

## **DELEGATED**

## **AGENDA NO.**

## **REPORT TO THE STATUTORY LICENSING COMMITTEE**

**9 August 2022**

### **LICENSING ACT 2003 APPLICATION FOR GRANT OF A PREMISES LICENCE ROUNTONS COFFEE, 7 LEVEN ROAD, NORTON, STOCKTON-ON-TEES**

#### **SUMMARY**

The purpose of this report is for Members to determine an application for the grant of a premises licence under the Licensing Act 2003 to which there has been representation from responsible authorities and a local resident.

#### **RECOMMENDATION**

That Members determine the application.

#### **THE APPLICATION**

1. An application for the grant of a Premise Licence has been received Rountons Coffee, 7 Leven Road, Norton, Stockton-On-Tees. A copy of the application form which includes the applied for licensable activity details is attached at Appendix 1.

#### **RESPONSIBLE AUTHORITIES**

2. A representation was received from Cleveland Police and suggested conditions were verbally agreed but not signed for by the applicant. Copies of the representation and suggested conditions are attached at Appendix 2 & 3 respectively.
3. Two representations were received from Environmental Health and suggested conditions were agreed and signed by the applicant. Copies of the representations and suggested conditions are attached at Appendix 4, 5 & 6 respectively. With the agreed conditions Environmental Health have withdrawn their representations.

#### **INTERESTED PARTIES**

4. A representation has been received from a local resident. The representation relates to the Prevention of Public Nuisance objectives. A copy of the representation is attached at Appendix 7.
5. Licensing officers have discussed the proposed conditions and times of use for the outside area with the resident, however as the resident lives directly next door to the premises she claims the activity at the premises will have a detrimental effect.

#### **ADDITIONAL INFORMATION**

6. At a meeting between the applicant, Licensing and Environmental Health it was agreed that the use of the outside area would cease by 20:00 each night and that the numbers would be reduced from 50 – 25 covers. The applicant verbally agreed to using an ordering App for outside customers allowing them to remain seated.

7. The application, completed by the applicant states the premises will operate table service only. However, during the consultation period, the applicant as asked to relax this condition, claiming that it would be difficult to stop 'inside' customers approaching the bar to order drinks.
8. Cleveland Police discussed the possibility that a condition was added to the licence so a maximum 10 standing customers could be allowed at any one time inside the premises only.
9. Members will need to consider the proposed amendment to the original application regarding table service at the meeting. Suggested conditions could be:
  - Table service at all times both inside and outside the premises.
  - Table service at all times outside the premises.
  - Table service at all times both inside and outside the premises, excluding a maximum of 10 vertical drinkers at the inside bar area only.
10. A Google Street map, street view and ariel view showing the location of the premises is attached at Appendix 8.

## LEGISLATION AND POLICY CONSIDERATIONS

7. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and Section 182 Revised Guidance issued on April 2018 under the Licensing Act 2003 when determining this application. Copies of which can be found at:  
[www.stockton.gov.uk/media/1962147/licensing-act-policy-010221-accessible.pdf](http://www.stockton.gov.uk/media/1962147/licensing-act-policy-010221-accessible.pdf)  
[www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003](http://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)

Current Council Policy states:

*'The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern. An operating schedule should include information which is necessary to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.'* Pg 9.

8. Members are also reminded of the provisions of the Live Music Act 2012 and amended in 2015, which reduces regulation surrounding live music in small venues. Businesses granted a premise licence for the sale or supply of alcohol for consumption on the premises have an automatic entitlement to live or recorded music inside and outside under this legislation if:
  - it takes place between 08:00 – 23:00 and
  - the audience is no more than 500 people.

More information on the above legislation can be found at:

[Live Music Act 2012 - Explanatory Notes \(legislation.gov.uk\)](http://legislation.gov.uk)

## MEMBERS OPTIONS

9. Members must carry out their functions with a view to promoting the four licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

Members may consider the following options:

1. To refuse the application.
2. To grant all or part of the application subject to the necessary conditions to promote the four licensing objectives.

## ASSOCIATED PAPERS

11. The following appendices are attached for information:
- Appendix 1. – Application
  - Appendix 2. – Cleveland Police Representation
  - Appendix 3. - Cleveland Police – Suggested Conditions
  - Appendix 4 - Environmental Health – Representation
  - Appendix 5 - Environmental Health – Suggested Conditions
  - Appendix 6 - Environmental Health – Suggested Condition
  - Appendix 7 - Residents Representation
  - Appendix 8 - Google Street Map, Street View & Aerial View of Location

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**Financial Implications:**

None

**Environmental Implications:**

The Licensing Act 2003 requires the Licensing Authority to have regard to:

- Public Safety.
- The Prevention Of Public Nuisance

Any conditions imposed should reduce the potential for environmental harm.

**Community Safety Implications:**

The Licensing Act 2003 requires the Licensing Authority to have regard to:

- The Prevention Of Crime And Disorder

Any conditions imposed should reduce the potential for crime and disorder.

**Legal Implications:**

Depending upon the determination of this application Schedule 5 of the Licensing Act 2003 provides the applicant, the holder of a licence and/or any person who made a relevant representation in relation to the application, with the right of appeal to the Magistrates' court.

**Human Rights Implications:**

Members should have regard to Human Rights Act when determining this application

**Background Papers:**

Stockton Borough Council Licensing Policy Statement and Licensing Act 2003 Section 182 Guidance

**Ward(s) and Ward Councillors:**

Norton North – Steve Nelson & Lisa Evans