
LICENSING SUB COMMITTEE B

A meeting of the Licensing Sub Committee was held on 9 August 2005.

PRESENT: Councillor Porley (in the Chair), Councillors J A Jones and A E Ward.

OFFICIALS: M Cooper, K Cummins, L Cummins, A Gray, T Hodgkinson, J Hodgson, I Nicholls, P Taylor and S Vickers.

ALSO IN ATTENDANCE:

Present for Agenda item 4 – The Coronation Inn, Acklam Road, Middlesbrough

Applicant: G Newson (Licensee), Nigel Whitfield (Regional Manager, Wolverhampton Breweries), D Temkin – John Gaunt & Partners Solicitors, representing applicant.

Responsible Authority: Y Taylor (Legal) and P C J Graham (Licensing) – Cleveland Police.

Ward Councillor for Kader Ward representing residents: Councillor Harris.

Residents: Mr P Cooper, Mr R Watson, Mrs W Lord, Mrs E Baker, Mr and Mrs Cunningham

Present for Agenda Item 5 – The Saltersgill Hotel, Saltersgill Avenue, Middlesbrough

Applicant: K Shears and D Rowlands, Business Relations Managers, Punch Taverns plc (J McDougal and J Blackmore, Punch Taverns plc - in attendance as observers)

Responsible Authority: Y Taylor (Legal) and P C J Graham (Licensing) – Cleveland Police.

AN APOLOGY FOR ABSENCE was submitted on behalf of Councillor Regan (Chair)

APPOINTMENT OF SUBSTITUTE

Councillor Porley was in attendance to act as a substitute for Councillor Regan.

DECLARATIONS OF INTEREST

No Declarations of Interest were made at this point of the meeting.

LICENSING ACT 2003 – APPLICATION TO VARY PREMISES LICENCE – CORONATION INN, ACKLAM ROAD, ACKLAM, MIDLESBROUGH – REF: MBRO/PROO60/018328

The Head of Community Protection submitted a report outlining an Application to Vary the Premises Licence for the Coronation Inn, Acklam Road, Middlesbrough.

Current Licensable Activities

Sale by retail of alcohol for consumption on and off the premises.

Current Hours of Licensable Activities

11.00 am to 11.00 pm Monday to Saturday.
12 noon to 10.30 Sundays

Summary of Proposed Variation of Licensable Activities

To include the following regulated entertainment:-
Live/Recorded Music, Dancing, Indoor Sporting Events, Late Night Refreshment

Summary of Proposed Variation to Hours for Licensable Activities

10.00 am to 12 midnight Monday to Thursday
10.00 am to 1.00 am Friday – Saturday
11.00 am – 12 midnight Sunday

Premises to open for licensable activities to show the broadcast of televised sporting events or international interest outside the normal operating hours.

Premises to remain open to the public for an additional half hour following the end of licensable activities.

Full details of the Application and Operating Schedule were attached at Appendix 1.

The Chair introduced those present and outlined the procedure to be followed at the meeting.

The licensee, the Regional Manager for the Brewery and the legal representative were present at the meeting and confirmed that a copy of the report and the Regulation 6 Notice had been received.

The Principal Licensing Officer confirmed that there were no absent parties and presented the report which was confirmed as being an accurate representation of the facts by the applicant's legal representative.

Applicant in Attendance

The applicant's legal representative confirmed that prior to the hearing, an agreement had been reached with Cleveland Police to amend the Operating Schedule to include the following conditions.

- To maintain a fully up to date incident book at all times .
- Glassware of any type should not be allowed to enter or leave the licensed area under the customer's care.
- Regular attendance at the appropriate Pubwatch scheme.
- No time-led of all inclusive drinks promotions at the premises.
- All drinking glasses to be made from toughened glass.
- Consumption of alcohol to cease 30 minutes after the sale of alcohol ceases
- No person should consume any drink or be allowed access to the beer garden after 11.30pm on any evening.

In addition agreement had been reached with the Environmental Health Officer (Noise) to amend the Operating Schedule to include the following additional comments. As a result the Environmental Health Officer (Noise) representation was withdrawn.:

- Secondary glazing to be installed in the Function Room within six months
- No noise or vibration will emanate from the premises so as to cause a nuisance or disturbance to nearby properties.
- No dancing to take place on the premises other than in the function room.

