
LICENSING SUB COMMITTEE B

A meeting of the Licensing Sub Committee B was held on 30 August 2005.

PRESENT: Councillor Regan (Chair); Councillors Elder and J A Jones.

OFFICIALS: C Arbuthnot, J Dixon, A Gray, J Hodgson, I Nicholls and S Wears.

ALSO IN ATTENDANCE: On Behalf of the Applicant – Cargo Fleet Social Club:-
F Gunn – Secretary, Cargo Fleet Social Club
S Catterall – Legal Representative

****AN APOLOGY FOR ABSENCE** was submitted on behalf of Councillor A E Ward.

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

APPOINTMENT OF SUBSTITUTE

Councillor Elder was appointed to act as a substitute in place of Councillor A E Ward.

LICENSING ACT 2003: APPLICATION TO VARY CLUB PREMISES CERTIFICATE – CARGO FLEET SOCIAL CLUB, CARGO FLEET LANE, MIDDLESBROUGH – REF NO: MBRO/PR0038/1018083

The Head of Community Protection submitted a report outlining an application to vary the Club Premises Certificate for the Cargo Fleet Social Club, Cargo Fleet Lane, Middlesbrough, Ref No. MBRO/PR0038/1018083 as follows:-

Summary of Current Licensable Activities

Supply of alcohol for members and guests for consumption on and off the premises.

Summary of Current Hours of Licensable Activities

11.00am – 11.00pm Monday to Saturday
12.00 noon – 10.30pm Sundays.

Summary of Proposed Variation of Licensable Activities

To include the following forms of regulated entertainment:-

Live music, recorded music, performance of dance, provision of making music, dancing.

Summary of Proposed Variation to Hours for Licensable Activities

11.00am – 12.30am seven days a week (regulated entertainment)
11.00am – 12.00 midnight seven days a week (supply of alcohol)

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

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

The applicant's legal representative was present at the meeting and confirmed that copies of the report and Regulation 6 Notice had been received.

The Senior Licensing Officer presented the report which was confirmed as being an accurate reflection of the facts by the applicant's legal representative.

In response to a question from the applicant's legal representative, it was confirmed that only one representation had been received, from Environmental Health, in respect of the application. Cleveland Police had initially made representations which were subsequently withdrawn as the applicant agreed to amend the operating schedule to reflect the condition requested by the Police in relation to CCTV under the prevention of crime and disorder objective.

Applicant in Attendance

The applicant's legal representative presented the case in support of the application to vary the Club Premises Certificate. The applicant's legal representative stated that the Club had been in existence for many years and the majority of its 1,000 members lived locally. The Committee was advised that a number of measures had been undertaken voluntarily by the Club over the past few years to improve security and conditions, including: upgrade and installation of additional security cameras; installation of new extractor fan; toilets refurbished; premises rewired; apex roof built - modified from flat roof; installation of new PA system. The applicant stated that the Club had not received any noise complaints from local residents and that no objections to the application had been made by local residents.

There were no questions from Members or responsible authorities at this stage.

Relevant Representations

A representation had been received on 8 June 2005 from Middlesbrough Council's Environmental Health Team objecting to the application on the grounds of public nuisance and was attached at Appendix 2 to the submitted report.

Representations from Environmental Health

The Environmental Health Officer was in attendance at the meeting and was invited to present the objections to the application to vary the hours on the grounds of a potential increase in public nuisance.

The Environmental Health Officer considered the application to vary the hours to conflict with the Council's Licensing Policy which recommended licensing hours of 11.00pm be encouraged for licensed premises in predominately residential areas. The Environmental Health Officer recommended that the supply of alcohol and all regulated entertainment should cease by 11.30pm, with closure of the premises by 12.00 midnight daily. In addition it was recommended that all windows and doors remain closed during operating hours. It was confirmed that the applicant had agreed to amend the operating schedule to reflect the condition requested with regard to the closure of windows and doors, however, agreement was not reached in relation to the operating hours.

In response to a question from a Member, the Environmental Health Officer confirmed that the representation was based on concerns regarding increased noise nuisance in a residential area.

Summing Up

The applicant's legal representative stated that there had been no objections received from local residents in relation to the application and that the premises was not looking to open until 12.30am daily but wished to have the flexibility to do so if desired. The increased terminal hour would predominately be used at weekends whilst entertainment was being provided.

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 Club Premises Certificate be granted in full, with the Variation of Licensable Activities to include live and recorded music, performance of dance, provision of making music and dancing and the Variation in Hours as follows:-

11.00am - 12.30am	seven days a week (regulated entertainment)
11.00am - 12.00 midnight	seven days a week (supply of alcohol).

2. The reasons for the decision were based on the following:-

- i) The application was considered on its own merits, taking into account the four licensing objectives of the Licensing Act 2003, and the information contained within the submitted report.
- ii) Consideration was given to paragraph 7.38 onwards and Annex G of the Government Guidance in relation to Public Nuisance.
- iii) Consideration was given to the following sections of the Council's Licensing Policy:-
 - Page 10 (particularly paragraph 42) in relation to Licensed Premises in Residential Areas.
 - Pages 10 to 15 (particularly paragraph 38) in relation to the Prevention of Nuisance.
- iv) Consideration was given to the case presented by the applicant.
- v) Consideration was given to the representation made by Environmental Health.

The Committee requested that the Environmental Health Team continue to monitor the premises in relation to noise disturbance and that the Club Secretary request that Members and guests show consideration for local residents when leaving the premises.

LICENSING ACT 2003: APPLICATION TO VARY PREMISES LICENCE – LLOYDS RESOLUTION, 19 NEWPORT CRESCENT, MIDDLESBROUGH, REF NO. MBRO/PR0131/01826

A report of the Head of Community Protection had been circulated outlining an application to Vary the Premises Licence for Lloyds Resolution, 19 Newport Crescent, Middlesbrough, Ref No. MBRO/PR0131/01826.

The Senior Licensing Officer advised that, prior to the meeting, all relevant representations had been withdrawn as the applicant had reached an agreement with the Police to amend the submitted Operating Schedule to reflect the conditions requested. As a result, Cleveland Police withdrew their representations and the Premises Licence was automatically granted in accordance with the amended operating schedule.

NOTED