

## Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 25th January, 2022.

**Present:** Cllr Eileen Johnson, Cllr Marilyn Surtees, Cllr Bill Woodhead MBE

**Officers:** Natalie Hodgson, (HR,L&C), Elliot Beevers, Polly Edwards, Kirsty Wannop, Sarah Whaley (MD)

**Also in attendance:** Neal Andrew Bullock (Applicant), Cllr Ted Strike, Cllr Alan Watson, Cllr Sally Ann Watson (Ward Councillors), Peter Jones, Michael Walker (Members of the Public who had made representation)

**Apologies:** None

**SLS  
9/21**      **Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS  
10/21**      **Declarations of Interest**

There were no declarations of interest.

**SLS  
11/21**      **Licensing Act 2003 Application For Grant Of A Premise Licence The Onion  
Bistro 24 Greenside Road, Ingleby Barwick**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for Grant of a Premise Licence for The Onion Bistro, 24 Greenside Road, Ingleby Barwick, TS17 0RR.

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

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

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered the above application, full details of which appeared before Members in their committee papers.

The Committee noted that the application was for the grant of a Premises Licence as detailed in the application appended to the committee report.

It was noted that two Regulatory Authorities, Cleveland Police and Environmental Health had not made a representation as the Applicant had agreed to conditions being attached to the premises licence if granted. Details of the conditions signed by the applicant were appended to the committee papers.

The Applicant Mr Bullock explained to the Committee that he wished to amend his application in order that the start and finish times for the supply of alcohol related to the opening hours set out in the letter delivered to local residents. Mr Bullock explained that this discrepancy was due to naivety on his part. The letter from Mr Bullock was appended to the committee papers.

Mr Bullock confirmed to the Committee that he wished to amend his application as follows: -

Supply of alcohol

Monday 9:30am to 9:00pm

Tuesday 9:30am to 9:00pm

Wednesday 9:30am to 9:00pm

Thursday 9:30am to 11:00pm

Friday 9:30am to 11:00pm

Saturday 9:30am to 11:00pm

Sunday 12:00pm to 10:00pm

Hours that the premises are open to the public

Monday 9:30am to 9:30pm

Tuesday 9:30am to 9:30pm

Wednesday 9:30am to 9:30pm

Thursday 9:30am to 11:30pm

Friday 9:30am to 11:30pm

Saturday 9:30am to 11:30pm

Sunday 12:00pm to 10:30pm

Mr Bullock advised the Committee that the premises would be food led, serving freshly made Italian food, with alcohol being sold to diners to enjoy with their meals. Mr Bullock stated that the Bistro's target audience was couples and families, it was also stressed to the Committee that the sale of alcohol was ancillary to the restaurant's business.

The Committee heard that the premises would not generate litter, as it would not be serving takeaway food. It was also confirmed that no draught beers would be sold at the premises, and there was no intention to become a venue for late night drinking. Alcohol would not be sold unless being consumed by diners.

Having understood the residents' concerns in relation to anti-social behaviour in the locality, Mr Bullock explained that he hoped that the lighting and CCTV installed at the premises would assist the community.

Mr Bullock confirmed to the Committee that he had enlisted the services of a private security firm at a considerable personal cost and would continue to fund this until he felt that current issues had subsided.

Mr Bullock expressed his sympathies towards the residents, as he also lived locally and had a child who attended the local school which was close to the premises.

Residents and Councillors were given an opportunity to ask questions of the applicant.

Members of the Committee asked questions of the applicant.

The Committee had regard to the three representations received from the Ward Councillors.

Councillor Sally Ann Watson expressed that her original concerns centred around the premises' proposed opening hours. Councillor Sally Ann Watson and the other Ward Councillors had met with the Applicant Mr Bullock and had discussed opening hours, security, and parking. The Councillor explained that during this meeting, some residents had approached all three Councillors, and it became apparent from their conversations that misinformation had circulated amongst residents in relation to the premises.

The Committee heard that Councillor Sally Ann Watson was satisfied that residents' concerns had now been alleviated and advised the Committee that she was no longer concerned by the application due to the amendments the Applicant had made to the application with reduced hours for the sale of alcohol.

Councillor Ted Strike addressed the Committee and confirmed that he had been present at the Councillors' meeting with the Applicant and had also had his fears allayed as a result of the meeting and due to the amended application and was therefore content with confirmation from Mr Bullock that alcohol would only be sold to customers who were dining at the restaurant.