In response to a query by the Chair the applicant confirmed that the piped music relayed to the Beer Garden was background music only.

The Solicitor representing the applicant spoke in support of the Application to Vary and addressed the outstanding issues raised within the submitted report and by the objectors.

- The applicant was aware of his duties under the four Licensing Objectives of the Licensing Act 2003.
- The applicant was keen to address the concerns of local residents of which he had previously been unaware. No direct complaints had been made to him prior to the Application being made and the licensee would be agreeable to hold a meeting in the Function Room for discussion with residents and Responsible Authorities.

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- The premises was a community public house and there was no wish on behalf of the management to repel those living nearby but to encourage local residents to patronise the premises.
 - The application was relatively modest in terms of extra hours. Food was to be available, there was a large no smoking area and the desire was to attract local families and children.
 - The applicant was prepared to offer the following as Conditions of the Licence in order to address residents concerns:
 - That when Regulated Entertainment (live or recorded music) was being presented in the upstairs Function Room all doors and windows would remain closed except for entry and egress.
 - That dancing would only be allowed to take place in the upstairs Function Room on an ad hoc basis.
 - That all Regulated Entertainment would cease 30 minutes before the terminal hour.
 - That the noise from the two outside speakers in the beer garden would be controlled by a separate system
 - Notices would be placed at every exit to remind patrons to leave quietly
 - Notices would be placed in car park prohibiting Ball Games.
 - Notices would be placed inside the premises requesting patrons to wait outside for taxis and so avoid the noise of loud taxi horns.
 - Staff would be advised to be vigilant and enforce these notices.

The Licensee was the Secretary of the Local Pub Watch Scheme and had a good relationship with the Police.

The legal representative advised that it was not the applicant's intention to provide live entertainment every night of the week but only 100 per year. It was pointed out that some of the anti social behaviour experienced by residents might not be caused by patrons from the Coronation but possibly another venue nearby.

The Area Manager for the premises spoke in support of the application and advised that there was no intention on the part of the Management to turn the pub into a night club. The premises had been refurbished eighteen months ago and was a community public house for everyone, offering pool, darts, food and some functions. There was no desire to upset local residents.

The Licensee of the premises also addressed the Committee and made reference to fact that in the nine months that he had been the Manager he had not received any direct complaints regarding music noise.

Complaints regarding ball games in the car park on Middlesbrough Football Match days had been dealt with by opening the Function Room for children waiting for transport to the Ground. The beer garden had been re-sited from the back of the premises to the front away from local housing. The Licensee confirmed that he had clamped down on rowdy gangs of youths drinking in the premises and that his intention was to keep a good public house.

At this point the Committee had no questions.

Relevant Representations

The following Representations had been received:

Cleveland Police had objected to the application to increase the hours on the grounds of prevention of crime and disorder and the prevention of public nuisance.

A representation had been received from Middlesbrough Council's Environmental Health Officer objecting to the increase of licensable activities on the grounds of public safety.

A representation had been received from Middlesbrough Council's Environmental Health (Noise) objecting to the application to increase the hours and vary the entertainment on the grounds of public nuisance.

Representations had also been received from Councillor Hazel Pearson OBE in her capacity as a local resident (public nuisance), Councillor Harris objecting on behalf of local residents (noise nuisance), Kader Community Council (noise nuisance and anti social behaviour) and also numerous representations from other local residents (noise nuisance and anti social behaviour).

Full details of these objections were included as appendices to the submitted report.

Police In Attendance

The Police Licensing Officer and Legal Representative were invited to outline their Representations

The following points were made:

- Premises in a residential area and the application does not meet paragraph 42 of Middlesbrough Council's Licensing Policy.
- Police were requiring common-sense Conditions to ensure Crime and Disorder does not take place at the premises.
- The applicant had agreed to all Conditions specified by the Police with the exception of those two relating to CCTV Cameras at the premises and the provision of two SIA registered door supervisors to be on duty when the premises were open from midnight until closing time.
- Door Supervisors were only required to be on duty for 3 hours out of a total of 117.5 hours and this was considered to be proportionate.

