

**LICENSING SUB-COMMITTEE A**

A meeting of the Licensing Sub-Committee A was held on 29 March 2016.

**PRESENT:** Councillors S Biswas (Chair); G Purvis and J Rathmell

**ALSO IN ATTENDANCE:** Mr J Taylor - Applicant  
Mr L Fawcett - Objector

**OFFICERS:** B Carr, J Etherington, J Hodgson and S Vickers

**APOLOGIES FOR ABSENCE** Councillor J A Walker.

**DECLARATIONS OF INTERESTS**

There were no Declarations of Interest made by Members at this point of the meeting.

15/2 **APPLICATION FOR PREMISES LICENCE - UNIT 1, LINTHORPE ROAD, MIDDLESBROUGH - REF: OL/16/05**

A report of the Assistant Director of Improving Public Health had been circulated outlining an Application for a Premises Licence in relation to Unit 1, 248 Linthorpe Road, Middlesbrough - Ref: OL/16/05.

**Summary of Proposed Licensable Activities:**

Provision of Late Night Refreshment - 11.00pm - 1.00am  
Plays, Live Music, Recorded Music, Performance of Dance, Supply of Alcohol - 11.00am - 1.00am daily.

Full details of the application and accompanying operating schedule had been reproduced at Appendix 1 to the report.

The Chair introduced those present and outlined the procedure to be followed at the meeting. The applicant confirmed that he had received a copy of the report.

The Senior Licensing Officer presented the report in relation to an Application for a Premises Licence in relation to Unit 1, 248 Linthorpe Road, Middlesbrough, as outlined above.

**Details of the Application**

The premises consisted of a commercial unit located on Linthorpe Road close to other commercial premises and residential properties.

The responsible authorities had been notified with regard to the application and the application had been advertised in the Evening Gazette on 6 February 2016.

**The Representations**

On 25 February 2016 a representation was received from Les Fawcett, a local resident, which objected to the application on the grounds of public nuisance. A copy of that representation was attached at Appendix 2 to the report.

On 3 March 2016 a representation was received from Cleveland Police which objected to the application on the grounds of the prevention of crime and disorder. A copy of that representation was attached at Appendix 3 to the report. The Police had subsequently withdrawn their objection to the application following agreement with the applicant to include a number of conditions on the Premises Licence. A copy of the agreed conditions was circulated to all those present at the meeting.

**Applicant in Attendance**

The applicant advised that the Premises Licence was for a restaurant rather than a public house and alcohol would only be served when food was purchased. In relation to the concerns with regard to noise, the Sub Committee was advised that sound limiters would be installed at the premises. The music would be background music or music provided by pianists or guitarists which would not be heard outside the premises.

With regard to the issues with parking on Linthorpe Road, the applicant advised that the premises would have little control over where customers would park, however he did not envisage that there would be much of an impact in relation to the premises.

The applicant had invested over £250k in renovating the premises which had been vacant for over four years and it was envisaged that twenty five staff would be employed at the premises.

The premises would operate the Challenge 25 policy and CCTV would be installed as per the conditions suggested by the Police. Any music at the premises would be relayed through a sound device and it would be limited to a specified level.

### **Mr Fawcett - Objector**

The Sub Committee was advised that Mr Fawcett was representing residents of Pelham Street and the outlying area. Mr Fawcett advised that residents were not against the idea of a restaurant but they did have concerns with regard to waste disposal and where it would be stored.

The residents were also concerned about the fact that the premises were advertising wedding and engagement parties, and the level of noise emanating from the parties could increase.

Residents were also concerned about parking in the area. Many of the outlying streets close to Linthorpe Road operated residents' car parking schemes and often customers parked their car in the streets and left them there until late at night. Residents were subject to the noise of cars revving up at 1.00am and 2.00am in the morning and many of the residents were elderly and found it difficult to sleep because of the noise.

Residents were also concerned about the noise coming from smokers gathering outside the premises. The Sub Committee was advised that it was not only the elderly that would be affected by the noise, young children and students were also affected.

In response to the concerns from residents, the applicant advised that the waste would be placed in a refuse container in a storage area within the building. With regard to wedding bookings, the wedding party bookings involved a meal with background music and if the wedding party wanted to dance, they could go elsewhere later.

The applicant advised that he wanted the premises to maintain a good working relationship with residents. He advised that if residents had concerns about dancing at the premises, he would remove it from the application. The applicant confirmed that the premises did not have a dedicated dance floor.

In response to a query the applicant confirmed that the DPS for the premises would be his wife.

### **Summing Up - Applicant**

The Applicant advised that this was a simple application for a restaurant, not a nightclub. The unit had been vacant for over four years and over £250k had been invested in the business and it was proposed to create twenty five new jobs. The Applicant advised that the premises would be operated in a responsible manner and would uphold all of the licensing objectives. He advised that he had agreed to all of the conditions proposed by the Police being included on the licence.

### **Summing Up - The Objector**

Mr Fawcett advised that residents in Pelham Street and the outlying area had suffered problems with noise and had encountered issues with waste disposal for some time. He requested that the Applicant adhere to the licensing objectives, operate the premises in a responsible manner and consider the elderly residents, the young children and students when operating the premises.

It was confirmed that there were no further questions and all interested parties other than the officers of Legal Services and Members Office, withdrew whilst the Committee determined the application.

Subsequently all the parties returned and the Chair announced the Committee's decision.

### **DECISION**

In reaching the decision Members considered the following:-

1. The Licensing Act 2003 and amended Government Guidance issued under Section 182 of the Act.
2. Middlesbrough Council's Licensing Policy.
3. The case presented by the Applicant.
4. The representation made by the objector on behalf of residents of Pelham Street and the outlying area.

The Sub Committee **ORDERED** that the Application for a Premises Licence in respect of Unit 1, 248 Linthorpe Road, Middlesbrough, Ref: OL/16/05 be **Granted** for the proposed licensable activities listed in the application (excluding the Performance of dance, as requested by the applicant) and subject to the inclusion on the licence of the following conditions put forward by Cleveland Police, as agreed by the applicant:-

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and will be correctly time and date stamped.

The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with Data Protection legislation.

The CCTV will be capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.

There will be a minimum of 31 days recording.

The system will incorporate a means of transferring images from the hard-drive to a format that can be played on any desktop computer.

The Digital recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.

There will be at all times, a member of staff on duty who is trained in the use of the equipment and upon receipt of a request for footage from a responsible authority, such as Cleveland Police or any other responsible authority, be able to produce the footage within a reasonable time, for example, 24 hours or immediately if urgently required for investigation of serious crime.

Alcohol to be sold as an ancillary to a table meal.

An incident book will be kept and maintained on the premises at all times. The book will detail in brief, incident of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to Police/Authorised Licensing Officers on demand.

All staff will be fully trained on a 3 monthly basis and training must include the laws relating to the sale of alcohol to underage persons and persons appearing to be under the influence of alcohol. Staff will receive refresher training at least every 3 months.

Training records will be signed by both the staff member and the Designated Premises Supervisor/Business Owner and will be retained for future reference and shall be updated every 3 months. All staff training records will be made available to the Licensing Authority and or/Responsible Authorities upon request.