Councillor Strike explained to the Committee that Anti-Social Behaviour issues had reduced as a result of the installation of CCTV in the area and that the addition of further CCTV and lighting by the applicant was positive for the community. Councillor Strike informed the Committee he now supported the application.

Councillor Alan Watson addressed the Committee, who echoed the comments made by his fellow Ward Councillors and confirmed that all three Councillors now supported the application. Councillor Alan Watson confirmed to the Committee that he believed that the premises, with its CCTV and lighting, would make the area a better place to be than it had previously been.

The Committee had regard to the six representations received from residents who lived in nearby properties to the premise.

Two local residents who had made representation attended the meeting and given the opportunity to address the Committee. Members were informed that their objections were not to the bistro opening, which they welcomed, but to the sale of alcohol for the hours as set out in the application. The residents confirmed that they still wished to object to the application despite the amended application to reduce the hours between which the premises had applied to sell alcohol.

The residents expressed to the Committee that they had witnessed drug dealing and had their fences damaged in the past. One resident referred to an incident where someone had been stabbed at the parade of shops where the bistro had been built. The Committee also heard of a more recent incident where a mother and child were struck by a car in the nearby car park.

The Committee heard that the residents refuted Councillor Strike's submission that instances of anti-social behaviour had reduced and that the area had improved since the introduction of CCTV. The residents expressed their concerns and belief that the increased footfall from the premises would increase

anti-social behaviour in the locality.

Members of the Committee, Residents, and Ward Councillors parties were given an opportunity to ask questions.

All parties present, were given an opportunity to sum up their case with the Applicant invited to speak last.

Members had regard to the Committee papers, which had been circulated prior to the hearing as well as to the oral submissions made by the Applicant, Members of the Public and Ward Councillors.

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 noted that extensive conditions had been agreed between the applicant and the responsible authorities including Cleveland Police and Environmental Health. The Committee were of the view that they had to give weight to the fact that the relevant appropriate authorities had considered the application and were of the view that the proposed conditions would ensure that the premises would not undermine the licensing objectives. These conditions did seek to address the concerns which had been expressed by residents who had objected to the application.

The Committee were satisfied that the applicant understood his responsibilities and would operate the premises in a responsible manner.

The Committee noted that the residents who had objected to the application were concerned at the potential for an increase in anti-social behaviour. The Committee also noted that they must consider this application for a grant of the premises licence on its merits. The Committee were mindful that an application could not be refused based solely on residents' concerns. On balance it appeared to the Committee that the conditions agreed between the applicant and Cleveland Police, and Environmental Health, were in place to ensure that the licensing objectives would not be undermined.

After considering all of the evidence and representations, the Committee were of the view that the application could be granted subject to the amended hours as confirmed by the applicant.

The Committee granted the application with the following hours: -  
Supply of alcohol

Monday 9:30am to 9:00pm

Tuesday 9:30am to 9:00pm

Wednesday 9:30am to 9:00pm

Thursday 9:30am to 11:00pm

Friday 9:30am to 11:00pm

Saturday 9:30am to 11:00pm

Sunday 12:00pm to 10:00pm

The Committee agreed to attach the conditions to the licence that had been agreed between the Applicant, Cleveland Police and Environmental Health.

RESOLVED that the application for grant of a Premise Licence for The Onion Bistro, 24 Greenside Road, Ingleby Barwick, TS17 0RR, be granted for the reasons and with the conditions as detailed above.

**SLS  
12/21      Licensing Act 2003, Application For Grant Of A Premise Licence Greedy  
Soul Café & Deli 16 Greenside Road,  
Ingleby Barwick**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for Grant of a Premise Licence for the Greedy Soul Café & Deli, 16 Greenside Road, Ingleby Barwick, TS17 0RR.

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

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

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered the above application, full details of which appeared before Members in their committee papers.

The Committee noted that the application was for the grant of a Premises Licence as detailed in the application appended to the committee report.

It was noted that Cleveland Police and Environmental Health had not made a representation as the applicant had agreed to conditions being attached to the premises licence if granted. Details of the conditions signed by the applicant were appended with the committee papers.

The Applicant Mr Bullock explained to the Committee that he wished to amend his application in order that the start and finish times for the supply of alcohol related to the opening hours set out in the letter delivered to local residents. Mr Bullock explained that this discrepancy was due to naivety on his part. The letter from Mr Bullock was contained within the Committee papers.