The Police provided details of incidents and disturbances at the premises which had been recorded during the last twelve months and which supported their request for CCTV cameras to be installed inside and outside the premises. It was claimed that an increase in hours without the installation of CCTV and presence of Door Supervisors after midnight would lead to increased incidents of crime and disorder.

Environmental Health Noise Team in attendance

An officer from Middlesbrough Council's Environmental Health (Noise) Team was present and confirmed that the Conditions previously requested had been agreed prior to the meeting and would form part of the applicants Operating Schedule. Therefore the Representation on the grounds of public nuisance had been withdrawn.

The officer confirmed that the amendment of the Operating Schedule to read:

"Noise or vibration shall not emanate from the premises so as to cause a nuisance or disturbance to nearby properties"

may be difficult for the applicant to uphold and that the Noise Team had agreed to work with them to ensure that residents were not affected.

In response to a query raised by the Committee it was confirmed that the premises would be monitored.

Environmental Health and Safety Officer in attendance

An officer from the Environmental Health and Safety team was in attendance and outlined concerns under the grounds of public safety in premises. The following conditions were suggested to be imposed:

1. Dancing to be restricted to first floor Function Room.
2. Dance floor in the Function Room to be of a suitable construction.
3. Dancing to be confined to a suitably designated and segregated dance floor area.
4. No smoking or cigarettes to be taken on to the dance floor.

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5. Notices to be displayed to confirm no smoking or cigarettes allowed on the designated dance floor.
 6. A member of staff to be designated to ensure compliance with the “No Smoking/Drinking on the Dance Floor” condition.

Representations from local Residents/Ward Councillor

Local residents were invited to outline their objections to the application and confirmed that Councillor Harris, Ward Councillor for Kader, would speak on their behalf. Councillor Harris stated that he and local residents were opposed to the application for the following reasons:

- The applicant’s presentation had not allayed their fears. Any improvements to be made should have been undertaken before.
- Late drinking was not appreciated in a community public house.
- Noise from the function room would not be contained inside as the windows would be opening during the presentation of live entertainment.
- The premises had had a lot of complaints. The Licensee had only been there nine months and had no grounds to ask for an extension of hours.
- Local residents had suffered for a long time with unacceptable behaviour from patrons of the premises – swearing and foul language, late night noise, broken glass and bottles thrown over fences, urinating in gardens.
- Longer hours would lead to an increase in anti social behaviour and public nuisance.

In addition to Councillor Harris’ comments the local residents in attendance provided various examples of anti social behaviour currently experiences as a result of patrons of the premises and considered that these problems would increase and worsen should the additional hours be granted.

In response to a Member’s query as to the grounds for the requirement of CCTV at the premises the police responded that it would aid the prevention and assist detection of crime and disorder and public nuisance in the area and also protect staff and patrons at the premises.

SUMMARIES

The police were invited to provide a summary of their objection and the Police Licensing Officer confirmed that history and experience had shown that longer hours resulted in an increase in crime and disorder. The police would withdraw their objections, which were appropriate and proportional, if the applicant would agree to the two outstanding conditions relating to door supervisors and CCTV.

The officer from the Noise Team summarised that their conditions put forward had already been agreed and therefore their objection had been withdrawn.

The Environmental Health Officer (Health and Safety) confirmed the requirement for the conditions previously outlined to the Committee to be met by the applicant.

The solicitor for the applicant summarised that basically the police did not object to the variation of the hours. The conditions that had been agreed by the applicant prior to the meeting would alleviate many concerns regarding the application. It was hoped that the Council would take a light touch in line with Government Guidance and also take note of the attitude of the applicant who had a lot to loose and wished to promote a partnership with local residents.

It was confirmed that there were no further questions and those present, other than representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee determined the application.

Subsequently all interested parties returned to the meeting whilst the Chair announced the Committee's decision.

