
LICENSING SUB-COMMITTEE B

A meeting of the Licensing Sub-Committee B was held on 25 October 2005.

PRESENT: Councillor Regan (Chair); Councillors J A Jones and A E Ward

OFFICIALS: C Arbuthnot, C Barnfather, M Cooper, A Gray and J Hodgson.

ALSO IN ATTENDANCE: Agenda Item 4 only
N Town (Applicant's Representative)
P W Pavlou (Applicant)

Agenda Item 5 only
R Jackson (Business Manager Punch Taverns)
B McKenzie (Legal Representative Punch Taverns)
K Shears (Development Manager Punch Taverns)

DECLARATIONS OF INTEREST: No declarations of interest were submitted at this point of the meeting.

LICENSING ACT 2003 – APPLICATION FOR PREMISES LICENCE – PAVS, 7A HARTINGTON ROAD, MIDDLESBROUGH – REF: MBRO/PR0374/19916

The Head of Community Protection submitted a report outlining an Application for a Premises Licence for Pavs, 7A Hartington Road, Middlesbrough, as follows: -

Summary of Proposed Licensable Activities:

Provision of late night refreshment
Supply of alcohol (only with food deliveries)

Summary of proposed Hours of Licensable Activities:

5.00pm – 1.30am Monday to Sunday.

The Senior Licensing Officer presented the report.

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

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

A representation had been received from Middlehaven Community Council on 26 September 2005 objecting to the Application on the grounds of Prevention of Public Nuisance, Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm.

Applicant in attendance.

The Applicant was present at the meeting accompanied by his Business Partner. It was confirmed that a copy of the report and the Regulation 6 Notice had been received and that the report was an accurate reflection of the facts.

The Applicant's Representative was invited to present the case in support of the Application and address the Representations that had been made.

During the presentation the following points were made: -

- The Applicant had been trading successfully for seven months.
- 90% of the trade was deliveries, with hardly any passing trade.
- There were no residential properties on Hartington Road.
- There had been no problems with Anti-Social Behaviour in the area.
- The Applicant had installed litterbins and constantly monitored the levels of litter in the area.

- The Applicant had complied with the Police requirement and installed digital CCTV.
- No music was played in the premises, customers were not rowdy and there was no noise.

Relevant representations

The Committee was advised that no representative from Middlehaven Community Council was present at the meeting to speak in support of the objection. Accordingly the Committee determined to consider the written Representation under Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005.

Summary

The Applicant was given the opportunity to summarise their case prior to the decision.

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 for the Premises Licence be granted in full for the hours of 5.00pm – 1.30am Monday to Sunday.

The decision was based on the following reasons: -

- a) The Committee had not heard any evidence to support a decision not to grant the Application.
- b) The Application was considered on its own merits, taking into account the four Licensing Objectives of the Licensing Act 2003.
- c) Consideration was given to the Representations made by Middlehaven Community Council.
- d) Consideration was given to the following sections of the Government Guidance to the Licensing Act 2003: -

Crime and Disorder	Starting at Paragraph 7.20 and annexe D
Public Nuisance	Starting at Paragraph 7.38 and annexe G
Protection of Children from Harm	Starting at Paragraph 7.47 and annexe H
Public Safety	Starting at Paragraph 7.31 and annexe E

- e) Consideration was given to the following sections of Middlesbrough Councils' Licensing Policy: -

Prevention of Nuisance	Pages 10 – 15 (Para. 38)
Crime and Disorder	Pages 17 and 18
Protection of Children from Harm	Pages 19 to 22
Public Safety	Pages 15 to 17

LICENSING ACT 2003 – APPLICATION FOR PREMISES LICENCE – THE LAUREL, 113 BOROUGH ROAD, MIDDLESBROUGH – REF: MBRO/PR0375/19917

The Head of Community Protection submitted a report outlining an Application for a Premises Licence for The Laurel, 113 Borough Road, Middlesbrough. It was noted that the Application was not for a conversion of the Licence, but a fresh Application.

Summary of Proposed Licensable Activities:

Sale by retail of alcohol for consumption on and off the premises
Live/Recorded music, Dancing

Summary of Proposed Hours of Licensable Activities:

11.00am – 11.00pm Monday to Thursday
11.00am – 1.00am Friday and Saturday
12 noon – 10.30pm Sundays

The Senior Licensing Officer presented the report.

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

A representation had been received from Middlehaven Community Council on 26 September 2005 objecting to the Application on the grounds of Prevention of Crime and Disorder, and the Prevention of Public Nuisance.

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

The Applicant's Representatives were present at the meeting and confirmed that a copy of the report and the Regulation 6 Notice had been received. The report was also confirmed as being an accurate representation of the facts.

It was confirmed that prior to the meeting agreement had been reached with Cleveland Police on additional conditions to be placed on the Licence to assist with the prevention of Crime and Disorder, as required by the Licensing Act 2003. Consequently the Police Representation had been withdrawn.

Agreement had also been reached with the Environmental Health Officer, to assist with the prevention of Public Nuisance, relating to the closing of doors and windows during regulated entertainment and the disposal of bottles during the hours of 10.00am to 18.00pm daily.

Applicant in attendance

The Applicant's Representatives were invited to present the case in support of the Application.

The Applicant's Legal Representative made the following points: -

- The Premises were situated on the edge of the town centre.
- There was a large number of Licensed Premises in the locality.
- The exterior of the premises was illuminated.
- The Applicant had had CCTV installed.
- All trading areas were visible from behind the serving area.
- The premises operated a drugs policy and secure drugs safe.
- The Licensee had managed the Premises in an orderly manner for the last three years.
- The additional conditions agreed were extensive and covered any potential difficulties.

It was also stated that the exterior was not covered by the CCTV system that had recently been installed, as there were no recorded incidents at the premises.

The Applicant's Representatives confirmed that the terminal hour of Licensable Activity was as requested on the Application, with 1.00am closing on Friday and Saturday.

Relevant representations.

The Committee was advised that a representative from the Community Council was not present at the meeting to speak in support of the objection. Accordingly the Committee agreed to consider the written Representation under Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005.

Summary.

The Applicant's Representatives were given the opportunity to summarise their case prior to the decision.

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 for a Premises Licence be granted in full subject to the following:
 - a) That the Operating Schedule be amended to include the Conditions agreed with the Police and submitted at the meeting.
 - b) That the Operating Schedule be further amended to include the Conditions agreed with Environmental Health relating to the closure of all doors and windows during regulated entertainment and the disposal of bottles between the hours of 9.00am and 18.00pm daily.
2. The decision was based on the following reasons: -
 - a) The Application was considered on its own merits taking into account the four Licensing Objectives of the Licensing Act 2003.
 - b) Consideration was given to the written Representation submitted by Middlehaven Community Council.
 - c) Consideration was given to the following sections of the Government Guidance to the Licensing Act 2003: -

Crime and Disorder	Starting at Paragraph 7.20 and annexe D
Public Nuisance	Starting at Paragraph 7.38 and annexe G
 - d) Consideration was given to the following paragraphs of Middlesbrough Councils' Licensing Policy:

Prevention of Nuisance	Pages 10 – 15 (in particular para 38 and 42)
Crime and Disorder	Pages 17 and 18