

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 11th September, 2018.

Present: Cllr Paul Kirton (Chairman), Cllr Chris Clough, Cllr Mrs Kathryn Nelson

Officers: Michael Fearman (EG&DS), Jonathan Nertney (HR&LC), Leanne Maloney, Sandra Percival, Sarah Whaley (DCE).

Also in attendance: Mr Matthew Phipps, Solicitor representing Punch Taverns Limited. Mr Jason French, Designated Premises Supervisor and Mr Paul Hutchinson, Area Manager, Punch Taverns. Residents in attendance who had made representation; Mrs Olive Burdess, Mr Ken Jackson, Mrs Lesley Jackson, Mr Ken Lupton, Mr John Marchant. Ward Councillor Lynn Hall

Apologies: None

SLS **Evacuation Procedure**
16/18

The Evacuation Procedure was noted.

SLS **Declarations of Interest**
17/18

There were no declarations of interest.

SLS **Licensing Act 2003**
18/18 **Application For Variation**
The Parkwood Hotel, 64-66 Darlington Road, Stockton-On-Tees TS18 5ER

Members of the Statutory Licensing Sub Committee were asked to consider an application to vary for The Parkwood Hotel, 64-66 Darlington Road, Stockton-On-Tees TS18 5ER.

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

An application for variation had been received from Punch Taverns Limited, in relation to The Parkwood Hotel, 64-66 Darlington Road, Stockton-On-Tees TS18 5ER. The proposed variation was for the following:

To vary the layout and design of the premises with the addition of a marquee in the external area. The existing internal layout was to remain unchanged.

To add the following conditions to the premise licence:

1. The external marquee will not be used beyond 11pm on any day it is operated.
2. Regular checks of the marquee and garden area will include the removal of empty glasses and bottles, when the marquee is operated.
3. The external bar marquee will be operated by a minimum of two staff members when it is in use.
4. Staff will perform checks around the marquee area and external garden every

hour to monitor customer behaviour and noise levels. Findings will be logged and made available to inspecting officers from the local authority and/or police upon reasonable request.

To remove all Embedded Restrictions from the premises licence operating schedule, details of which were contained within the main report.

There were no representations from responsible authorities however it was noted that Environmental Health had made a representation but this was not an objection. Following discussion with the applicant conditions had been agreed which addressed the matters Environmental Health had raised.

Seven representations had been received from local residents. Five of the residents were in attendance at the meeting and given the opportunity to make representation.

Ward Councillor Lynn Hall was also in attendance at the committee meeting and was given the opportunity to speak on behalf of residents who had made representation but could not attend.

The Legal representative for Punch Taverns, Mr Matthew Phipps, Designated Premise Supervisor(DPS), Jason French and Punch Taverns Area Manager Mr Paul Hutchinson were in attendance at the meeting and given the opportunity to make representation.

Mr Phipps outlined the application and confirmed that conditions would be attached to the licence to ensure that the marquee was appropriately managed and did not cause issues which would undermine the licensing objectives.

Mr Phipps noted that there had been no objection or comment to the removal of the embedded restrictions and that they should be removed given they were now somewhat historic and no longer relevant.

Mr Phipps explained that the DPS, Mr French, was doing a great job at the premise and that he was happy to engage with local residents if they had any issues with the management of the premise. The DPS was also happy to provide his contact telephone number to local residents to enable residents to contact him directly should they experience any issues connected with the premise.

The intention of the marquee was to allow the premise to fulfil bookings for private functions.

Mr Phipps addressed the Committee on the concerns and issues which had been raised by residents in their representations. Mr Phipps submitted that some of the issues were not the responsibility of the premise and were not matters which concerned the licensing objectives.

Mr Phipps noted that the noise level which would apply to licensable activities at the marquee requested by and agreed with Environmental Health would ensure that residents would not be effected by noise nuisance by the use of the marquee.

Mr Phipps noted that the Police had not raised any representation over the application nor had any other responsible authorities.

The Environmental Health Officer stated that Environmental Health had considered the representations made by local residents and also considered the application and the licensing objectives. Following discussion with the applicant's legal representative a number of conditions had been agreed to be included on the licence should the application be granted. Mr Phipps stated that the conditions, would, in his opinion address the possibility of public nuisance connected with the variation application.

The conditions were:

1. For all events within the marquee the entertainment noise level shall not exceed 65Laeq (15 mins) measured at one metre from the façade of any noise sensitive premises. 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 and made available for inspection by any Responsible Authority.
2. The licence holder or his representative shall conduct periodic assessments of the noise coming from the (marquee part of 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.
3. 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 (marquee part of 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)
4. The use of the beer garden by customers shall be limited from 09:00 to 23:00. There shall be no use of flood lighting likely to cause a nuisance to local residential properties.

The Committee had regard to the submissions made by residents who attended the meeting and also from Ward Councillor Lynn Hall, who appeared on behalf of residents that had made representation but were unable to attend the meeting.

All parties present were given an opportunity to sum up their case with the applicant having the opportunity to make the final statement to the Committee.

Members had regard to all Committee papers, and oral submissions made at the meeting.

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 were of the view that the conditions being attached to the licence would ensure that the licensing objectives would not be undermined. The Committee noted that this was a variation application and not a review of the premises licence. The Committee considerations therefore had to be focused on the application and what was being sought by the applicant.

The Committee noted that there had been some historic issues with the premise which dated back to 2001. There was no evidence presented to the Committee that residents had cause to make any recent complaints to Cleveland Police, Environmental Health, Licensing or any other responsible authority.

The Committee noted that Environmental Health had set a specific noise limit which in their professional opinion would ensure that the residents would not be caused nuisance by the use of the marquee.

The Committee indicated that they were minded to grant the application but with the requirement that some additional restrictions be placed on the marquee. The Committee hoped that would serve as some comfort to local residents and also give the applicant the opportunity to demonstrate that the variation would operate without undermining the licensing objectives. If it did, and there was no evidence to suggest that would be the case, then the applicant was well aware that there could be a review of the premises licence.

The Committee attached the following conditions to the use of the marquee as identified on the plan:-

- The marquee must not be used before 11:00 hours or after 23:00 hours;
- The marquee must only be used on a Thursday, Friday, Saturday and Sunday;
- The number of persons permitted in the marquee at any one time (including staff) must not exceed 62 persons; and
- The Designated Premises Supervisors (DPS) contact telephone number(s) must be provided to local residents on request

The Committee also resolved to attach the conditions which had been agreed with Environmental Health and conditions consistent with the operating schedule.

The Committee agreed to remove the embedded restrictions.

RESLOVED that the application for variation, The Parkwood Hotel, 64-66 Darlington Road, Stockton-On-Tees TS18 5ER be granted with conditions as detailed above and the embedded restrictions be removed.

SLS
19/18 **Licensing Act 2003**
Application to Transfer Premise Licence & Vary DPS
Leza's Local (Formerly Express Drinks)
14 Bowesfield Lane, Stockton-On-Tees TS18 3EP

Members of the Statutory Licensing Sub Committee were asked to consider an application to Transfer Premise Licence & Vary DPS Leza's Local (Formerly Express Drinks) 14 Bowesfield Lane, Stockton-On-Tees TS18 3EP.

The Committee were informed that the prospective Designated Premise Supervisor(DPS) had withdrawn. In view of these circumstances the committee did not consider the application to vary the DPS

RESOLVED that the application was not considered for the reasons as detailed above.

**SLS
20/18**

Exempt Information

Licensing Act 2003

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