DECISION

ORDERED as follows:

1. That the Application to Vary the Licence be granted subject to the amendment to the opening hours as follows:

10.00 am to 12 midnight Monday to Saturday
11.00 am to 12 midnight Sundays.
2. That the Licensable Activities to include the following regulated entertainment:
Live/Recorded Music, Dancing, Indoor Sporting Events, Late Night Refreshment.
3. That a Temporary Events Notice be sought for the premises to open for licensable activities to show the broadcast of all televised sporting events or international interest outside the normal operating hours.
4. That the applicant's Operating Schedule be amended to include the conditions requested by the Police and numbered 4 to 9 in the Police representation (Appendix 2 of the report).
5. That the Operating schedule be further amended to include the additional conditions: agreed with the Environmental Health Officer (Noise) as follows:
 - Secondary glazing to be installed in the Function Room within 6 months.
 - No noise or disturbance will emanate from the premises so as to cause a nuisance or disturbance to nearby properties.
6. That CCTV cameras be installed internally and externally by the Second Appointed Day (24 November 2005) with tapes to be kept for a minimum of 31 days in a locked and secure box.
7. That the Health and Safety Conditions outlined at the meeting (set out above) be imposed as a Condition of the Licence.

Reasons for the decision

The reasons for the decision of the Licensing Sub Committee B were as follows:

- i) The Application was considered on its own merits, taking into account the four Licensing Objectives of the Licensing Act 2003.
- ii) Consideration was given to the following paragraphs of the Government Guidance of the Licensing Act 2003 issued by the Secretary of State:

Appendix D paragraph 7.20 – Crime and Disorder
Appendix G paragraph 7.38 – Public Nuisance
- iii) Consideration was given to the following paragraphs of Middlesbrough Council's Licensing Policy:

Page 10 paragraph 42 – Licensed Premises in residential areas
Page 10 – 15 paragraph 38 – Prevention of nuisance
Pages 17 and 18 – Crime and Disorder

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- iv) Consideration was given to the Representations made by the Police, Environmental Health (Health and Safety) Officer and the Environmental Health (Noise) Officer.
 - v) Consideration was given to the case made by the Applicant and his legal representative.
 - vi) Consideration was given to the representations made by Councillor Harris (Ward Councillor – Kader Ward) on behalf of local residents, Kader Community Council and local residents on the grounds of public nuisance, crime and disorder and anti social behaviour.

LICENSING ACT 2003 – APPLICATION TO VARY PREMISES LICENCE-SALTERSGILL HOTEL, SALTERSGILL AVENUE, MIDDLESBROUGH

Applicant: K Shears and D Rowlands, Business Relations Managers, Punch Taverns plc (J McDougal and J Blackmore, Punch Taverns plc - in attendance as observers)

Responsible Authority: Y Taylor (Legal) and P C J Graham (Licensing) – Cleveland Police.

The Head of Community Protection submitted a report outlining an application to vary the Premises Licence for the Saltersgill Hotel, Saltersgill Avenue, Middlesbrough as follows:

Summary of Proposed Variation to Hours for Licensable Activities:

11.00am-12 midnight	Monday
11.00am- 11pm	Tuesday and Wednesday
11.00 am – 12 midnight	Thursday to Saturday
12 noon – 10.30 pm	Sunday

An additional hour on various notable dates through the year (Bank Holiday Weekends)

No variation to the Licensable Activities was applied for. These were to remain as previously ie. Sale by retail of alcohol for consumption on and off the premises and Live/Recorded Music, Dancing.

The applicant confirmed receipt of the Regulation 6 Notice giving notice of the Hearing.

The Principal Licensing Officer advised that prior to the meeting correspondence had been exchanged between the applicant and the Principal Trading standards Officer in connection with the objection to increase the hours on the grounds of the prevention of crime and disorder and the protection of children from harm. As a result agreement had been reached prior to the meeting and the representation had been withdrawn.

Prior to the commencement of the meeting an agreement had been reached between the Police and the applicant to amend the Operating Schedule to include additional conditions as follows:

- Maintain an incident book at all times
- Designated premises supervisor to attend the Pubwatch Scheme
- No drink to leave the licensed area in an glass, open bottle or other container
- All glasses to be made of toughened glass
- The premises to have a written drugs policy and an approved drugs box.

The condition regarding time-led drinks promotions had been withdrawn by the police.

