children under the age of 18 years shall be accompanied by a responsible parent/guardian. Children will not be allowed at the bar or to remain in the premises beyond 21:00 hours;

The Committee had regard to the submissions made by Mr Carter and Mrs Carter and Mrs Curtis who were in attendance at the meeting. The Committee read and considered the written representations which had been received and 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 reside in Mill Street and the High Street.

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 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 local residents and also had regard to the oral submission made by Mr Carter and Mrs Carter and Mrs Curtis.

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

- Live and recorded music:

Monday to Sunday – 09:00 to 22:00

- Supply of alcohol on the premises:

Monday to Sunday – 11:00 to 22:00

- Opening hours of the premise:

Monday to Sunday – 09:00 to 22:00

The Committee resolved to attach the conditions to the licence which had been agreed with Environmental Health and Cleveland Police as detailed above.

The Committee also resolved to attach the following conditions:-

- A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with Data Protection legislation. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs. There will be a minimum of 31 days recording and the system will record for 24 hours a day. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer. The Digital recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.

There will be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or immediately if urgently required for investigation of serious crime.

Note: the Committee informed the applicant that the CCTV system should be installed at the premise as soon as possible but by no later than three months from the date of this decision.

- (a) Intoxicating liquor shall not be sold or supplied at the premise otherwise than to persons taking table meals and for consumption by such persons as ancillary to their meal.

However an exception to condition 8(a) is made for a maximum of 30 people to consume alcoholic drinks without a table meal in the premises at any given time

A further exception to condition 8(a) is made for a pre-arranged event when customers will not be taking a table meal then notice must be given in writing (note: e-mail is acceptable) to Cleveland Police and the Councils Licensing Section at least two clear days before the day of the event. A written record of these events must be kept and maintained at the premise and will be made available to the Licensing Authority and/or Responsible Authorities on request.

RESOLVED that the application for grant of a premise licence for Neanderthals Deli, 103-107 High Street, Norton, Stockton on Tees be granted for the reasons and conditions as detailed above.