

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 9th August, 2022.

Present: Cllr Paul Kirton (Chair), Cllr Mick Moore, Cllr Marilyn Surtees.

Officers: Natalie Hodgson, Nigel Hart , Rebecca Jackson (DCS); John Wynn (DA&H).

Also in attendance: Mr Stephen Ashman, Director of Sales & Service, Rounton Harrogate Ltd; Ms Claire Patterson, Ms Helen Thompson

Apologies: N/A

SLS 7/22 **Evacuation Procedure**

The Evacuation procedure was noted.

SLS 8/22 **Declarations of Interest**

There were no Declarations of Interest recorded.

SLS 9/22 **Minutes from the Statutory Licensing Sub Committee which was held 11th May 2022.**

RESOLVED that the Minutes of the Statutory Licensing Sub Committee held on 11th May 2022 be agreed and signed as a correct record.

SLS 10/22 **Rountons Coffee**

Members of the Statutory Licensing Sub Committee of the Councils Statutory Licensing Committee were asked to consider an application for the grant of a premises licence under the Licensing Act 2003 in respect of Rountons Coffee, 7 Leven Road, Norton, Stockton on Tees, to which there had been a representation from responsible authorities and a local resident.

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 Sub 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.

Members noted the representations submitted by Cleveland Police which had been verbally agreed by the Applicant but had not yet been signed. Two representations had initially been received from Environmental Health detailing proposed conditions which had been agreed by the applicant, and therefore Environmental Health had subsequently withdrawn their representation.

Mr Ashman (Applicant) explained to the Sub-Committee that the business

operating from the premises was coffee led. The application for the grant of a Premises Licence was in order to allow the business to offer alcohol for sale in addition to coffee, tea and soft drinks, to make their business more attractive to customers.

Members were given an opportunity to ask questions of the applicant, during which it was noted that it was intended that refreshments could be consumed both indoors and outdoors on the premises, that under 18's would need to be accompanied by an adult after 20.30 hours, and that the supply of alcohol would only be by waiter/waitress service or digital App, or by allowing a maximum of 10 persons at any one time waiting at the bar. Members also referred to the fact that the fence between the two properties was a domestic type which could be overlooked, and that the Applicant could consider investing in the erection of a higher, thicker fence that might restrict visibility further and reduce noise. The applicant reported that this had not been suggested as a condition by the Council.

The objector was also given the opportunity to ask questions of the Applicant.

The Sub Committee then heard from the local resident who objected to the application who emphasised that there was already an unpalatable degree of noise associated with their business at present without any alcohol being permitted, and that should it be granted, the noise levels would only increase further and add to the noise impact and stress she was already experiencing. She advised the Sub Committee that she was also aware of the presence of rats attracted to the food waste.

Members of the Sub-Committee and the Applicant were given an opportunity to ask questions. The Applicant advised that he had not received any complaint to date from the resident regarding any of the issues raised at the meeting.

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

Members had regard to the Sub-Committee papers, which had been circulated prior to the hearing as well as the oral submissions made by the applicant and all parties present at the hearing.

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 Sub-Committee noted that the proposed operating schedule ensured that there would be extensive conditions applied to the licence which would ensure the premises did not undermine the licensing objectives. These conditions also seek to address the concerns which had been expressed by the resident who had objected to the application.

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

The Sub-Committee noted that the resident who had objected to the application was concerned at the potential for noise nuisance from the premises. The Sub-Committee also noted that they must consider this application for a grant of a premises licence on its merits. The Sub-Committee were mindful that an application could not be refused based solely on residents' concerns. The Sub-Committee gave weight to the fact that Cleveland Police and Environmental Health were satisfied that their respective proposed conditions, as agreed by the applicant, would ensure that the operation of the premises would not undermine the licensing objectives.

After considering all of the evidence and representations, the Sub-Committee were of the view that the application could be granted subject to the proposed conditions as agreed with the applicant.

The Sub-Committee granted the application with the following hours:-

Supply of alcohol

Monday to Sunday 09:00am to 10:30pm.

Conditions to be added to the Licence:-

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

The Sub-Committee noted that the agreed conditions to be added to the Premises Licence include a restriction on the use of the premises' outdoor area to 25 people at any one time, and provide that the garden area is not to be used after 8:00pm.

The Sub-Committee clarified that Condition 10 of the conditions agreed with Cleveland Police means that table service must be used at all times, both inside and outside the premises, except for 10 people standing at the inside bar area.

RESOLVED that the application for grant of a Premise Licence for Rountons Coffee, 7 Leven Road, Stockton on Tees, be granted for the reasons as detailed above.