The Principal Licensing Officer presented the report and appendices and the applicant confirmed that this was an accurate representation of the application.

It was confirmed that there were no question at this point.

APPLICANT IN ATTENDANCE

The applicant confirmed that there were no witnesses to be called (Licensing Act 2003 - Regulation 8 – Hearings Regulations 2005).

The applicant advised that they would respond to the objections by the Responsible Authorities as appropriate.

Relevant Representations

Police

The Licensing Officer and the solicitor representing Cleveland Police were in attendance and outlined the basis of their objection to increase the hours on the grounds of the prevention of crime and disorder.

It was confirmed that the condition for the premises to be fitted with colour, digital CCTV both inside and out was the only condition outstanding.

The Police requested consent to introduce a summary of recorded incidents at the premises. However, the applicant pointed out that this had not been circulated within the statutory time limit of the Licensing Act 2003 and should be disallowed. Reference was made to the Government Guidance (Paragraph 5.68). Legal guidance was sought from Legal Services which confirmed that the information could be considered and the Committee agreed to proceed.

The police representative presented the summary of incidents and disturbances at the premises which reinforced the Police representation and requirement for the installation of a digital colour system to provide good quality Court evidence.

The applicant responded that the premises was already fitted with a three camera black and white system which had been installed by the current licensee and they saw no reason to upgrade this.

Environmental Health Officer (Noise)

The Environmental Health Officer (Noise) was in attendance and amplified the representation on the grounds of public nuisance as set out in Appendix 2 of the submitted report.

The applicant advised that the licensee had now taken action on the issue of noise from regulated entertainment and had an alarm fitted to the back doors of the premises.

All parties were invited to sum up.

SUMMARIES

The police legal representative advised that this application had been treated on its own merits. The basis of their representation was that longer hours would lead to an increase in crime and disorder. The installation of colour CCTV was a necessity in this area and would assist the police and protect the licensee and residents. If the applicant would agree to upgrade the existing system then the police would withdraw their objection, as all other conditions had previously been agreed.

The Environmental Health (Noise) officer summed up that the licence holder was not currently addressing noise problems and the suggested conditions would help to control noise nuisance although exterior noise was a major concern.

The applicant summarised that the most recent complaint of a drunk person in the car park had been in June 2005. The current landlady had local knowledge and it was not necessary to upgrade the CCTV but merely an aspirational request on the part of the police. They agreed to store tapes for 31 days but to upgrade the system would cost thousands of pounds. Reference was also made to Paragraph 7.13 of the Government Guidance to the Licensing Act 2003 relating to "Duplication with other statutory Provisions".

It was confirmed that there were no further questions and those present, other than the representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee determined the application.

Subsequently, all interested parties returned to the meeting whilst the Chair announced the Committee's decision.

ORDERED as follows:

1. That the application to Vary the Hours requested plus the additional hour on various notable dates throughout the year as set out in the submitted report be granted.
2. That the licensable activities be as previously :
 - Sale of retail alcohol for consumption on and off the premises
 - Live/recorded music
 - Dancing.
3. That the Operating Schedule be amended to include the additional conditions agreed with the Police with the exception of Condition 4 which was withdrawn by Police.
4. That the premises to be fully fitted with CCTV internally and externally by 24 November 2005 and tapes kept for a minimum of 31 days in a locked and secure cabinet.

The reasons for the decision of the Licensing Sub Committee B were as follows:

- i) The Application was considered on its own merits, taking into account the four Licensing Objectives of the Licensing Act 2003.
- ii) Consideration was given to the following paragraphs of the Government Guidance of the Licensing Act 2003 issued by the Secretary of State:
 - Appendix D paragraph 7.20 – Crime and Disorder
 - Appendix G paragraph 7.38 – Public Nuisance
- iii) Consideration was given to the following paragraphs of Middlesbrough Council's Licensing Policy:
 - Page 10 paragraph 42 – Licensed Premises in residential areas
 - Page 10 – 15 paragraph 38 – Prevention of nuisance
 - Pages 17 and 18 – Crime and Disorder
- iv) Consideration was given to the Representations made by the Police and the Environmental Health (Noise) Officer.
- v) Consideration was given to the case made by the Applicant