

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 20th August, 2019.

Present: Cllr Paul Kirton (Chairman), Cllr Norma Stephenson OBE, Cllr Bill Woodhead MBE

Officers: Johnathan Nertney (HR, L&C) Leanne Maloney-Kelly, Marianne Sleeman (DCE)

Also in attendance: Lee Haggath, James Harris (Cleveland Fire Brigade), Stephanie Landles (Environmental Health), Peter Charlton, Paul Maull (Applicant - Alitheos)

Apologies: No apologies were submitted.

**SLS
1/19** **Evacuation Procedure**

The Chair welcomed everyone to the meeting and the evacuation procedure was noted.

**SLS
2/19** **Declarations of Interest**

There were no declarations of interest.

**SLS
3/19** **Minutes from the Statutory Licensing Committee meeting which was held on 30th April 2019**

Consideration was given to the Statutory Licensing Sub Committee minutes from the meeting held on the 30th April 2019

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

**SLS
4/19** **LICENSING ACT 2003
APPLICATION FOR VARIATION OF A PREMISE LICENCE
ALITHEO'S BAR
391-393 NORTON ROAD, NORTON, STOCKTON-ON-TEES TS20 2QQ**

Members were asked to consider an application for the variation of a premise licence under the Licensing Act 2003 for Alitheo's Bar 391-393 Norton Road, Norton, Stockton-on-Tees, TS20 2QQ.

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

A copy of a summary report, including supporting documents and statements had been provided to the Sub Committee and to all persons present.

The Committee noted that the application was for the variation of a premise licence to include the upstairs area of the premise and to remove the following

condition on Annex 3 of the premise licence under the heading of Prevention of Public Nuisance as part of the embedded restrictions at point 3.5

Mr Charlton outlined the basis of the application to the Committee. Mr Charlton explained that the upstairs of the premise had previously been used as residential accommodation. He had listened to his customers who had expressed a wish to have a sports bar like atmosphere in the upstairs area. The external staircase had previously been used by the resident of the flat. Mr Charlton explained that he has put his heart into creating the new upstairs area of the premise.

The Committee had regard to the submissions made to them by Mr Harris and Mr Haggath from Cleveland Fire Brigade which were further detailed in the representation appended to the Committee report. Mr Harris stated that the Fire Brigade would require a protected route of escape from the first floor and that the external fire escapes were not sufficient for a licensed premise. The reason being that a fire downstairs could affect both external staircases and trap people upstairs. An external fire escape can only be used as an alternative means of escape. Mr Harris explained to the Committee the formula that the Fire Brigade use for assessing a safe occupancy for the premise. In his view and given that there are inward opening doors the capacity would be 60 persons.

It was noted that the premise had not yet been through the Building regulations approval process.

The Committee had regard to the submissions made to them by Mrs Landles from Environmental Health which were further detailed in the representation appended to the Committee report. Mrs Landles stated that in principle Environmental Health do not have an issue with the use of the upstairs of the premise. However as currently constructed there are a number of issues given that customers would have to use an external metal stair case which is very close proximity to a residents window. Mrs Landles acknowledged that she has had a number of discussions with Mr Charlton and that he has made efforts to address concerns raised but that at the present time Environmental Health's objection still stands.

Following discussions with Cleveland Police the applicant had agreed to seven conditions being attached to the premises licence a copy of which were appended to the Committee report. The Committee were invited to attach these conditions to the licences if they were minded to grant the application. 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 noted that following a visit by officers from Cleveland Fire Brigade it was their professional opinion that as there was no internal protected staircase to the first floor of the premise then the proposed variation did not meet the requirements of Approved Document B v2 (Building Regulations). The use of two external fire escapes from the upstairs of the premise was likely to undermine public safety.

It was also relevant to the representation made by Mrs Landles from Environmental Health as the potential for noise nuisance by customers of the premise using a metal external staircase was likely to affect the amenity of residents in close proximity to the premise and therefore was likely to undermine the public nuisance licensing objective.

If the applicant was to adequately address the concerns and issues raised by Cleveland Fire Brigade and ensure an internal protected stair case was installed then that may also potentially address the issues raised by Environmental Health.

The Committee noted and had regard to the submissions made to them by all parties. The Committee were satisfied that as currently constructed the upstairs of the premise could not operate as part of the licensed premise without undermining the licensing objectives and in particular that of public safety as detailed by Cleveland Fire Brigade.

The Committee refused to vary the premises licence as outlined in the application and as detailed on the plan.

The applicant was advised that it was in his interests to have early discussions with the responsible authorities in order to reach agreement on the layout and structure of the upstairs of the premise which satisfies fire safety and the legislative requirements of the Fire Brigade and the licensing objectives.

RESOLVED that the application for the variation of a Premise License – Alitheo's Bar, 391-393 Norton Road, Norton, Stockton on Tees TS20 2QQ be refused.