Mr Bullock confirmed to the Committee that he wished to amend his application as follows: -

Supply of Alcohol  
Monday 8:00am to 7:30pm  
Tuesday 8:00am to 7:30pm  
Wednesday 8:00am to 7:30pm  
Thursday 8:00am to 9:30pm  
Friday 8:00am to 10:30pm  
Saturday 8:00am to 10:30pm  
Sunday 9:00am to 4:30pm

Hours that the premises are open to the public: -

Monday 8:00am to 8:00pm

Tuesday 8:00am to 8:00pm

Wednesday 8:00am to 8:00pm

Thursday 8:00am to 10:00pm

Friday 8:00am to 11:00pm

Saturday 8:00am to 11:00pm

Sunday 9:00am to 5:00pm

Mr Bullock advised the Committee that the premises would be a traditional deli, serving coffee, sandwiches, cold meats, cheeses and sharing boards, with alcohol being sold to customers to enjoy with their food. Mr Bullock stated that takeaway cold food would be available to purchase, but not hot food. It was also stressed to the Committee that the primary purpose of the premises was as a coffee shop, not a drinking den. The Committee heard that the premises wished to be able to offer wine or bottled beer for sale with a cheese board or a sandwich.

Mr Bullock confirmed that alcohol would not be sold unless being consumed by customers with their food, and that no draught beers would be sold at the premises.

Having understood the residents' concerns in relation to anti-social behaviour in the locality, Mr Bullock felt that he had done all he could to alleviate the residents' concerns.

Ward Councillors, Residents and Members were given an opportunity to ask questions of the applicant.

The Committee had regard to the three representations received from the Ward Councillors.

Ward Councillor Sally Ann Watson attended the meeting and was given the opportunity to make representation. Cllr Sally Ann Watson stated that she was also speaking on behalf of Ward Councillor Alan Watson.

Members heard that Ward Councillor's original concerns centred around the premises' proposed opening hours, however due to its amended hours neither Councillor continued to be concerned by the application.

The Committee then heard from Councillor Strike, who also had his fears allayed as a result of the amended hours and the amendments to the application.

The Committee had regard to the five representations received from residents residing in nearby properties.

The Committee heard from a local resident whose objection did not relate to the opening of the Deli itself, but to the sale of alcohol on the premises. The Resident confirmed that he welcomed the deli, however, did not believe that the premises needed to sell alcohol, nor should it be open past 10:00pm.

The Committee heard that the Resident making representation had a bedroom which was five metres from the premises, and he therefore believed that he would be disturbed by deliveries through the night.

The Resident also refuted that the installation of CCTV had reduced anti-social behaviour in the area and expressed to the Committee that he had witnessed drug dealing and gangs at all hours of the day and night in the area around his home.

Members of the Committee, Residents and Ward Councillors were given the opportunity to ask questions.

All parties present, were given an opportunity to sum up their case with the Applicant invited to speak last.

Members had regard to the Committee papers, as well as to the oral submissions made by the Applicant, Residents and Ward Councillors.

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 noted that extensive conditions had been agreed between the applicant and the responsible authorities including Cleveland Police and Environmental Health.

The Committee were of the view that they had to give weight to the fact that the relevant appropriate authorities had considered the application and were of the view that the proposed conditions would ensure that the premises would not undermine the licensing objectives. Those conditions sought to address the concerns which had been expressed by residents that had objected to the application, particularly in relation to the hours during which deliveries would be made and in regard to refuse collected from the premises.

The Committee were satisfied that the applicant understood his responsibilities and would operate the premises in a responsible manner.

The Committee noted that the residents who had objected to the application were concerned at the potential for an increase in anti-social behaviour, however the Committee also noted that they must consider the application for the grant of a premises licence on its own merits.

Members were mindful that an application could not be refused based solely on residents' concerns. On balance it appeared to the Committee that the conditions agreed between the applicant and Cleveland Police, and Environmental Health, were in place to ensure that the licensing objectives would not be undermined.

After considering all of the evidence and representations, the Committee were of the view that the application could be granted subject to the amended hours as confirmed by the applicant.

The Committee granted the application with the following hours: -

Supply of alcohol

Monday 8:00am to 7:30pm

Tuesday 8:00am to 7:30pm

Wednesday 8:00am to 7:30pm

Thursday 8:00am to 9:30pm

Friday 8:00am to 10:30pm

Saturday 8:00am to 10:30pm

Sunday 9:00am to 4:30pm

Conditions to be added to the Licence: -

The Committee agreed to attach the conditions to the licence that had been agreed between the Applicant, Cleveland Police and Environmental Health.

RESOLVED that the application for grant of a Premise Licence for Greedy Soul Cafe & Deli, 16 Greenside Road, Ingleby Barwick, TS17 0RR, be granted for the reasons and with the conditions as detailed above.